



Revised Council Agenda

Revised Items are Italicized.

Meeting Number: 20
November 26, 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 - NOVEMBER 13, 2019

10

1. That the Minutes of the Council Meeting held on November 13, 2019, be adopted.

4. PRESENTATIONS

4.1 PRESENTATION - RECOGNITION OF MARKHAM ENVIRONMENTAL ADVISORY COMMITTEE MEMBERS

Council will recognize the following members of the Markham Environmental Advisory Committee:

Mr. Vikas Gautam

Mr. Adam Poon

Ms. Carrie Sally

Ms. Fanny Luk

Dr. Elvis Nurse

5. DEPUTATIONS

6. COMMUNICATIONS

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

No Attachment

1. That the following proclamation, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - a. Human Rights Day - December 10, 2019
2. That the following request for a 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:
 - a. Human Rights Day - December 10, 2019; (Organized by the Markham Race Relations Committee).

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 42 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 12, 2019)

Please refer to your November 12, 2019 Development Services Committee Agenda for reports.

Mayors and Members of Council:

That the report of the Development Services Committee be received & adopted. (Items 1 to 2):

8.1.1 RECOMMENDATION REPORT INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT & HERITAGE EASEMENT AGREEMENT - BISHOP-REESOR HOUSE 7739 NINTH LINE, WARD 7 (16.11.3)

25

1. That the staff report entitled "Intention to Designate a Property Under Part IV of the Ontario Heritage Act &

Heritage Easement Agreement, Bishop-Reesor House, 7739 Ninth Line,” dated November 12, 2019, be received; and,

2. That as recommended by Heritage Markham, the Bishop-Reesor House at 7739 Ninth Line 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,
6. That a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owner of 7739 Ninth Line, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-124)

8.1.2 INTERSECTION IMPROVEMENT AT GEORGE ST. / WASHINGTON ST. / ROBINSON ST. / JOSEPH ST. (WARD 4) (5.12)

36

1. That the report entitled “Intersection Improvement at George St. / Washington St. / Robinson St. / Joseph St. (Ward 4)” be received; and
2. That a Stop Control for southbound traffic on George Street be endorsed; and
3. That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include the north approach of the subject intersection; and
4. That the Operations Department be directed to install the appropriate signs and pavement markings at the subject location; and
5. That the cost of materials and installation for the traffic signs and pavement markings in the amount of \$500, be funded from capital project # 083-5350-19050-005 ‘Traffic Operational Improvements’; and

6. That York Region Police be requested to enforce the all-way stop control upon installation of the stop signs and passing of the By-law amendment; and further
 7. That staff be authorized and directed to do all things necessary to give effect to this resolution.
- (By-law 2019-127)

8.2 REPORT NO. 43 - GENERAL COMMITTEE (NOVEMBER 18, 2019)

Please refer to your November 18, 2019 General Committee Agenda for reports.

Mayors and Members of Council:

That the report of the General Committee be received & adopted. (Items 1 to 6):

8.2.1 WINTER MAINTENANCE UPDATE (5.10) 43

1. That the presentation entitled “Winter Maintenance Update,” be received; and,
2. That Staff will follow up on Council direction and report back in Q1 2020, and,
3. **That the existing Council approved service levels for plowing local roads be maintained, and,**
4. **That staff be directed to investigate and report back on the impact of shortening existing response times for windrow removal assistance program from eight hours to four hours after the plowing of local roads; and,**
5. **That a survey of participants of the current windrow removal assistance program be conducted at the end of the 2019-2020 winter season to identify areas of satisfaction and areas of potential improvement, and,**
6. **That staff be directed to investigate and report back on the feasibility and impacts of expanding Winter Maintenance Services to include pathways, and further,**
7. **That staff be authorized and directed to do all things necessary to give effect to this resolution.**

8.2.2 TAX WRITE-OFFS IN ACCORDANCE WITH SECTION 354 OF THE MUNICIPAL ACT, 2001 (7.3) 80

1. That the report entitled Tax Write-offs in Accordance with Section 354 of the *Municipal Act, 2001* be received; and,
2. That the amounts totalling \$130,747 as set out in this report, be written-off pursuant to Section 354 of the *Municipal Act, 2001*; and,
3. That the City of Markham’s portion of the write-off of

\$32,687, be charged to Account 820-820-7040; and,

4. That the Treasurer be directed to remove these amounts from the Collector's Roll; and,
5. That the associated interest be cancelled in proportion to the tax adjustments; and further,
6. That staff be authorized to and directed to do all things necessary to give effect to this resolutions.

8.2.3 2019 SEPTEMBER YEAR-TO-DATE REVIEW OF OPERATIONS 85
AND YEAR-END PROJECTION (7.0)

1. That the report titled "2019 September Year-To-Date Review of Operations and Year-end Projection" be received; and,
2. That the year-end surplus, if any, be transferred to reserves, as per policy, in the order outlined below:
 - a. Corporate Rate Stabilization Reserve at a level equivalent to 15% of local tax levies;
 - b. Remaining surplus, if any, to the Life Cycle 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.

8.2.4 QUALITY MANAGEMENT SYSTEM MANAGEMENT REVIEW 118
(5.3)

1. That the report titled "Quality Management System Management Review" be received; and,
2. That Council, as the Owner of the City's drinking water system, acknowledge and support the outcome and action items identified from the Management Review; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.5 TRANSFER OF PETER ST. WATERMAIN FROM REGION OF 152
YORK (5.3)

1. That Staff be authorized to assume the ownership of the Peter Street regional watermain from the Regional Municipality of York; and,
2. That Staff be authorized to accept payment of \$1,364,000.00, excluding HST, from the Regional Municipality of York for assuming the ownership of the Peter Street regional watermain; and,
3. That Staff be authorized to deposit the payment of \$1,364,000.00 to the Waterworks Stabilization/Capital

Reserve; and,

4. That the Director of Environmental Services be authorized to execute any documents in a form satisfactory to the City Solicitor related to the transfer of Peter Street watermain; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.6 MASTER FIRE PLAN, SECOND CREW AT STATION 99
(CORNELL) (7.15)

156

1. That the report entitled “Master Fire Plan, Second Crew at Station 99 (Cornell)” be received; and,
2. That Council approve the attached Terms of Reference in order to proceed with further analysis and consideration for the establishment of a second crew at Station 99 (Cornell) to improve fire response times for that area; and,
3. **That Mayor Frank Scarpitti, Councillor Karen Rea, Councillor Andrew Keyes, Councillor Keith Irish, and Councillor Khalid Usman be appointed as the members of the Fire Response Task Force; and further,**
4. That Staff be authorized and directed to schedule meetings as directed in the attached Terms of Reference.

8.3 *REPORT NO. 44 - DEVELOPMENT SERVICES COMMITTEE
(NOVEMBER 25, 2019)*

Please refer to your November 25, 2019 Development Services Committee
Agenda for reports.

Mayors and Members of Council:

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

8.3.1 *MARKHAM INNOVATION EXCHANGE (MiX) (8.0)*

202

1. That the presentation entitled “Markham Innovation Exchange” be received; and,
2. That staff be authorized to engage in an RFP process for the advisory/consulting work necessary to prepare the call for investor interest; and,
3. That Capital funds not exceeding \$510,000 (inclusive of HST) be pre-approved as part of the 2020 Capital Budget for advisory/consulting work to prepare the call for investor

interest, and to be funded from the Land Acquisition Reserve; and further,

4. That staff be directed to do all things necessary to give effect to the recommendations in the staff presentation.

9. MOTIONS

10. NOTICE OF MOTION TO RECONSIDER

11. NEW/OTHER BUSINESS

*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 8 JOHN LYONS ROAD TREE REMOVAL PERMIT (2.0) 222

1. That the report entitled "8 John Lyons Road Tree Removal Permit" be received for information; and
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

11.2 NEW/OTHER BUSINESS - RECISSION OF BY-LAW 2019-114 – ZONING BY-LAW FOR 5440 16TH AVENUE, MARKHAM, (ANDRIN INVESTMENTS LIMITED) 242

1. That the memorandum dated November 26, 2019 from the City Solicitor and Director of Human Resources be received, and,
2. That Council rescind By-law 2019-114, and further,
3. 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 2019-118 to 2019-127 and 2019-129 be given three readings and enacted.

Three Readings

13.1 BY-LAW 2019-118 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65R-28526 PART 5) 243

To add compulsory stops at specific intersections within the City of Markham (65R-28526, Part 5)

13.2	BY-LAW 2019-119 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65R-28526 PART 5)	244
	A by-law to amend Schedule C of the Parking By-law pertaining to “Prohibited Parking”. (65R-28526, PART 5)	
13.3	BY-LAW 2019-120 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65M-4526)	245
	To add compulsory stops at specific intersections within the City of Markham (65M-4526)	
13.4	BY-LAW 2019-121 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 (65M-4354)	247
	To add compulsory stops at specific intersections within the City of Markham (65M-4354)	
13.5	BY-LAW 2019-122 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65M-4354)	250
	A by-law to amend Schedule C of the Parking By-law pertaining to “Prohibited Parking” (65M-4354).	
13.6	BY-LAW 2019-123 A BY-LAW TO AMEND PARKING BY-LAW 2005-188 (65M-4526)	252
	A by-law to amend Schedule C of the Parking By-law pertaining to “Prohibited Parking” (65M-4526)	
13.7	BY-LAW 2019-124 A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A HERITAGE EASEMENT AGREEMENT WITH THE PROPERTY OWNERS OF 7739 NINTH LINE	254
	Item 8.1.1, Report No. 42	
13.8	BY-LAW 2019-125 CORNELL ROUGE DEVELOPMENT CORP. PART LOT CONTROL EXEMPTION BY-LAW	256
	A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Lots 12 to 29 (inclusive) Registered Plan 65M-4513, Designated as Parts 1 to 36 (inclusive) on Reference Plan 65R-37131, west of Donald Cousens Parkway and north of Highway 7 in the Cornell community.	
13.9	BY-LAW 2019-126 A BY-LAW TO AMEND BY-LAW 2015-93 BEING A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM IN MARKHAM	258

- 13.10 BY-LAW 2019-127 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 260

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

Item 8.1.2, Report No. 42

- 13.11 *BY-LAW 2019-129 A BY-LAW TO AMEND BY-LAW 2005-188 BEING A BY-LAW TO GOVERN AND CONTROL PARKING OF VEHICLES IN THE CITY OF MARKHAM* 261

Amendments to Parking By-law

14. CONFIDENTIAL ITEMS

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

- 14.1 *APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - NOVEMBER 13, 2019 (10.0)*

14.2 COUNCIL

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

- 14.2.2 *PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES [Section 239 (2) b) (8.0)]*

15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2019-128 be given three readings and enacted.

Three Readings

BY-LAW 2019-128 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF NOVEMBER 26, 2019.

No attachment

16. ADJOURNMENT



Council Minutes

Meeting Number: 19
November 13, 2019, 1:00 PM
Council Chamber

Roll Call	<p>Mayor Frank Scarpitti</p> <p>Deputy Mayor Don Hamilton</p> <p>Regional Councillor Jack Heath</p> <p>Regional Councillor Joe Li</p> <p>Regional Councillor Jim Jones</p> <p>Councillor Keith Irish</p> <p>Councillor Alan Ho</p>	<p>Councillor Reid McAlpine</p> <p>Councillor Karen Rea</p> <p>Councillor Andrew Keyes</p> <p>Councillor Amanda Collucci</p> <p>Councillor Khalid Usman</p> <p>Councillor Isa Lee</p>
Staff	<p>Andy Taylor, Chief Administrative Officer</p> <p>Trinela Cane, Commissioner, Corporate Services</p> <p>Brenda Librecz, Commissioner, Community & Fire Services</p> <p>Arvin Prasad, Commissioner, Development Services</p> <p>Claudia Storto, City Solicitor and Director of Human Resources</p> <p>Biju Karumanchery, Director, Planning & Urban Design</p> <p>Joel Lustig, Treasurer</p> <p>Bryan Frois, Chief of Staff</p> <p>Andrea Berry, Sr. Manager, Corp Comm & Community Engagement</p> <p>Kimberley Kitteringham, City Clerk</p>	<p>Martha Pettit, Deputy City Clerk</p> <p>John Wong, Technology Support Specialist II</p> <p>Michael Toshakovski, Deputy City Solicitor</p> <p>Brad Roberts, Manager, Zoning & Special Projects</p> <p>Stephen Lue, Manager, Development - North</p> <p>Parvathi Nampoothiri, Manager, Urban Design</p> <p>Stacia Muradali, Senior Planner, Planning & Urban Design</p> <p>Amanda Crompton, Planner II, Planning & Urban Design</p> <p>Francesco Santaguida, Assistant City Solicitor</p>

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:04 PM on November 13, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

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.

Council recessed at 4:04 pm and reconvened at 4:24 pm.

Councillor Alan Ho left the meeting at 4:50 pm.

Councillor Isa Lee left the meeting at 5:40 pm.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES**3.1 COUNCIL MINUTES - OCTOBER 29, 2019**

Moved by Councillor Khalid Usman

Seconded by Councillor Andrew Keyes

1. That the Minutes of the Council Meeting held on October 29, 2019, be adopted.

Carried

4. PRESENTATIONS**4.1 PRESENTATION OF GIFT FROM NORDLINGEN, GERMANY (12.2.6)**

Regional Councillor Jack Heath presented a granite sculpture to the Mayor and Members of Council on behalf of Nordlingen, Germany. The gift was sent to the City by the Friends of Markham in Germany.

Moved by Regional Councillor Jack Heath

Seconded by Councillor Karen Rea

1. That the gift from the Friends of Markham in Germany be received.

Carried

5. DEPUTATIONS

5.1 DEPUTATION - 2019 INTEGRATED LEISURE MASTER PLAN UPDATE (6.0)

Darron Hill, from the Canadian Friends of Beit Issie Shapiro, appeared before Council in support of Markham City Council's ongoing efforts to create integrated and accessible parks and encourage the City of Markham to become a leader in providing accessible playgrounds for special needs children.

Moved by Councillor Karen Rea

Seconded by Regional Councillor Jim Jones

That the deputation from Darron Hill be received.

Carried

6. COMMUNICATIONS

There were no communications.

7. PROCLAMATIONS

There were no proclamations.

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 40 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 28, 2019)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That the report of the Development Services Committee, save and except for item 8.1.1 be received & adopted.

See item 8.1.1 for Council's decision on this matter.

Carried

8.1.1 AUSTIN DRIVE PROPOSED PARKING PROHIBITION (WARD 3)
(5.12)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Austin Drive Proposed Parking Prohibition (Ward 3),” be received; and,
2. That Schedule “C” of Parking By-law 2005-188 be amended to prohibit parking on the north side of Austin Drive, between Bullock Drive and Couperthwaite Crescent (east intersection); and,
3. That Schedule “C” of Parking By-law 2005-188 be amended to prohibit parking on the south side of Austin Drive, between Bullock Drive and a point 15 metres west of Karma Road; and,
4. That Schedule “C” of Parking By-law 2005-188 be amended to rescind the existing parking prohibition on the north side of Austin Drive, between Bullock Drive and the east property limit of block no. 81 (Austin Drive Rugby Club); and,
5. That the cost of materials and installation for the traffic signs and pavement markings in the amount of \$500 be funded from capital project # 083-5350-19050-005 ‘Traffic Operational Improvements’; and,
6. That the By-law Enforcement, Licensing & Regulatory Services be directed to enforce the parking prohibition upon installation of the signs and passing of the by-law; and further,
7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-112)

Carried

8.1.2 MAKING OUR MARKHAM: MARKHAM'S PUBLIC ART MASTER PLAN 2020 TO 2024 (6.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled Making Our Markham: Markham's Public Art Master Plan 2020-24 be received; and,
2. That the Making Our Markham: Markham's Public Art Master Plan 2020-24 be approved; and,
3. That the five-year Public Art Implementation Plan be approved in principle, and that Council direct the Commissioner of Development Services to incorporate the Implementation Plan into annual Business Planning, Capital and Operating Budget processes and to report progress annually to Council; and,
4. That the title of Public Art Coordinator be changed to Public Art Curator to reflect the requirements of the role; and,
5. That staff be directed to report back on a revised governance model for the approval of public art in Markham for consideration at a future Development Services Committee meeting; and further,
6. That staff be directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 41 - GENERAL COMMITTEE (NOVEMBER 4, 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 2):

Carried

8.2.1 2020 INTERIM TAX LEVY BY-LAW (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report “2020 Interim Tax Levy By-law” be received; and,
2. That Council authorize an interim tax levy for 2020; and,
3. That the attached by-law be passed to authorize the 2020 interim tax levy; and further,
4. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-113)

Carried

8.2.2 2019 INTEGRATED LEISURE MASTER PLAN UPDATE (2019-2031) (6.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled, “Approval of the 2019 Integrated Leisure Master Plan Update”, as presented at the October 7, 2019 General Committee meeting and the October 25, 2019, memo, Approval of the 2019 Integrated Leisure Master Plan Update be received; and,
2. That Council approve the 2019 Integrated Leisure Master Plan (ILMP) Update, as set out in the Attachment 1 of the October 7, 2019 General Committee report, along with the following amendments:
 - a. Section 6.1 - Parkland Policy and Provision – add a new recommendation on Hydro Corridors as follows: Explore and capture opportunities within Hydro Corridors for sport fields and to serve as linear parks, including multi-use trails for walking, cycling and other non-motorized uses, and off-leash dog parks and trails, thereby connecting neighbourhoods, parks connections (including the Rouge National Park), public access points and other trail systems;
 - b. Section 6.1 - Parkland Policy and Provision: Revise ILMP Recommendation #9 as outlined in this memorandum;

- c. Section 6.8 - Playgrounds & Outdoor Fitness: Revise ILMP Recommendation #34 as outlined in this memorandum;
 - d. Section 6.11 – Outdoor Ice Rinks : Revise ILMP Recommendation #42 as outlined in this memorandum;
 - e. Section 6.12 - Off Leash Dog Areas: Revise ILMP Recommendation #43 as outlined in this memorandum;
 - f. Section 7.3 - Community Centres: Revise ILMP Recommendation #64 as outlined in this memorandum;
 - g. Section 9 - Public Library Services & Facilities: Revise Recommendation #86 as outlined in this memorandum;
 - h. Section 11.1 - Implementation Tools: Revise Recommendation #123 as outlined in this memorandum;
 - i. Section 11.1 - Implementation Tools: Revise Recommendation #127 as outlined in this memorandum; and,
- 3. That Council direct the Commissioner of Community & Fire Services to incorporate the ILMP into annual Business Planning, Capital and Operating Budget processes and to report progress annually to Council; 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. 42 - DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 12, 2019)

Moved by Deputy Mayor Don Hamilton
Seconded by Councillor Reid McAlpine

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

Carried

8.3.1 FUNDING AND AUTHORIZATION TO ATTEND THE 27TH ANNUAL CANADIAN COUNCIL ON PUBLIC-PRIVATE PARTNERSHIPS NATIONAL CONFERENCE IN TORONTO, NOVEMBER 18, 2019 – NOVEMBER 19, 2019 (10.16)

Councillor Reid McAlpine advised Council that he is unable to attend the Conference and recommended that the Deputy Mayor attend instead.

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Reid McAlpine

1. That funding be provided for Regional Councillor Jim Jones and **Deputy Mayor Don Hamilton** to participate in the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference in Toronto from November 18, 2019 to November 19, 2019; and,
2. That the estimated cost of **\$1,007.42** be funded from the Council Conferences Budget (account 840-841-5200), and further,
3. That Regional Councillor Jim Jones and **Deputy Mayor Don Hamilton** be requested to provide Council with a verbal update on the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference prior to the end of December 2019.

Carried as Amended

Council had before it the following original recommendation for consideration:

1. That funding be provided for Regional Councillor Jim Jones and Councillor Reid McAlpine to participate in the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference in Toronto from November 18, 2019 to November 19, 2019; and,
2. That the estimated cost of \$1,363.58 be funded from the Council Conferences Budget (account 840-841-5200), and further,
3. That Regional Councillor Jim Jones and Councillor Reid McAlpine be requested to provide Council with a verbal update on the 27th Annual Canadian Council for Public-Private Partnerships (CCPPP) National Conference prior to the end of December 2019.

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions to consider.

11. NEW/OTHER BUSINESS**11.1 NEW/ OTHER BUSINESS: 555 MILLER AVENUE, PVC SALT DOME DEMOLITION, PROJECT NO. 20080 (7.0)**

Trinela Cane, Commissioner, Corporate Services, provided background on the project request.

Moved by Councillor Karen Rea

Seconded by Councillor Khalid Usman

1. That the memorandum dated November 6, 2019 from the Director, Sustainability and Asset Management on “555 Miller Avenue, PVC Dome Demolition, Project # 20080” be received, and,
2. That Council approve the project budget for the demolition of the white PVC dome at 555 Miller Avenue Works Yard (Project # 20080), in the amount of \$212,400, as outlined in Attachment 1, and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

11.2 NEW/OTHER BUSINESS: WATER & WASTEWATER RATE PUBLIC CONSULTATION MEETING (16.0)

Discussion on this matter ensued. Members of Council questioned the regional rate increases over the years, to which Joel Lustig, City Treasurer responded.

Brenda Librecz, Commissioner, Community and Fire Services, provided further clarification on the division of roles and responsibilities between the City and York Region regarding water and waste water services. Joel Lustig, Treasurer, provided clarification on the City's portion of the water and wastewater increase.

Moved by Councillor Amanda Collucci

Seconded by Councillor Andrew Keyes

1. That the Minutes from the November 5, 2019 Water/Wastewater Rate Public Consultation meeting be received; and,
2. That the 2020 City of Markham's ("City") water/wastewater rate be increased by \$0.3500/m³ from \$4.4680 to \$4.8180/m³ effective April 1, 2020; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-115)

**Carried by Recorded Vote
(See following for recorded vote (10:2))**

Recorded Vote (10:2)

YEAS:

Councillor Alan Ho, Councillor Reid McAlpine, Councillor Karen Rea, Regional Councillor Jim Jones, Deputy Mayor Don Hamilton, Mayor Frank Scarpitti, Councillor Andrew Keyes, Councillor Amanda Collucci, Councillor Khalid Usman, Councillor Isa Lee (10)

NAYS:

Councillor Keith Irish, Regional Councillor Jack Heath (2)

ABSENT:

Regional Councillor Joe Li (1)

11.3 NEW/ OTHER BUSINESS: AMENDMENT FOR FEES ASSOCIATED WITH RESPITE DAY CARE FACILITIES

heath - supports this initiative. potentially more coming.

thanks to andy and staff for actioning this matter.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report titled "Amendment for Fees associated with Respite Day Care Facilities" be received; and,

2. That fee by-law 211-83 be amended to define and apply an alternate fee rate for applications for minor variance to permit Respite Day Care facility uses, and variances to the required parking standards for Respite Day Care facilities, and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-117)

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Alan Ho

Seconded by Councillor Khalid Usman

That By-laws 2019-112, 2019-113, 2015-115 and 2019-117 be given three readings and enacted.

Carried

Council considered By-law 2019-114 upon approval of the recommendation contained in Confidential Item 14.2.1.

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jim Jones

That By-law 2019-114 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-112 AMENDMENT TO PARKING BY-LAW 2005-188

(Item 8.1.1, Report 40)

Carried

13.2 BY-LAW 2019-113 2020 INTERIM TAX LEVY BY-LAW

Being a By-law to Provide for an Interim Tax Levy in 2020.

(Item 8.2.1, Report 41)

Carried

13.3 BY-LAW 2019-114 ANDRIN WISMER MARKHAM LIMITED, NORTH-EAST CORNER 16TH AVENUE AND ALEXANDER LAWRIE AVENUE, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 177-96, as amended, to facilitate the development of common element condominium development.

(Item 14.2.1, Confidential Item)

Carried

13.4 BY-LAW 2019-115 2020 WATER/ WASTEWATER RATES (EFFECTIVE APRIL 1, 2020)

A by-law to amend By-law No. 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham.

(Item 11.2, New/Other Business)

Carried

13.5 BY-LAW 2019-117 A BY-LAW TO AMEND BY-LAW 211-83, AS AMENDED.

(Item 11.3, New/ Other Business)

Carried

14. CONFIDENTIAL ITEMS

Moved by Councillor Reid McAlpine

Seconded by Councillor Isa Lee

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a private session to discuss the following confidential matters at 2:12 pm:

1. APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JULY 26 SPECIAL COUNCIL MEETING AND SEPTEMBER 24 2019 (10.0)

2. LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ANDRIN INVESTMENTS LIMITED, 5440 16TH AVENUE (WARD 4) (8.0) [Section 239 (2) (e)]
3. LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – LPAT APPEAL, 1771107 ONTARIO INC. (TIMES GROUP) WARD 3 (8.0) [Section 239 (2) (e)]

Carried

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Khalid Usman

That Council rise from Confidential session at 5:50 pm.

Carried

The Confidential items were approved by Council as follows:

- 14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - JULY 26 SPECIAL COUNCIL MEETING AND SEPTEMBER 24 2019 (10.0)

Moved by Regional Councillor Joe Li

Seconded by Councillor Andrew Keyes

1. That the confidential meeting minutes of the July 26 Special Council meeting and the September 24, 2019 Council meeting be adopted.

Carried

- 14.2 DEVELOPMENT SERVICES COMMITTEE (OCTOBER 15, 2019)

- 14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ANDRIN INVESTMENTS LIMITED, 5440 16TH AVENUE (WARD 4) (8.0) [Section 239 (2) (e)]

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the confidential report on Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Municipality or Local Board – Andrin Investments Limited, 5440 16TH AVENUE (WARD 4) (8.0), be received; and,
2. That the record of the Public Meeting held on April 10th, 2018, regarding the applications for Zoning By-law Amendment and Draft Plan of Subdivision 19TM-17002, be received; and,
3. That the City Solicitor, or her delegate, and Staff be directed to attend the Local Planning Appeal Tribunal (LPAT) hearing to support the settlement of the appeals made by Andrin Wismer Markham Limited, as described in this report; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.3 DEVELOPMENT SERVICES COMMITTEE (NOVEMBER 12, 2019)

14.3.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD – LPAT APPEAL, 1771107 ONTARIO INC. (TIMES GROUP) WARD 3 (8.0) [Section 239 (2) (e)]

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

1. That the confidential report on Litigation or Potential Litigation, including matters before Administrative Tribunals, affecting the Municipality or Local Board –LPAT Appeal, 1771107 Ontario Inc. (Times Group) Ward 3, be received; and,
2. That the City Solicitor, or designate, and any necessary Staff appear before the Local Planning Appeal Tribunal to defend the outstanding issues; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Khalid Usman

Seconded by Councillor Keith Irish

That By-law 2019-116 be given three readings and enacted.

Three Readings

BY-LAW 2019-116 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF NOVEMBER 13, 2019.

Carried

16. ADJOURNMENT

Moved by Councillor Reid McAlpine

Seconded by Councillor Khalid Usman

That the Council meeting be adjourned at 5:55 pm.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor



Report to: Development Services Commission

Meeting Date: November 12, 2019

SUBJECT: **Recommendation Report**
 Intention to Designate a Property under
 Part IV of the Ontario Heritage Act & Heritage Easement
 Agreement - Bishop-Reesor House
 7739 Ninth Line, Ward 7

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 & Heritage Easement Agreement, Bishop-Reesor House, 7739 Ninth Line,” dated November 12, 2019, be received;
- 2) That as recommended by Heritage Markham, the Bishop-Reesor House at 7739 Ninth Line 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) That a by-law be passed to authorize the Mayor and Clerk to execute a Heritage Easement Agreement with the property owner of 7739 Ninth Line, and any other documents required to give effect thereto, in a form satisfactory to the City Solicitor;
- 7) 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 recommend to Council that the “Bishop-Reesor House” be designated under Part IV of the Ontario Heritage Act and that a Heritage Easement Agreement be authorized by Council in connection with a Zoning By-law Amendment Application affecting the property at 7739 Ninth Line.

BACKGROUND:**The property is listed on the City of Markham Register**

The subject property is located at 7739 Ninth Line, in the historic community of Box Grove. 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 Bishop-Reesor House, c.1890 is a prominent cultural heritage resource at the intersection of Ninth Line and Fourteenth Avenue

The Bishop-Reesor House, c.1890, is historically significant as the former home of a prominent local builder, James Bishop, and later the home of a noteworthy herbalist, Josephus Reesor. It is a representative example of a village dwelling in a vernacular interpretation of the Gothic Revival style, and is a landmark at the intersection of Ninth Line and Fourteenth Avenue, Box Grove.

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

The building has been evaluated using the City's heritage evaluation system

The building was researched by staff and then evaluated by Heritage Markham and staff using the City's heritage building evaluation system. The result was a Group 1 classification, the highest rating for a built cultural heritage resource (of major significance and worthy of designation under the Ontario Heritage Act).

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 Bishop-Reesor House is a representative example of a village dwelling in a vernacular interpretation of the Gothic 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 was the former home of a prominent local builder, James Bishop and later the home of a noteworthy herbalist, Josephus Reesor);
 - The property has contextual value because it:
 - Is important in defining, maintaining or supporting the character of an area (the Bishop-Reesor House is a landmark within the historic community of Box Grove).

Heritage Markham has recommended Heritage Designation and a Heritage Easement Agreement in connection with a Zoning Bylaw Amendment application

The designation process under the Ontario Heritage Act requires a municipal council to consult with its municipal heritage committee when properties are considered for designation. The cultural heritage value of this Group 1 cultural heritage resource was considered by Heritage Markham on October 9, 2019 and the committee recommended that the resource be designated as a property of cultural heritage value or interest in association with Zoning By-law Amendment Application ZA 19 126535.

The Heritage Markham committee also recommended that a Heritage Easement Agreement be a requirement of its support for the land division that will result from the Zoning Amendment. Section 37(1) of the Ontario Heritage Act gives Council the authority to enter into easements or covenants with property owners for the conservation of property of cultural heritage value or interest. Generally, Heritage Easement Agreements require property owners to maintain the building, obtain City approval for any demolition or exterior alterations, and to maintain insurance coverage on the property.

OPTIONS/ DISCUSSION:

The Heritage Designation and Heritage Easement Agreement recommended for this cultural heritage resource are consistent with City policies

The City of Markham Official Plan 2014 contains Cultural Heritage policies related to the protection and preservation of heritage resources and how they are to be treated within the development process. The preservation of buildings of cultural heritage value on their original sites and their integration into new development, as the City has achieved in this case, is consistent with the policies of the Markham Official Plan 2014.

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

Staff has communicated with the property owner through their agent and they are aware that Heritage Markham has recommended Heritage Designation and a Heritage Easement Agreement in connection with their support for the Zoning Amendment Application, which will enable future severance of a building lot to the east of the heritage dwelling. The agent has advised staff to proceed with these processes.

Designation and Heritage Easements Agreements acknowledges the importance of the heritage resource

Designation and Heritage Easement Agreements signify to both the owner and the broader community that the property contains a significant resource that is important to the community. Designation and Heritage Easement Agreements do not restrict the use of the property. However, they require the owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law and Heritage Easement Agreement. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property and a property protected by a Heritage Easement Agreement.

The Heritage Designation and Heritage Easement Agreement recommended for this cultural heritage resource is supported by staff.

FINANCIAL CONSIDERATIONS:

Not Applicable

HUMAN RESOURCES CONSIDERATIONS:

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Heritage Designation and Heritage Easement Agreements align with Markham's strategic priorities of Managed Growth and Environment. Designation and Heritage Easements recognize, promote and protect 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 7739 Ninth Line 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.

Acceptance of this recommendation to approve a Heritage Easement Agreement requires that Council pass a by-law providing for the Mayor and Clerk to be authorized to enter into a heritage easement agreement with the property owner for the conservation of a property of cultural heritage value or interest. The Legal Services Department works

closely with the Heritage Planning Section in the preparation and processing of heritage easement agreements. A draft by-law is attached as Appendix 'B'.

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

Appendix 'B' – Draft By-law for Heritage Easement Agreement

FILE PATH:

Q:\Development\Heritage\PROPERTY\NINTH\7739\DSC Nov 12 2019 7933 9th Line.doc

FIGURE 1

OWNERS: Chakraborty Indrajit
Sircar Ujjani

AGENT: Lucy Mar Guzman, Memar Architects Inc.

LOCATION MAP:



FIGURE 2

Building Photograph



Bishop-Reesor House, c.1890.

APPENDIX 'A'

Statement of Significance

Bishop-Reesor House 7739 Ninth Line c.1890

Description of Property

The Bishop-Reesor House is a two storey buff brick dwelling at the south-east corner of Ninth Line and Fourteenth Avenue in the historic hamlet of Box Grove.

Historical and Associative Value

The Bishop-Reesor House has historical and associative value as the former home of James and Capitola Bishop. James Bishop was a member of a family of prominent carpenter-builders active in the eastern part of Markham Township in the late 19th and early 20th centuries. James Bishop built a number of houses as speculative ventures in which he and his wife lived for short periods of time before selling and building anew. This property was sold to James' brother Thomas in 1900, who sold to Josephus and Elizabeth Reesor in 1901. Josephus Reesor, a retired Mennonite farmer who farmed south of Box Grove on Lot 3, Concession 9, was noteworthy in his Box Grove – Cedar Grove community as a skilled herbalist. Some of his remedies were said to have come from aboriginal sources and were passed down through generations of the family. The property remained in the ownership of the Reesor family until 1921.

Design and Physical Value

The Bishop-Reesor House is a representative example of a village dwelling in a vernacular interpretation of the Gothic Revival style. Its irregular plan, medium pitched roof with multiple gables, and overall sense of verticality, express the picturesque form of late Gothic Revival architecture, but in this example without some of the decorative elements typically associated with the style. There are no pointed-arched feature windows, and there is an absence of bargeboard trim in the gables. Fretwork details still visible on a portion of the west porch suggest that there may have originally been further wooden embellishments to this many-gabled village dwelling.

Contextual Value

The Bishop-Reesor House is of contextual value as one of several 19th century buildings that are found in the historic crossroads community of Box Grove. Its location at a prominent street corner, where one would expect that a commercial enterprise would have been located rather than a residence is unusual, resulting in a dwelling that is a landmark at the intersection. While many of the remaining heritage buildings in Box Grove are smaller in scale and are of frame construction, the Bishop-Reesor House is a superior class of dwelling and would have been noteworthy for its quality at the c.1890 time of construction.

Significant Architectural Attributes to be Conserved

Exterior, character-defining elements that embody the cultural heritage value of the Bishop-Reesor House include:

- Irregular plan outline;
- Masonry foundation;
- Buff brick walls with brick plinth and angled arches over door and window openings;
- Medium-pitched gable roof with open, overhanging eaves and steep Gothic Revival gable on the north side;
- Flat-headed one over one sash-style windows;
- Canted bay window on the north side of the house;
- Modified former open porch on the north side of the house, sheltering an entrance door, with a hipped roof and fretwork brackets and spandrels;
- Open, shed-roofed porch on the west side of the house, sheltering an entrance door;
- Gable-roofed frame wing at the south end of the house, clad in vertical tongue and groove wood siding.

APPENDIX 'B'

**BY-LAW 2019-XXX**

Being a By-law to authorize the execution
of Heritage Easement Agreements

WHEREAS section 37 (1) of the *Ontario Heritage Act*, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS it has been determined that the property identified on Schedule "A" attached to this by-law is a property of cultural heritage value or interest;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be authorized to execute Heritage Easement Agreements between the City of Markham and the property owners as set out on Schedule "A" attached to this by-law, for the lands described in Schedule "A", and any other documents required to give effect thereto in a form satisfactory to the City Solicitor.

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

KIMBERLEY KITTINGHAM,
CITY CLERK

FRANK SCARPITTI, MAYOR

Schedule “A” to By-law XXXX-XXX
Being a By-law to authorize the execution
of Heritage Easement Agreements

PROPERTY OWNER	MUNICIPAL ADDRESS	LEGAL DESCRIPTION
Chakraborty Indrajit Sircar Ujjani	7739 Ninth Line	CON 9 PT LOT 5



Report to: Development Services Committee

Meeting Date: November 12, 2019

SUBJECT: Intersection Improvement at George St. / Washington St. / Robinson St. / Joseph St. (Ward 4)

PREPARED BY: Loy Cheah, Sr. Manager, Transportation
David Porretta, Manager, Traffic Engineering

RECOMMENDATION:

- 1) That the report entitled “Intersection Improvement at George St. / Washington St. / Robinson St. / Joseph St. (Ward 4)” be received; and
- 2) That a Stop Control for southbound traffic on George Street be endorsed; and
- 3) That Schedule 12 of Traffic By-law 106-71, pertaining to compulsory stops, be amended to include the north approach of the subject intersection; and
- 4) That the Operations Department be directed to install the appropriate signs and pavement markings at the subject location; and
- 5) That the cost of materials and installation for the traffic signs and pavement markings in the amount of \$500, be funded from capital project # 083-5350-19050-005 ‘Traffic Operational Improvements’; and
- 6) That York Region Police be requested to enforce the all-way stop control upon installation of the stop signs and passing of the By-law amendment; 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 existing operating conditions at the subject intersection, and recommends implementing an all-way stop control to provide as a solution to address traffic operational issues.

BACKGROUND:

At the General Committee meeting on October 7, 2019, staff was requested to provide information regarding the above intersection and to see if this intersection improvement project can be added to the 2020 Budget.

The subject intersection is located in Markham Village in Ward 4, one block east of Main Street Markham and two blocks north of Highway 7. The Robinson-Joseph-Church corridor provides east/west movement through Markham Village and access to both Main Street Markham and 9th Line. The George-Washington corridor provides north/south movements and is used as a relief route for traffic on Main Street Markham, particularly during the AM and PM peak periods.

The subject intersection has an atypical design that may cause confusion for some drivers. There is a lack of pedestrian amenities at the intersection. Over the years, staff has incorporated advisory signage and pavement markings to improve the operations of this intersection.

OPTIONS/ DISCUSSION:

Existing Intersection Geometry

An illustration of the existing intersection configuration can be found in Attachment “A”. The intersection was configured in the late 1970s with the intent to consolidate multiple east/west and north/south road alignments into one large intersection.

While the intersection does not meet current Engineering design standards, it has many characteristics, such as narrow road and boulevard widths, which are consistent with other local street characteristics in Markham Village and heritage areas.

Sidewalks are present on at least one side of each street approaching the intersection, which was the minimum requirements for minor collector roads at the time of construction. The intersection is not currently equipped with any pedestrian crossings or marked crosswalks and does not meet pedestrian accessibility (AODA) guidelines.

Existing Traffic Operations

All approaches have a stop control except for the north approach to the intersection (Southbound George Street) which operates under free-flow condition, while all other approaches have a stop control. The intersection is currently operating with minimal traffic delays. In the morning period, the predominant traffic flow at the intersection is southbound on George/Washington and westbound on Robinson, toward Main Street Markham. In the afternoon period, the peak traffic flow is reversed, with northbound and eastbound traffic being the predominant movements through the intersection.

Since 2012, there have been three reported collisions at the intersection (two in 2012 and one in 2013). While this is a low rate of collisions, they were all right angle (T-bone) collisions, indicating that eastbound drivers did not yield to southbound traffic, which has the right of way.

Signage at the intersection is present for eastbound traffic indicating that southbound traffic does not stop, however this is not a typical traffic control method.

Improvement to Traffic Operations

To address the traffic operational issues at the intersection, staff recommends the installation of Stop Control for southbound traffic on George Street. This improvement effectively changes the intersection control to an all-way stop condition (see Attachment “B”). This change will address the right angle (T-bone) collisions mentioned earlier as all traffic has to stop before entering the intersection. This will also allow a more balanced flow of traffic for the minor directions, i.e. more gaps for east-west movements. This option does not change the intersection geometry.

However, should Committee wish to change the intersection geometry to meet current engineering standard, this will require reconstruction of the intersection (see Attachment “C”). Design of the reconfiguration will take about 8-10 months, including procurement of a consultant. Furthermore, the reconstruction will take one construction season. A high-level cost estimate for the intersection reconstruction including detailed design will be approximately \$2.8 million. Up to 35% could be funded from Development Charges with the balance from tax funding.

FINANCIAL CONSIDERATIONS

The cost of materials and implementation of the recommended all-way stop control is in the amount of \$500, and can be funded from capital project #19050 “Traffic Operational Improvements”. On-going maintenance costs will be managed within the Operations Department’s existing operating budget; therefore, there is no incremental impact to the operating budget. There is no incremental life cycle impact.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendation is intended to improve the safe and efficient movement of vehicles through our transportation network, and to enhance safety of all road users. Therefore, the recommendations align with the City’s Strategic Plan goal of a “Safe & Sustainable Community”.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

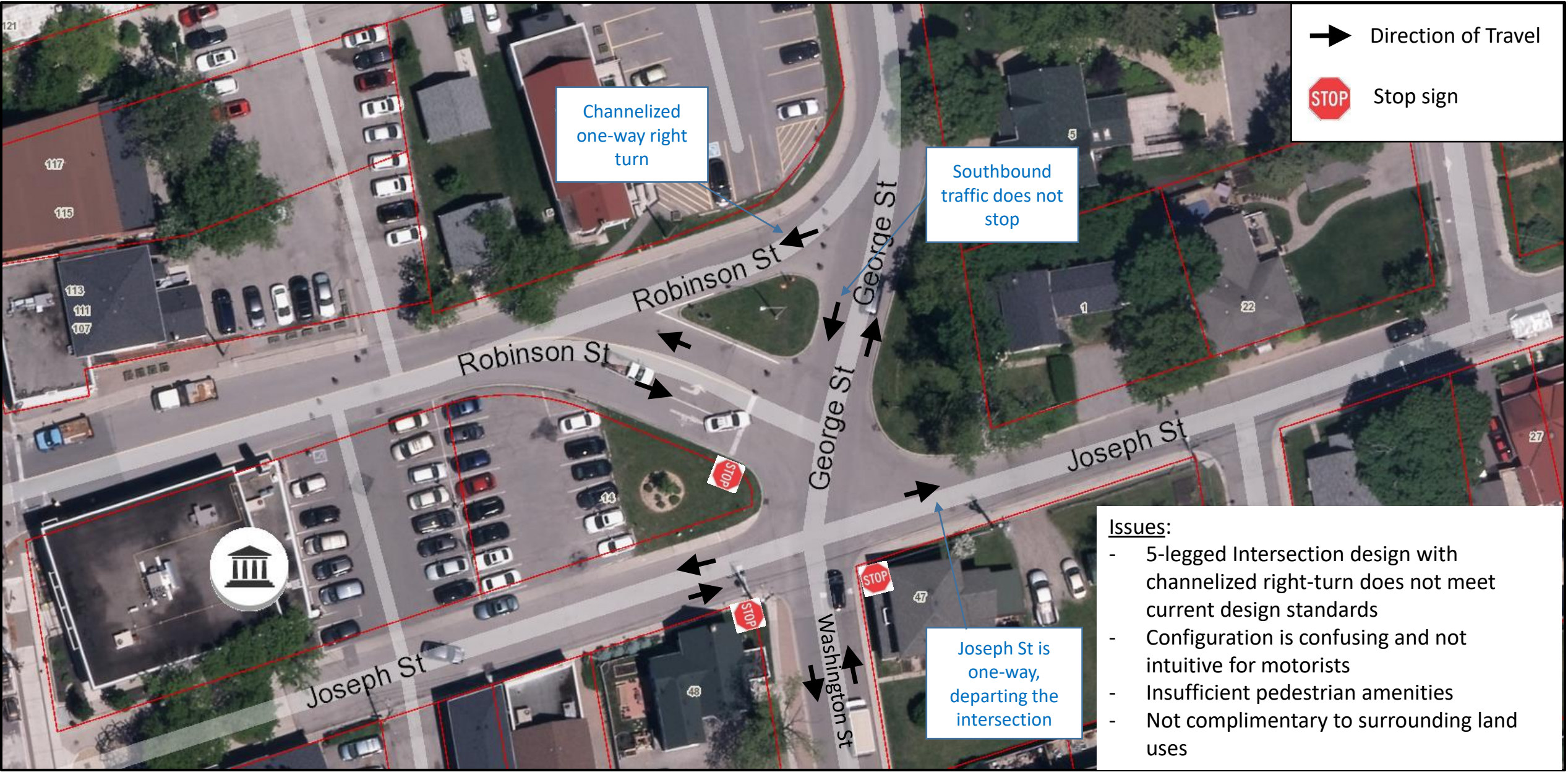
RECOMMENDED BY:

Brian Lee, P.Eng.
Director, Engineering

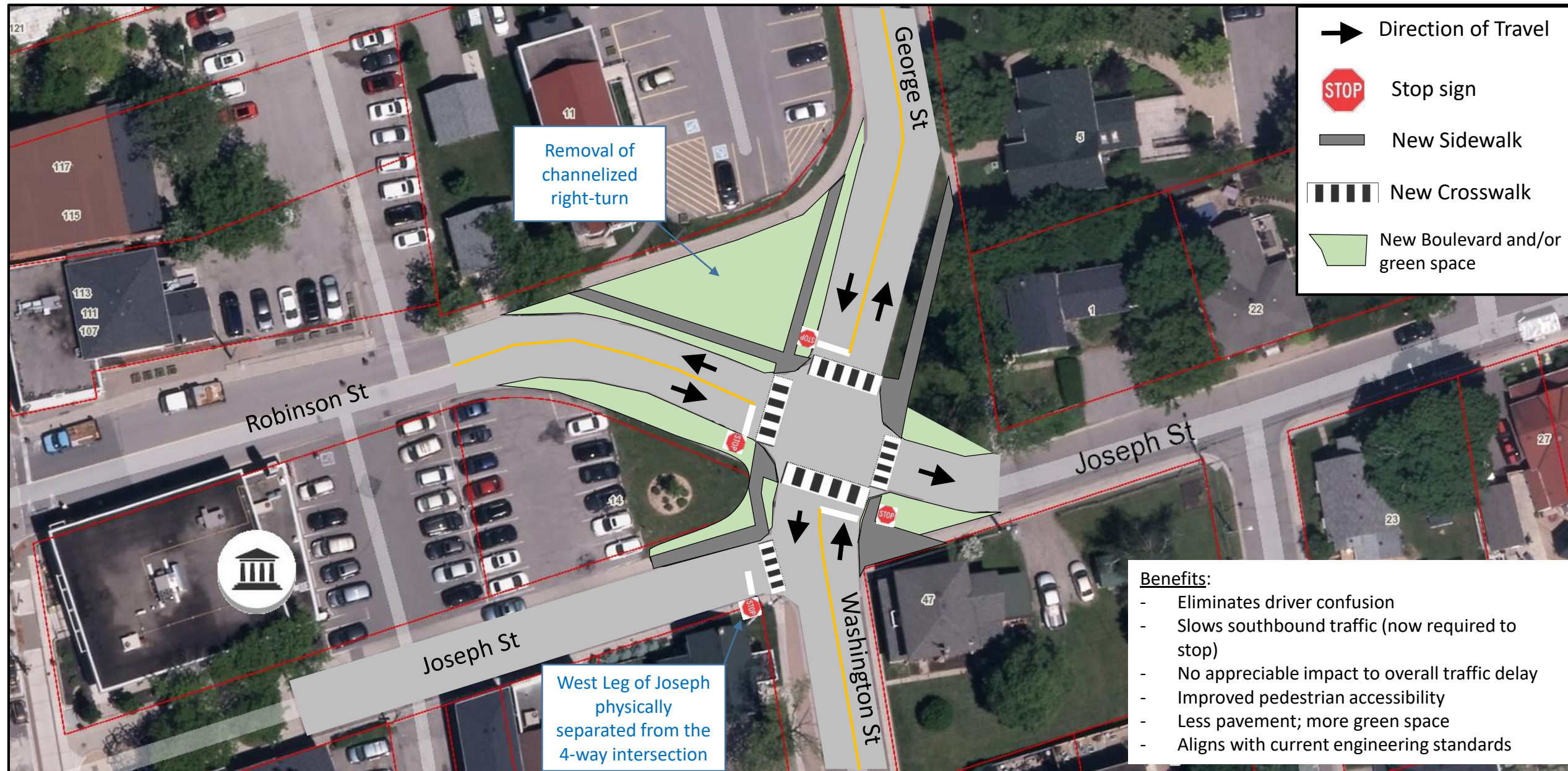
Arvin Prasad, MPA, RPP, MCIP
Commissioner, Development Services

ATTACHMENTS:

Attachment “A” – Existing Intersection Configuration
Attachment “B” – Recommended All-way Stop Control
Attachment “C” – Intersection Reconstruction
Attachment “D” – By-law Amendment









ATTACHMENT “D”

BY-LAW NUMBER _____
TO AMEND BY-LAW 106-71

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

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

COLUMN 1	COLUMN 2	COLUMN 3
<u>INTERSECTION</u>	<u>FACING TRAFFIC</u>	<u>LOCATION OF STOP SIGN</u>
George Street & Robinson Street	Southbound on George Street	North side of Robinson Street, west side of George Street

2. 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 signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2019.

KIMBERLY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR

Winter Maintenance Update



**Presentation of Ipsos Public Opinion Survey Report
November 18, 2019**

Agenda

1. Overview
2. Presentation – Martin Hrobsky from Ipsos
3. Discussion Four Areas For Review;
 - Road Plowing
 - Windrow Removal Program
 - Pathway / Sidewalk
 - Communication Improvement
4. Next Steps

Overview

- During 2019 Capital Budget Committee meetings, Council discussed concerns raised by residents following the 2018/2019 winter season.
- Staff Conducted two Council Workshops
 - June 4th and June 17th *
- Focus of the Workshops were;
 1. Road Service Level
 2. Windrow Removal
 3. Pathway / Sidewalk Clearing
 4. Communications

* Council directed staff to conduct a public research on Markham resident perspective with the assistance of external expertise

Results:

Public Opinion Survey Report Conducted By Ipsos

Presented by Martin Hrobsky

Council Feedback

Ipsos Survey

Road Plowing

- ❑ Current Council approved service levels for plowing local roads is 7.5 cm within 16 hours after the end of the event

- ❑ **Ipsos findings**
 - 62% no changes to snow plowing
 - 32% were prepared to pay an increase in taxes to plow at 5 cm
 - 4% were prepared to pay an increase in taxes to plow as primary
 - 2% were undecided

- ❑ **Discussion/Direction for Staff**
 - * Any items to report back

Windrow Removal Program

- ☐ Current Council approved service levels for windrow assistance program for qualified applicants after 7.5cm snow fall within 8 hours at the end of the event

- ☐ **Ipsos findings**
 - 44% support paying an increase in tax to plow city wide windrow
 - 42% oppose paying an increase in taxes to plow city wide windrow
 - 13% were indifferent
 - 1% were undecided

- ☐ **Discussion/Direction for Staff**
 - * Any items to report back

Pathway

☐ Current Council approved service levels does not include pathway winter maintenance

☐ **Ipsos findings**

- 58% support paying tax increase to plow pathway
- 25% oppose paying tax increase to plow pathway
- 17% were indifferent

☐ **Discussion/Direction for Staff**

* Any items to report back

Communication

- ❑ Council directed staff to seek preferred method of communication through residents

- ❑ **Ipsos findings**

- 37% prefer City website
- 32% prefer email, newsletter sent from the City
- 29% prefer digital or portable roadside signage
- 28% prefer social media
- 24% prefer television
- 22% prefer mobile phone app
- 20% prefer radio

- ❑ **Discussion/Direction for Staff**

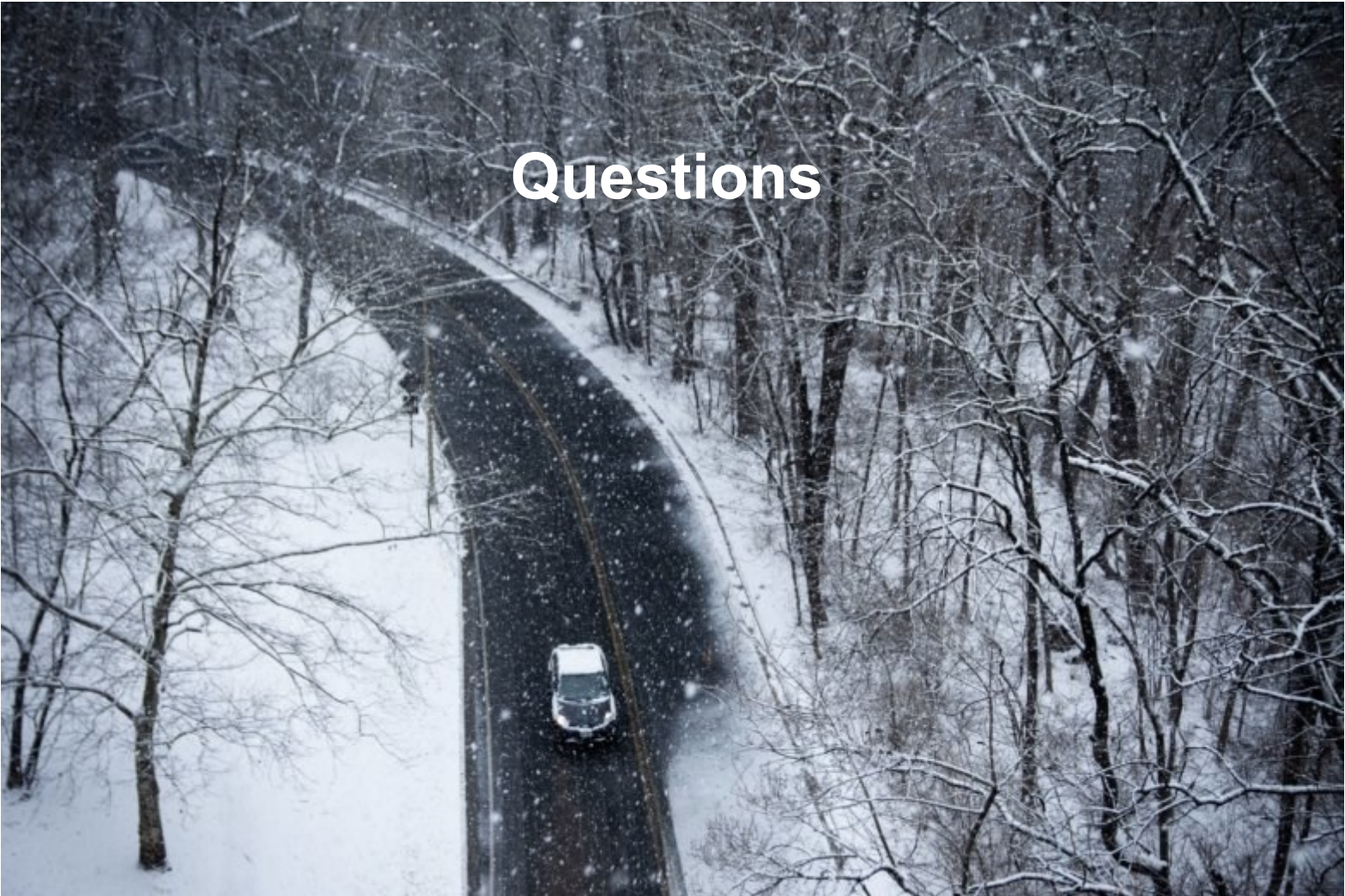
- * Any items to report back

- Quick hits: Parking permit alerts & Winter Twitter Program
 - Comprehensive Education Program using variety mediums

Next Steps

- Staff will follow up on Council direction and report back in Q1 2020

Questions



WINTER MAINTENANCE SURVEY

Public Opinion Survey Report

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SUMMARY

1. Methodology
2. Executive Summary
3. Satisfaction
4. Communications
5. Winter Maintenance Service Improvements
6. Communicating with Residents
7. Appendix
8. Demographics

OBJECTIVES AND METHODOLOGY

Winter Maintenance

City of Markham

Background and Objectives

- ❖ This research was commissioned by the City of Markham to collect feedback from Markham residents regarding winter maintenance services to inform potential changes to winter maintenance policy.
- ❖ Topics covered in the survey include:
 - Satisfaction with existing winter maintenance programs and service levels;
 - Interest in receiving a new city-wide service: windrow cleaning;
 - Interest in seeing changes to local road plowing;
 - Interest in changes to pathway clearing service; and,
 - The willingness to pay an increase in property taxes to have any or all of these service changes

Methodology

- ❖ The core survey was conducted via telephone among a sample of n=508 adult City of Markham residents.
 - The survey was conducted by live interviewers and Ipsos' Computer Assisted Telephone Interviewing (CATI) facilities.
 - The CATI system ensures that the survey script is thoroughly followed and checked for quality control purposes.
 - Ipsos uses a sample management systems to place the calls at different days and time periods to minimize sampling bias and to track which numbers are busy, where interviewers have left messages, how full quotas are, and ensures that call-backs are made efficiently.
- ❖ Interviews were completed between September 17th to September 24th, 2019.
- ❖ Telephone results are weighted to the latest Statistics Canada census data according to age and gender to ensure that the sample of respondents are representative of the population of adult City of Markham residents.
- ❖ A random sample of n=508 yields a margin of error of +/- 4.4 percentage points, nineteen times of twenty.

EXECUTIVE SUMMARY

Winter Maintenance

City of Markham

Executive Summary

- ❖ Three quarters of Markham residents (76%) state they are *very/somewhat* satisfied with overall winter maintenance provided by the City.
- ❖ Similarly, eight in ten (79%) residents *strongly/somewhat* agree that the City's snow plowing activities occur within a reasonable amount of time, and three quarters (75%) *strongly/somewhat* agree that the current level of winter maintenance is appropriate for the City's needs.
- ❖ Three quarters of Markham residents (73%) are *very/somewhat* satisfied with salting and snowplowing of sidewalks and walkways. About seven in ten (68%) are satisfied with the salting and plowing of local and residential roads, and two-thirds of residents (65%) are satisfied with plowing of artery roads.
- ❖ One in ten Markham residents mention that they contacted the City this past winter to report a concern about winter maintenance and snow plowing. The most prevalent method of contact was a contact centre with more than half (54%) of Markham residents voicing their concerns this way.
 - Within the 12% of respondents who contacted the City, the most frequent issue reported was snow piled at the end of the driveway (24%) and delays in plowing (21%) as well as sidewalks not being cleared on time (21%).
- ❖ Six in ten (62%) of Markham residents state that they want no change to current snow plowing activities, while 32% of respondents would be willing to pay \$27 in tax increases to have local roads plowed more often when 5cm snow accumulates. Only 4% of respondents would pay \$100 in tax increases to have local roads plowed as often as major roads.
- ❖ Slightly fewer than half (44%) of Markham residents *strongly* or *somewhat* support expanding the current windrow clearing program to cover all Markham residents.
- ❖ More than half (58%) of residents would support a proposal for pathway plowing.
- ❖ About a third (37%) of residents would prefer to be communicated about winter maintenance through the City of Markham's website, while three in ten would prefer email newsletters, and digital signage or portable roadside signage.

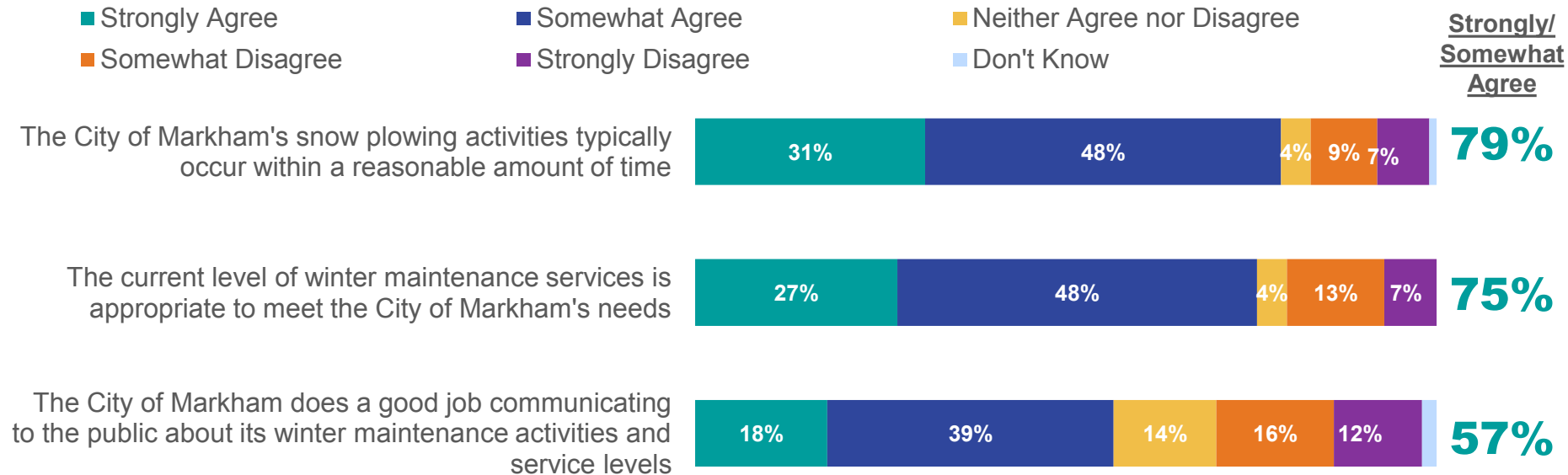
SATISFACTION

Winter Maintenance

City of Markham

Overall Satisfaction

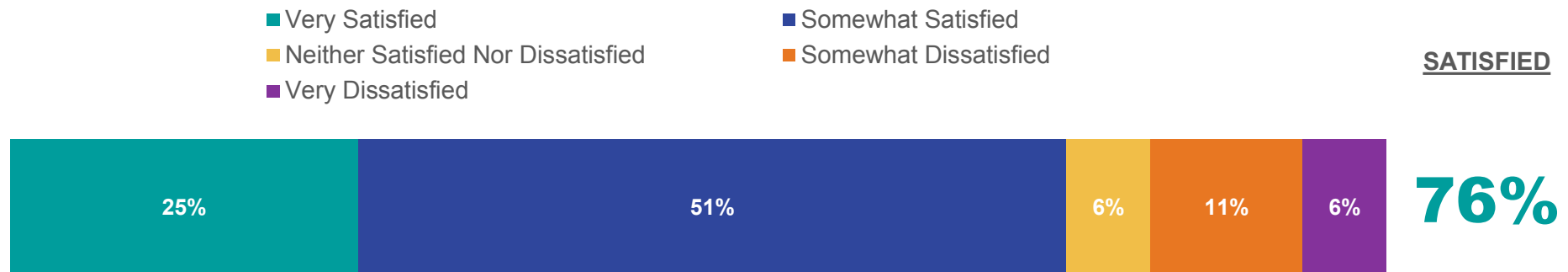
Eight in ten Markham residents agree that the City's snow plowing activities occur within a reasonable amount of time, and three quarters *agree* that the current level of winter maintenance is appropriate for the City's needs. Slightly more than half of residents agree that the City does a good job communicating about winter maintenance activities.



Values <3% not shown

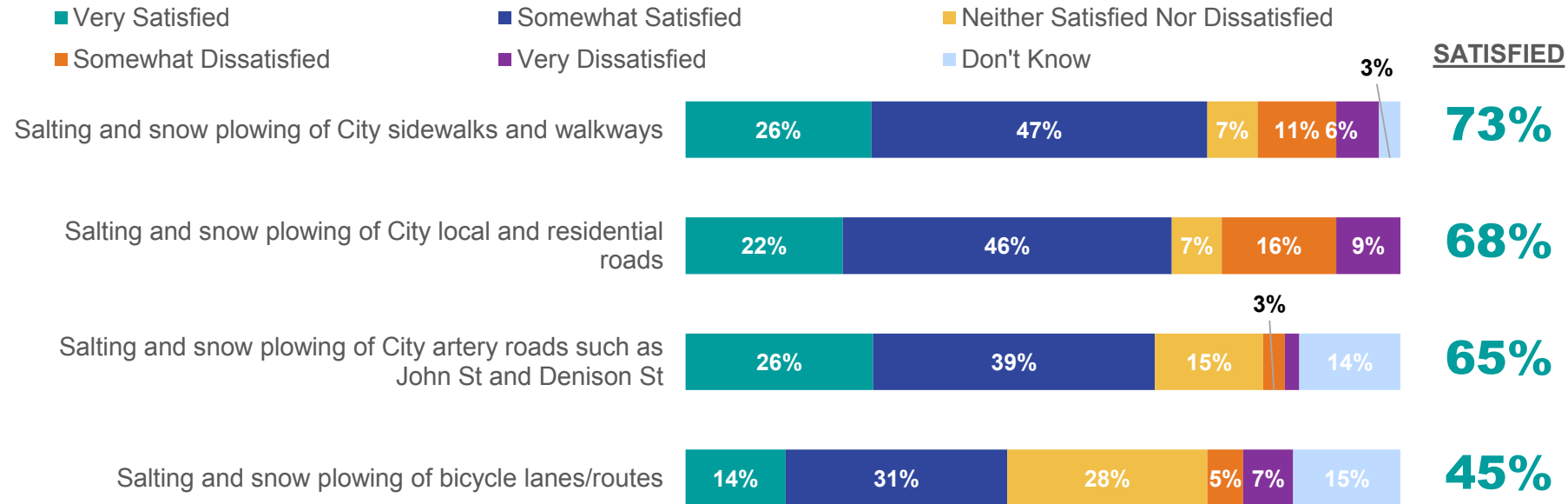
Satisfaction with Overall Winter Maintenance

Three quarters of Markham residents state they are *very/somewhat* satisfied with overall winter maintenance provided by the City of Markham. Only 17% of resident indicate that they are dissatisfied.



Satisfaction with Salting and Snow Plowing

Almost three quarters of Markham respondents state they are *very/somewhat* satisfied with salting and snowplowing of sidewalks and walkways. Seven in ten are satisfied with the salting and plowing of local and residential roads, while two-thirds are satisfied with plowing of artery roads. Less than half of residents indicate they are satisfied with the salting and plowing of bicycle lands and routes. Respondents who bike regularly/sometimes are significantly more likely to be dissatisfied (%somewhat/very dissatisfied) (23% vs. 11% drivers) with the salting and snow plowing of bicycle lanes.



COMMUNICATIONS

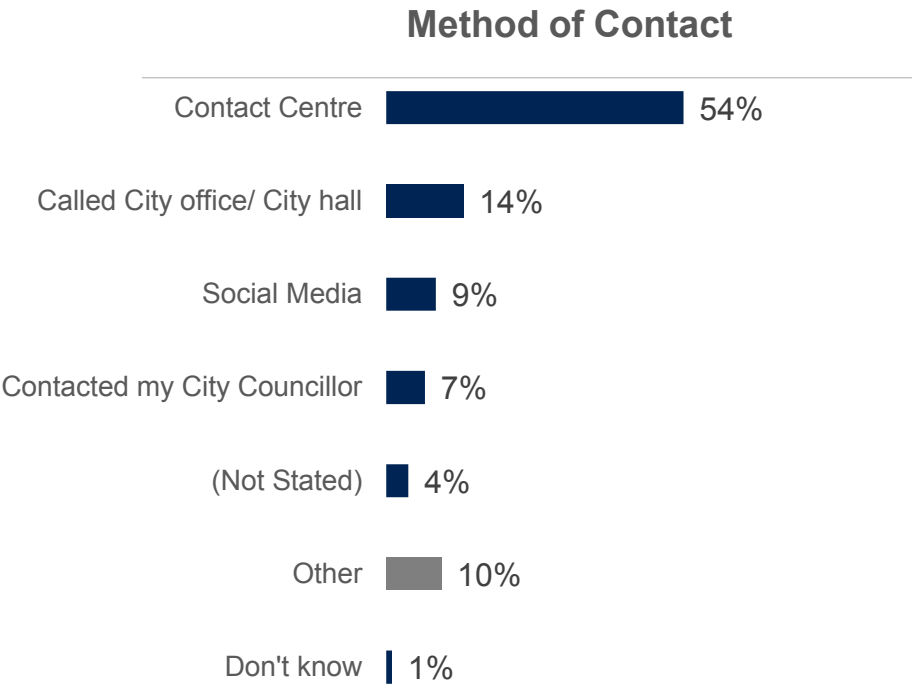
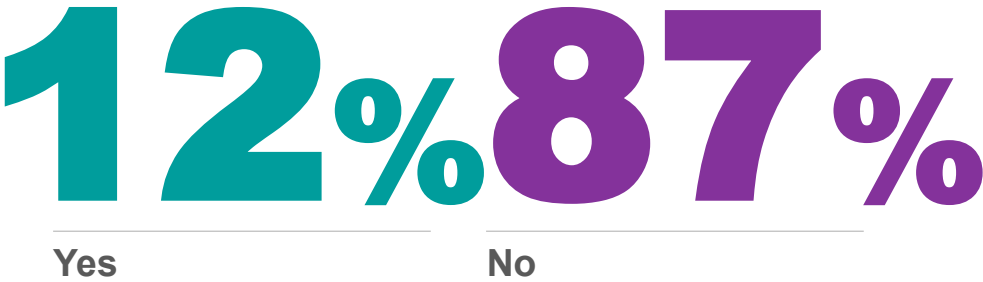
Winter Maintenance

City of Markham

Contacted City of Markham

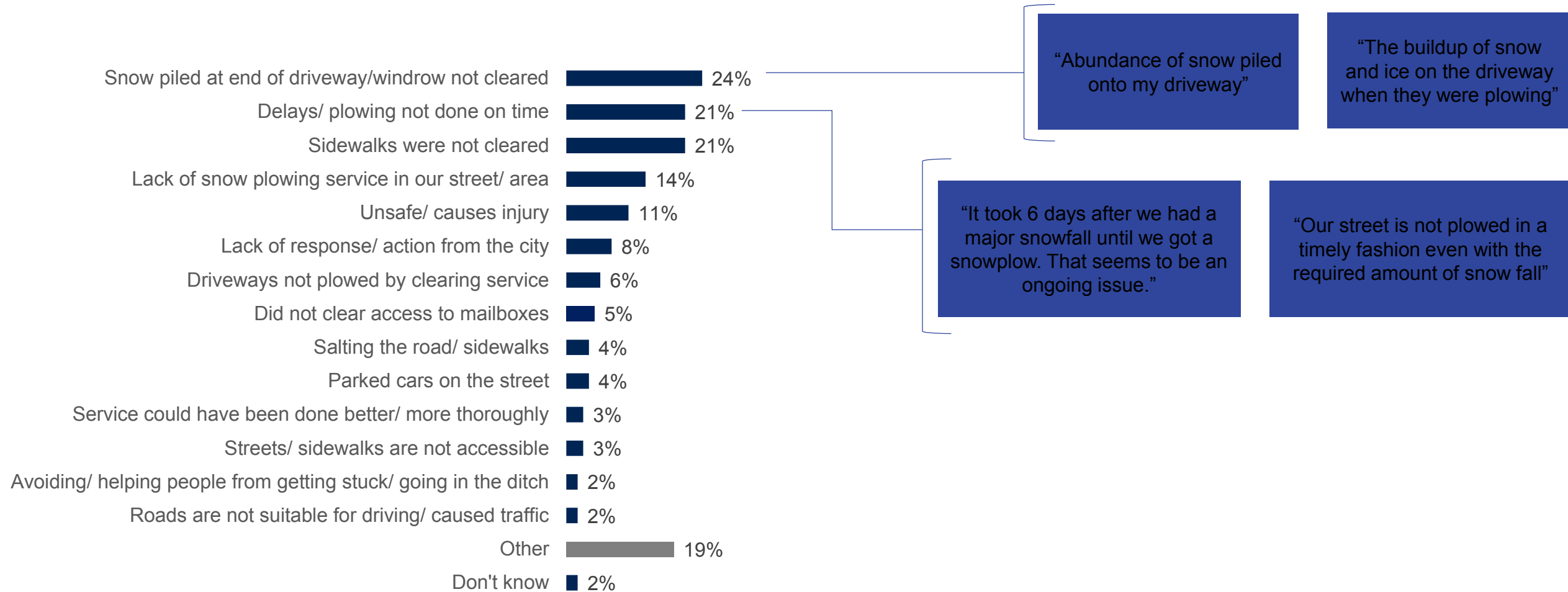
About one in ten Markham residents said they contacted the City this past winter to report a concern about winter maintenance and snow plowing. The most frequently used method of contact was the Contact Centre with about half of the Markham residents who contacted the City registering their feedback this way.

Contacted the City of Markham this past winter to report a concern about winter maintenance and/or snow plowing



Reason Contacted City

Among the 12% of Markham residents who contacted the City, the most frequent issue reported was snow piled at the end of the driveway with a quarter of respondents highlighting this issue. One in five reported delays in plowing or about sidewalks not being cleared.



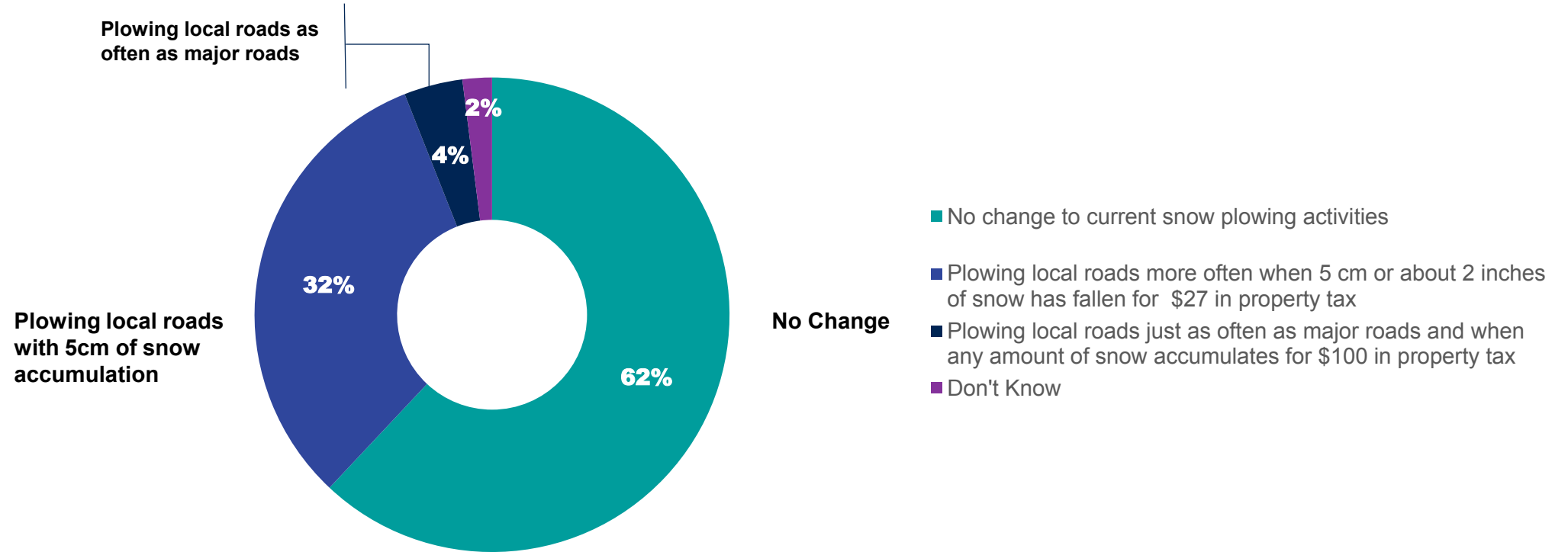
WINTER MAINTENANCE PROPOSED SERVICE IMPROVEMENT

Winter Maintenance

City of Markham

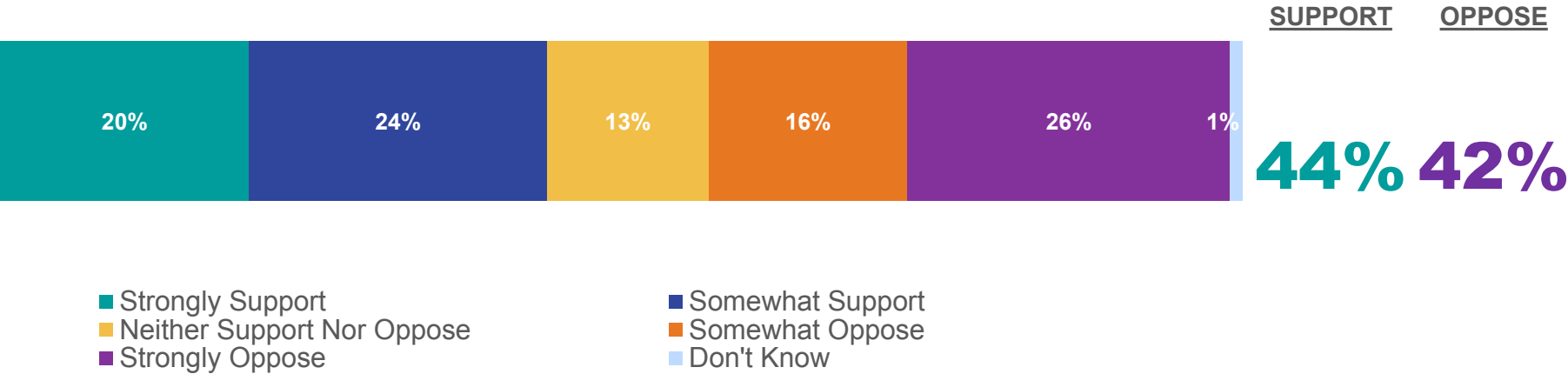
Proposed Improvements to Plowing Frequency

Six in ten Markham residents do not want any change to current snow plowing activities. A third of residents would be willing to pay \$27 in tax increases to have local roads plowed more often. Only 4% of respondents would pay \$100 in tax increases to have local roads plowed as often as major roads.



Support for Windrow Clearing

Support for expanding the windrow clearing program to all residents is divided with 44% of Markham residents *strongly* or *somewhat* supporting the proposal, while 42% *somewhat* or *strongly* oppose.

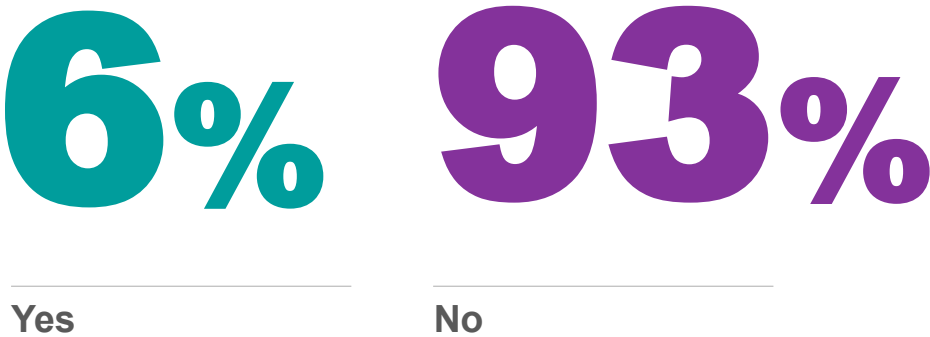


Q5. Currently, the City of Markham has a windrow snow clearing program that is available to disabled and elderly residents to all residents. Windrow clearing means clearing a path that is one car width at the end of the driveway where it meets the road to reduce the need for residents to shovel out after snow plowing. Would you strongly support, somewhat support, neither support nor oppose, somewhat oppose, or strongly oppose this? CATI Base: All respondents (n=508).

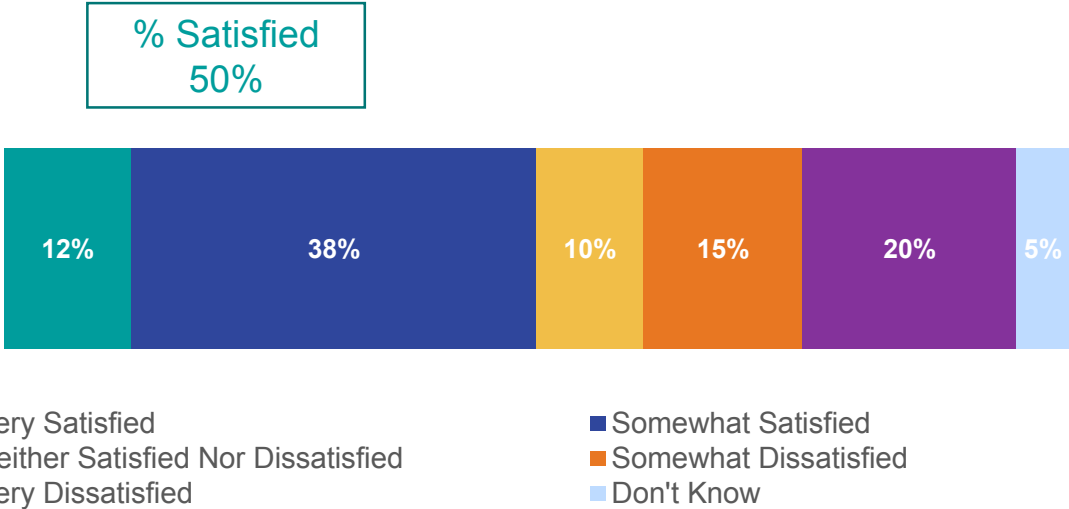
Participation in Windrow Assistance Program

Six percent of Markham residents claim to currently participate in the City’s Windrow Assistance program. Among those residents who participate, half (50%) indicate that they are satisfied with the program, while 35% are dissatisfied.

Currently participate in the City’s Windrow Assistance Program

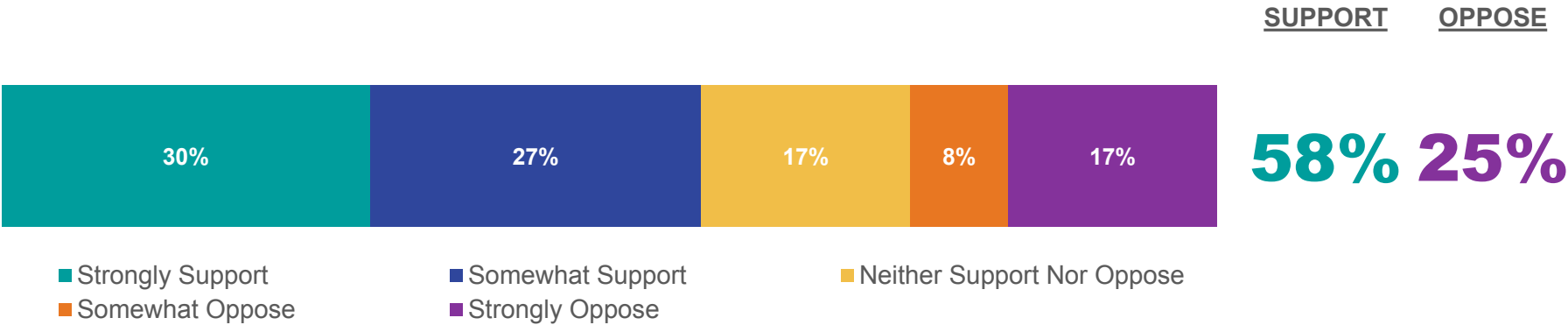


Satisfaction with Windrow Assistance Program



Pathway Plowing

When asked if they would support a City program to plow pathways and trails, at the cost of \$6 in tax increase, six in ten (58%) residents said they *strongly* or *somewhat* support the idea



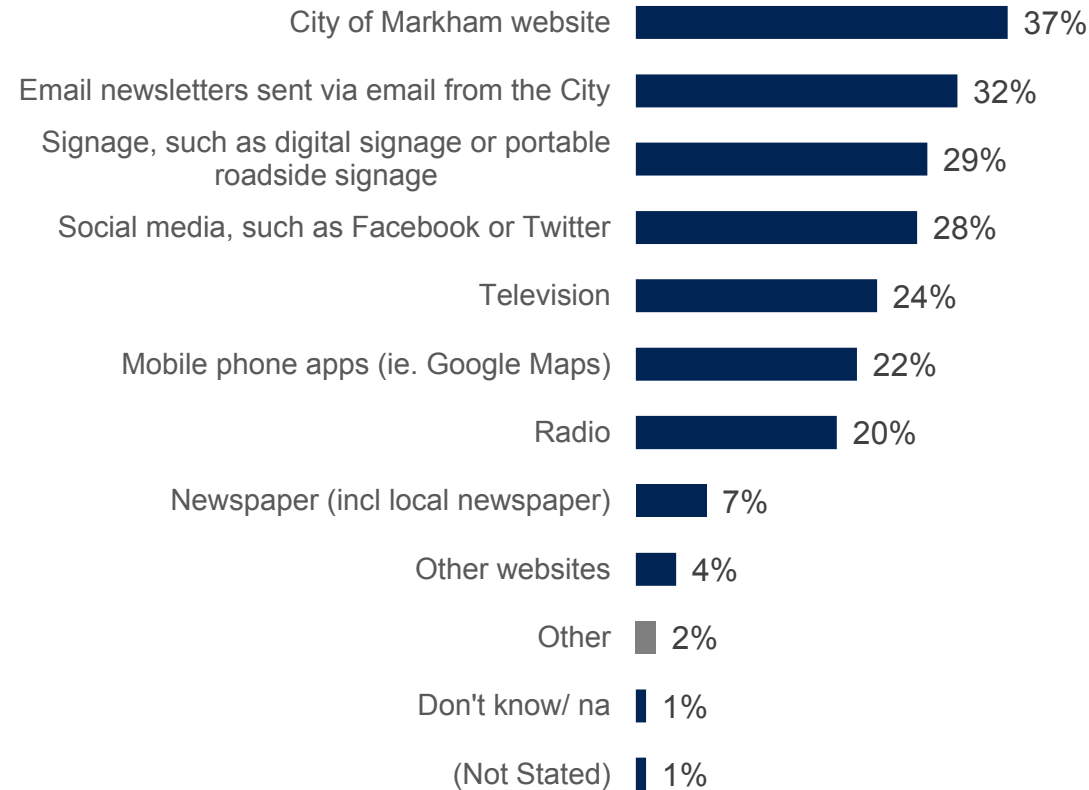
Communicating with Residents

Winter Maintenance

City of Markham

Communication Preferences

When asked about their preferred method of communication (respondents were allowed to select more than one method), more than a third of residents highlighted the City of Markham website, while three in ten would prefer email newsletters, and digital signage or portable roadside signage.



Appendix: TRANSPORTATION PROFILE

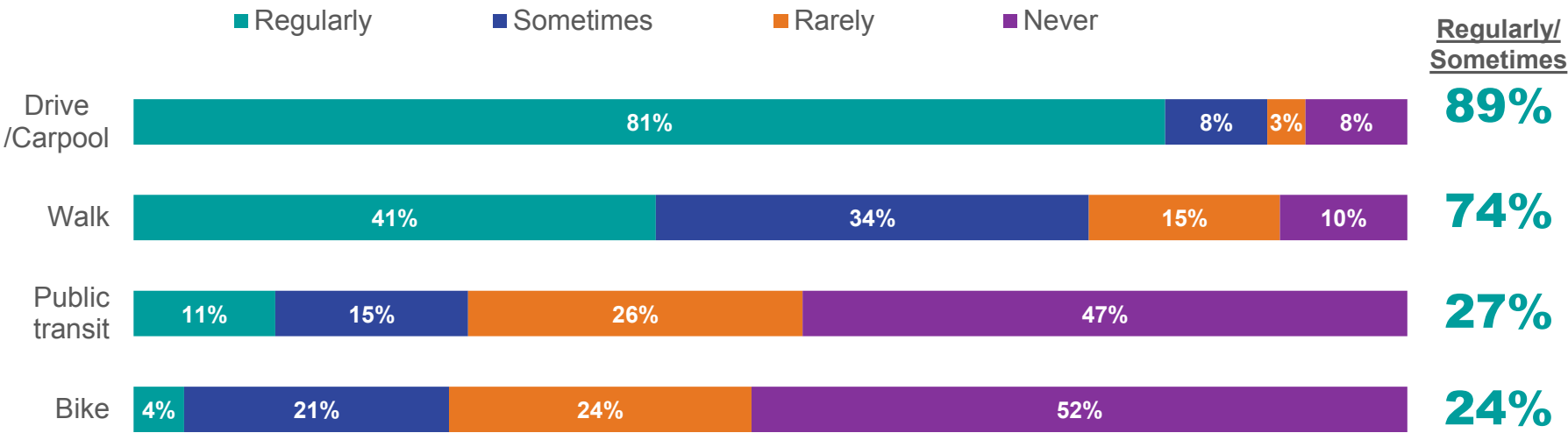
Winter Maintenance

City of Markham

Transportation Use

Markham residents most frequently drive or carpool with nine in ten respondents regularly or sometimes using this method of transportation for work or recreation. Three quarters of respondents regularly or sometimes walk, while only one in ten regularly use public transport.

Frequency of Transportation Use



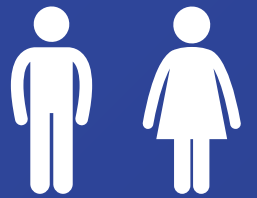
DEMOGRAPHICS

Winter Maintenance

City of Markham

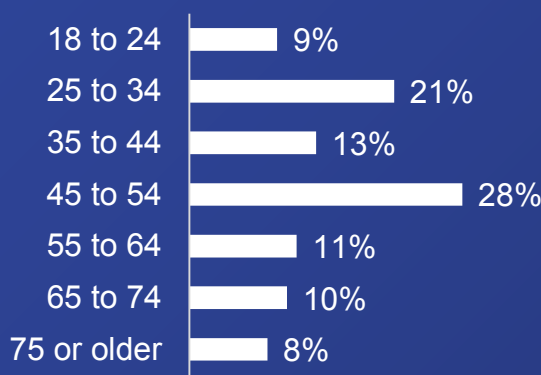
DEMOGRAPHICS

Gender



Male 48%
Female 52%

Age



Contacted the City

12%

Yes

87%

No

Rent or Own

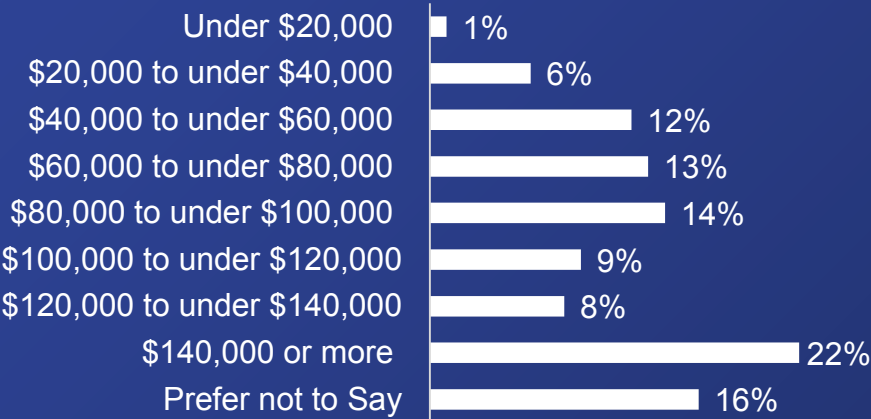
8%

Rent

90%

Own

Income



Housing Type



THANK YOU.

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Haley Jones
Research Analyst

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Report to: General Committee

Meeting Date: November 18, 2019

SUBJECT: Tax Write-offs in Accordance with Section 354 of the
Municipal Act, 2001

PREPARED BY: Shane Manson, Senior Manager, Revenue & Property Tax

RECOMMENDATION:

1. That the report entitled Tax Write-offs in Accordance with Section 354 of the *Municipal Act, 2001* be received; and,
2. That the amounts totalling \$130,747 as set out in this report, be written-off pursuant to Section 354 of the *Municipal Act, 2001*; and,
3. That the City of Markham's portion of the write-off of \$32,687, be charged to Account 820-820-7040; and,
4. That the Treasurer be directed to remove these amounts from the Collector's Roll; and,
5. That the associated interest be cancelled in proportion to the tax adjustments; and further,
6. That staff be authorized to and directed to do all things necessary to give effect to this resolutions.

PURPOSE:

The purpose of this report is to obtain the approval of Council to write-off amounts on various property accounts included within Appendix A of this report.

BACKGROUND:

The provisions included within section 354 of the *Municipal Act, 2001 (The Act)* provide the Treasurer the authority to recommend to Council that uncollectible amounts be written-off in whole or in part, including on property owned by Canada, a province, and or a Crown Agency of either of them.

OPTIONS/ DISCUSSION:

Properties owned by the federal and/or provincial governments are exempt from property taxation but are eligible to make Payments in Lieu of Taxes (PILTs) payments. PILTs are unlike property taxes in two important ways: PILTs are made voluntarily, and the government has the discretion with determining the property values and the property classification is used for calculating PILTs.

The City's PILT requests are calculated using the current value assessment (CVA) and tax classifications returned on the assessment roll by the Municipal Property Assessment

Corporation (MPAC), multiplied by the applicable tax rates for the property. In most cases, PILTs are paid in the amounts requested by the City of Markham.

There are currently 217 properties in City of Markham which are eligible to make PILT payments. The total amount billed for these properties was \$2,321,522 of which the City received payment of \$2,190,775 or 95%, leaving the remaining amount of \$130,747 or 5% outstanding.

Staff has determined, the outstanding amount of \$130,747 is attributed to thirty-five (35) properties which are owned by the Government of Canada. Public Services and Procurement Canada (PSPC) (formerly and commonly referred to as Public Works Canada) is a department of the federal government. A consolidate listing of the 35 properties is included within Appendix A.

The PILT amounts paid each year by Public Works on these 35 properties has not represented the full amount billed, but rather an adjusted amount which is based on the Crown interpreting these properties as being in the farm class, rather than the residential class as determined by MPAC. The Crown has the discretion with determining both the property values and the property classification used for calculating PILT payments. As the City does not have the authority to require the Crown to make full payment on PILT requests, Staff are recommending that the outstanding amount be written-off.

FINANCIAL CONSIDERATIONS

The amounts recommended for write-off total \$130,747. Of this total, the City's portion is \$32,687, the Region's portion is \$66,681 and the Province's portion is \$31,379. The write-off amounts for both the Region and the Province will be charged back accordingly through the annual remittance payment. The City's portion of the write-off amount will be charged to account 820-820-7040 (being the Tax Write-off Account).

HUMAN RESOURCES CONSIDERATIONS

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

N/A

BUSINESS UNITS CONSULTED AND AFFECTED:

N/A

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

Appendix A: Write-off Summary

Appendix A: Write-off Summary

Property #	Ward	Roll Number	Property Location	Owner	No. of Years Outstanding	Amount to be Written-off
1	5	1936-030-266-58000-0000	19TH AVE	PUBLIC WORKS CANADA	1	\$3,843
2	5	1936-030-242-53000-0000	NINTH LINE W/S	PUBLIC WORKS CANADA	1	\$1,572
3	5	1936-030-242-54000-0000	NINTH LINE W/S	PUBLIC WORKS CANADA	1	\$908
4	5	1936-030-242-54100-0000	NINTH LINE W/S	PUBLIC WORKS CANADA	1	\$4,238
5	5	1936-030-242-70000-0000	11306 NINTH LINE	PUBLIC WORKS CANADA	1	\$1,254
6	5	1936-030-243-10000-0000	6445 19TH AVE	PUBLIC WORKS CANADA	1	\$5,407
7	5	1936-030-261-81400-0000	9992 YORKDURHAM LINE	PUBLIC WORKS CANADA	1	\$1,801
8	5	1936-030-261-85500-0000	7255 MAJOR MACKENZIE	PUBLIC WORKS CANADA	1	\$13,175
9	5	1936-030-262-24800-0000	MAJOR MACKENZIE N/S	PUBLIC WORKS CANADA	1	\$2,854
10	5	1936-030-262-27600-0000	7192 MAJOR MACKENZIE	PUBLIC WORKS CANADA	1	\$921
11	5	1936-030-262-35400-0000	7630 MAJOR MACKENZIE	PUBLIC WORKS CANADA	1	\$6,921
12	5	1936-030-262-67700-0000	10389 NINTH LINE	PUBLIC WORKS CANADA	1	\$8,893
13	5	1936-030-262-78000-0000	10531 NINTH LINE	PUBLIC WORKS CANADA	1	\$8,781
14	5	1936-030-263-34500-0000	REESOR RD W/S	PUBLIC WORKS CANADA	1	\$2,269
15	5	1936-030-264-81700-0000	73567368 ELGIN MILLS RD E	PUBLIC WORKS CANADA	1	\$4,203
16	5	1936-030-264-81700-0000	73567368 ELGIN MILLS RD E	PUBLIC WORKS CANADA	1	\$1,382
17	5	1936-030-265-08400-0000	10903 NINTH LINE	PUBLIC WORKS CANADA	1	\$2,534
18	5	1936-030-265-21100-0000	11129 NINTH LINE	PUBLIC WORKS CANADA	1	\$7,523
19	5	1936-030-266-08400-0000	11201 REESOR RD	PUBLIC WORKS CANADA	1	\$7,223
20	5	1936-030-266-20700-0000	11315 REESOR RD	PUBLIC WORKS CANADA	1	\$2,495
21	5	1936-030-266-34400-0000	1129011350 YORKDURHAM LINE	PUBLIC WORKS CANADA	1	\$2,906
22	5	1936-030-266-38400-0000	11410 YORKDURHAM LINE	PUBLIC WORKS CANADA	1	\$2,691
23	5	1936-030-266-54500-0000	19TH AVE	PUBLIC WORKS CANADA	1	\$2,922
24	5	1936-030-266-64500-0000	19TH AVE	PUBLIC WORKS CANADA	1	\$2,214



Report to: General Committee

Meeting Date: November 18, 2019

SUBJECT: 2019 September Year-To-Date Review of Operations and Year-end Projection

PREPARED BY: Sandra Skelcher, Senior Manager, Financial Planning & Reporting
Jay Pak, Senior Financial Analyst

RECOMMENDATION:

- 1) That the report titled “2019 September Year-To-Date Review of Operations and Year-end Projection” be received; and,
- 2) That the year-end surplus, if any, be transferred to reserves, as per policy, in the order outlined below:
 - a. Corporate Rate Stabilization Reserve at a level equivalent to 15% of local tax levies;
 - b. Remaining surplus, if any, to the Life Cycle 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.

EXECUTIVE SUMMARY:

Council approved the 2019 annual operating budget of \$395.09M on March 19, 2019 which includes the City’s primary operating budget (including the Library operating budget), Planning & Design operating budget, Engineering operating budget, Building Standards operating budget and Waterworks operating budget.

This report provides an overview of the 2019 September year-to-date operating results comparing actual to budget and a forecast of the year-end results against the annual operating budget.

a) Primary Operating Budget Year-to Date (Appendix 1)

(Includes Library and winter maintenance, excludes Planning & Design, Engineering, Building Standards and Waterworks)

All actual, budget and variance figures reflect the year-to-date September results (January 1 to September 30).

(\$ in millions)	YTD September 2019		Variance	% of
	<u>Actual</u>	<u>Budget</u>	<u>fav./(unfav.)</u>	<u>Budget</u>
Revenues	\$214.87	\$210.33	\$4.54	102.2%
Expenses	\$164.37	\$167.75	\$3.38	98.0%
Surplus excluding winter maintenance	\$50.50	\$42.58	\$7.92	
Winter Maintenance	\$8.48	\$7.52	(\$0.96)	
Net surplus including winter maintenance	\$42.02	\$35.06	\$6.96	

City's Surplus excluding winter maintenance

The major year-to-date variances are outlined in the chart below:

Revenues	Fav. / (Unfav.)	Expenditures	Fav. / (Unfav.)
Investment income	\$3.17 M	Salaries & benefits	\$0.40 M
Property tax penalty and interest	\$0.54 M	Utilities and Streetlight hydro	\$0.97 M
Tax Levies	\$0.37 M	Corporate contingency	\$0.96 M
Parking fines	\$0.22 M	Professional services/ office supplies/ training/ travel	\$0.30 M
Payments in Lieu	\$0.16 M	Property Tax Adjustments	\$0.23 M
Federal and Provincial grants	\$0.06 M	Insurance	\$0.22 M
Recreation services revenue	(\$0.11) M	Operating materials & supplies	\$0.16 M
Supplementary taxes	(\$0.24) M	Maintenance & repairs	\$0.10 M
Financial administrative and legal fees	(\$0.29) M	Other	\$0.04 M
Theatre, Art Centre and Museum revenue	(\$0.05) M	Total	\$3.38 M
Other	\$0.71 M		
Total	\$4.54 M		

Winter Maintenance

The 2019 actual winter maintenance expenditures at the end of the September totaled \$8.48M against a budget of \$7.52M, resulting in an unfavourable variance of \$0.96M.

b) Year-End Projection including year-end accounting accruals and other adjustments

The City is projecting to achieve 100.2% of the revenue budget and 97.4% of the expenditure budget.

This will result in a favourable variance of 1.6% to budget.

Projected Year-End Variance	
	<u>Fav./(Unfav.)</u>
1. Primary operating budget (day-to-day operations)	\$ 6.35 M
2. Year-end accounting accruals and other adjustments	\$ (0.86) M
Total	\$ 5.49 M
3. Winter maintenance unfavourable variance	\$ (1.72) M
Net Surplus	\$ 3.77 M

The main driver for the projected favourable variance is due to 32 net temporary vacancies, lower expenditures in hydro and streetlight hydro due to lower than budgeted rates, maintenance and repairs, professional services, office supplies, travel, training, and corporate contingencies, offset partially by unfavourable variances in part-time salaries, fire overtime, advertising and promotion, fuel and gasoline.

Other contributing drivers to a lesser extent on the revenue projection include higher property tax penalty and interest, parking fines, and cultural venue revenues, offset by unfavourable variances in Recreation mainly due to the shutdown of the Milliken Pool from September to December in 2019.

As discussed through the 2019 budget process, investment income is anticipated to be favourable at year-end due to a higher prime rate which may not be sustainable in future years. Any investment income in excess of the budget (\$11.00M) will be transferred to reserves. Therefore, the \$2.76M projected favourability has been excluded from the year-end forecast.

The City's year-end accounting accruals and other adjustments include firefighters' sick leave, severance and salary continuance, post-retirement benefits, and payroll accrual. The 2019 year-end accounting accruals and other adjustments are estimated at a net cost of (\$0.86M).

The year-end projection provided in the July operating results report, indicated a \$2.75M surplus. Staff are now projecting a \$3.77M surplus, increasing the favourability by \$1.02M.

The main contributors to the change include higher favourability in utilities and streetlight maintenance, an increase in temporary vacancies and employee benefit favourability, and property tax levies and adjustments.

The projected variances for winter maintenance and the year-end accounting accruals and other adjustments remain the same as those provided in July.

Winter maintenance operations is projected to have a year-end unfavourable variance of (\$1.72M), based on an assumption of 30% unfavourable variance for the last six weeks of the year based on historical trending.

c) Planning & Design (Appendix 3)

YTD: Actual (\$1.38M) – Budget \$1.60M = Unfavourable variance (\$2.98M)

At the end of September, the Planning department had a deficit of \$1.38M against a budgeted surplus of \$1.60M. The unfavourable variance of (\$2.98M) was mainly due to lower than budgeted planning and design fees of (\$4.15M) partially offset by lower personnel costs of \$1.14M from a year-to-date average of 11 temporary net vacancies.

Year-End Projection:

Planning & Design is projecting a year-end deficit of \$2.22M against a budgeted surplus of \$2.08M. Comparatively, the July projection was a year-end deficit of \$1.62M, an unfavourable difference of \$0.60M. The change is due to lower than expected planning fees partially offset by favourable personnel variances. This will result in a transfer from reserve of \$2.22M.

d) Engineering (Appendix 4)

YTD: Actual (\$0.66M) – Budget (\$0.01M) = Unfavourable variance (\$0.65M)

At the end of September, the Engineering Department had a deficit of \$0.65M against a budgeted surplus of \$0.01M. The unfavourable variance of (\$0.64M) was mainly due to lower than budgeted Engineering fees (\$1.11M) partially offset by lower personnel costs of \$0.40M from a year-to-date average of 3 temporary net vacancies.

Year-End Projection:

Engineering is projecting a year-end deficit of \$1.25M compared to a budgeted surplus of \$0.68M. Comparatively, the July projection was a year-end deficit of \$2.73M, a favourable difference of \$1.48M. The change is due to an increase in engineering fees. This will result in a transfer from reserve of \$1.25M.

Based on the above year-end projection in Planning, Design and Engineering, the reserve is anticipated to be in a deficit position of \$3.44M at year-end (see Appendix 5).

e) Building Standards (Appendix 6)

YTD: Actual (\$2.83M) – Budget (\$1.10M) = Unfavourable variance (\$1.73M)

At the end of September, the Building Standards department had a deficit of \$2.82M against a budgeted deficit of \$1.09M. The unfavourable variance of (\$1.73M) was mainly due to lower building permit fees than budgeted of (\$2.12M) partially offset by lower personnel costs of \$0.30M from a year-to-date average of 3 temporary net vacancies.

Year-End Projection:

Staff is projecting a year-end deficit of \$2.26M compared to a budgeted deficit of \$1.38M. There is no change from the July year-end projection. The resulting year-end transfer from reserve will be \$2.26M against the budgeted transfer amount of \$1.38M. The variance is due to lower Building permit fees than budgeted.

Based on the above year-end projection in Building Services, the balance of the reserve is anticipated to be \$10.48M at year-end (see Appendix 7).

f) Waterworks (Appendix 8)

YTD: Actual \$11.52M – Budget \$11.16M = Favourable variance \$0.36M

At the end of September, the Waterworks department had a surplus of \$11.52M against a budgeted surplus of \$11.16M. The main drivers for the favourable variance of \$0.36M were as follows:

- Higher than budgeted sale of water \$0.50M is offset partially by higher purchase of water (\$0.37M), resulting in net sales and purchase of \$0.13M. Year-to-date June average actual non-revenue water (NRW) was 11.7% (NRW budgeted at 11%).
- Lower revenues resulting in an unfavourable variance of (\$0.20M) due primarily to lower water meter installation fees and developer fees for services
- Lower non-personnel costs resulting in a favourable variance of \$0.43M due to lower water, sewer and roadwork materials and supplies costs.

Year-End Projection:

Based on the September year-to-date results, Waterworks is projecting to be on budget by year-end. There is no change from the July year-end projection.

The Waterworks reserve balance is projected to be \$64.73M at year-end (see Appendix 9).

PURPOSE:

To report on the year-to-date actual 2019 operating budget results versus the budgeted 2019 operating budget as at September 30, 2019.

BACKGROUND:

Council approved the 2019 annual operating budget of \$395.09M on March 19, 2019 which includes the City's primary operating budget (including the Library operating budget), Planning & Design operating budget, Engineering operating budget, Building Standards operating budget and Waterworks operating budget.

The Planning & Design, Engineering, Building Standards and Waterworks operating budgets are primarily user fee funded, including planning and engineering fees, building permit fees and water billings. Separate reserves have been established to support the department's day-to-day operations and capital programs.

The year to date operating budget is calendared based on available current year information, historical spending patterns and trends and future projections. The intent and focus of this

report is to communicate actual performance against the annual plan and to highlight variances.

All budgets are monitored on a monthly basis and departments provide details of material variances (actual to budget). The variances are reviewed, substantiated and summarized by the Financial Planning department.

This report provides a variance analysis by:

1. City's primary operating budget by Commission/Department; and
2. City's primary operating budget by major accounts

DISCUSSION:

1. CITY'S PRIMARY OPERATING BUDGET BY COMMISSION/DEPARTMENT

Net results (revenues – expenses) for the nine months ended September 30, 2019 by each Commission and Department, summarized by personnel expenditures, non-personnel expenditures and revenues, are provided in Appendices 10 to 15.

The following table is a summary of all commissions year-to-date September results (\$ in millions):

<u>Commission</u>	<u>YTD Sep 2019</u>		<u>Variance</u>
	<u>Actual</u>	<u>Budget</u>	<u>fav./(unfav.)</u>
CAO's Office, Human Resources and Legal	\$ 4.15	\$ 4.42	\$ 0.27
Community & Fire Services (excl. winter maintenance)	\$ 73.10	\$ 73.46	\$ 0.36
Corporate Services	\$ 15.90	\$ 16.50	\$ 0.60
Development Services	\$ 5.54	\$ 5.43	\$ (0.11)
Mayor & Council	\$ 2.16	\$ 2.33	\$ 0.17
Corporate Items	\$ (151.35)	\$ (144.72)	\$ 6.63
Net Expense/ (Revenue)	\$ (50.50)	\$ (42.58)	\$ 7.92

Explanations for variances greater than \$0.05M by each Commission and Department are provided on the following pages.

CAO's Office, Human Resources and Legal Department (Appendix 10)

<u>Department</u>	<u>YTD Sep 2019</u>		<u>Variance</u>
	<u>Actual</u>	<u>Budget</u>	<u>fav./(unfav.)</u>
CAO's Office	\$ 0.55	\$ 0.60	\$ 0.05
Human Resources	\$ 2.29	\$ 2.41	\$ 0.12
Legal	\$ 1.31	\$ 1.41	\$ 0.10
Net Expense	\$ 4.15	\$ 4.42	\$ 0.27

Human Resources (Actual \$2.29M – Budget \$2.41M = Variance \$0.12M)

Favourable variance of \$0.12M is mainly due to a year-to-date average of 2 temporary net vacancies and lower legal services than budgeted.

Legal (Actual \$1.31M – Budget \$1.41M = Variance \$0.10M)

Favourable variance of \$0.10M is mainly due to external legal services \$0.05M and higher legal administration fees revenue from development applications \$0.04M.

Community and Fire Services – excluding winter maintenance (Appendix 11)

<u>Department</u>	<u>YTD Sep 2019</u>		<u>Variance</u>
	<u>Actual</u>	<u>Budget</u>	<u>fav./(unfav.)</u>
Operations	\$ 18.07	\$ 18.92	\$ 0.85
Fire Services	\$ 30.72	\$ 29.87	\$ (0.85)
Library	\$ 9.71	\$ 10.09	\$ 0.38
Recreation Services	\$ 7.38	\$ 6.96	\$ (0.42)
Environmental Services	\$ 0.66	\$ 0.77	\$ 0.11
Waste	\$ 6.15	\$ 6.37	\$ 0.22
Commissioner's Office	\$ 0.41	\$ 0.48	\$ 0.07
<u>Net Expense</u>	<u>\$ 73.10</u>	<u>\$ 73.46</u>	<u>\$ 0.36</u>

Operations (Actual \$18.07M – Budget \$18.92M = Variance \$0.85M)

Favourable variance mainly due to a year-to-date average of 5 temporary net vacancies \$0.43M, facility and other asset maintenance \$0.37M, streetlight hydro \$0.01M.

Fire Services (Actual \$30.72M – Budget \$29.87M = Variance (\$0.85M))

Unfavourable variance mainly due to YTD over complement of 10 net positions (\$0.53M), full year budgeted salary gapping (\$0.15M) and overtime & shift premiums (\$0.25M) partially offset by operating materials & supplies (e.g. uniforms, program and medical supplies) \$0.04M.

Library (Actual \$9.71M – Budget \$10.09M = Variance \$0.38M)

Favourable variance mainly due to a year-to-date average of 5 temporary net vacancies \$0.29M, program registration fee revenue \$0.01M, service agreements \$0.03M and building maintenance \$0.03M.

Recreation Services (Actual \$7.38M – Budget \$6.96M = Variance (\$0.42M))

The unfavourable variance is mainly due to the planned closure of Milliken pool beginning in September for change room renovations (\$0.55M), facility maintenance (\$0.22M) offset by favourable revenue in fitness \$0.16M, programs \$0.13M and camps \$0.09M

Environmental Services (Actual \$0.66M – Budget \$0.77M = Variance \$0.11M)

Favourable variance mainly due to a year-to-date average of one temporary net vacancy \$0.10M.

Waste (Actual \$6.15M – Budget \$6.37M = Variance \$0.22M)

Favourable variance mainly due to lower apartment waste collection charges \$0.16M and public education supplies \$0.02M.

Corporate Services (Appendix 12)

<u>Department</u>	<u>YTD Sep 2019</u>		Variance
	<u>Actual</u>	<u>Budget</u>	<u>fav./ (unfav.)</u>
Legislative Services & Corporate Communications	\$ 3.75	\$ 3.62	\$ (0.13)
Financial Services	\$ 3.08	\$ 3.26	\$ 0.18
ITS	\$ 6.17	\$ 6.43	\$ 0.26
Sustainability & Asset Management	\$ 2.60	\$ 2.87	\$ 0.27
Commissioner's Office	\$ 0.30	\$ 0.32	\$ 0.02
<u>Net Expense</u>	<u>\$ 15.90</u>	<u>\$ 16.50</u>	<u>\$ 0.60</u>

Legislative Services & Corporate Communications (Actual \$3.75M – Budget \$3.62M = Variance (\$0.13M))

Unfavourable variance mainly due to part-time salaries (\$0.31M) due to additional parking enforcement/control for special events and to maintain 24 hour shift coverage offset by parking fines \$0.22M.

Financial Services (Actual \$3.08M – Budget \$3.26M = Variance \$0.18M)

Favourable variance mainly due to a year-to-date average of 2 temporary net vacancies \$0.21M partially offset by ownership change fees (\$0.07M).

ITS (Actual \$6.17M – Budget \$6.43M = Variance \$0.26M)

Favourable variance mainly due to a year-to-date average of 4 temporary net vacancies \$0.26M

Sustainability & Asset Management (Actual \$2.60M – Budget \$2.87M = Variance \$0.27M)

Favourable variance mainly due to a year-to-date average of 4 temporary net vacancies \$0.20M.

Development Services (Appendix 13)

<u>Department</u>	<u>YTD Sep 2019</u>		Variance
	<u>Actual</u>	<u>Budget</u>	<u>fav./ (unfav.)</u>
Culture & Economic Development	\$ 3.53	\$ 3.22	\$ (0.31)
Traffic Operations	\$ 1.15	\$ 1.28	\$ 0.13
Commissioner's Office	\$ 0.86	\$ 0.93	\$ 0.07
<u>Net Expense</u>	<u>\$ 5.54</u>	<u>\$ 5.43</u>	<u>\$ (0.11)</u>

Culture & Economic Development (Actual \$3.53M – Budget \$3.22M = Variance (\$0.31M))

Unfavourable variance mainly due to part time salaries (\$0.30M) and lower Museum and Art Centre Revenue (\$0.07M), partially offset by Theatre ticket sales \$0.05M.

Traffic Operations (Actual \$1.15M – Budget \$1.28M = Variance \$0.13M)

Favourable variance mainly due to a year-to-date average of one temporary net vacancy \$0.08M and professional services (school crossing guard) \$0.03M.

Mayor & Council (Appendix 14)

<u>Department</u>	<u>YTD Sep 2019</u>		<u>Variance</u>
	<u>Actual</u>	<u>Budget</u>	<u>fav./(unfav.)</u>
Mayor & Council	2.16	2.33	0.17
Net Expense	2.16	2.33	0.17

Mayor & Council includes personnel costs for all Members of Council and Councillor assistants, non-personnel and Councillor discretionary budgets. The YTD variance is due to Councillor discretionary budgets.

Corporate Items (Appendix 15)

<u>Department</u>	<u>YTD Sep 2019</u>		<u>Variance</u>
	<u>Actual</u>	<u>Budget</u>	<u>fav./(unfav.)</u>
Corporate Items	\$ (151.35)	\$ (144.72)	\$ 6.63
Net Revenue	\$ (151.35)	\$ (144.72)	\$ 6.63

Favourable variance mainly due to higher investment income \$3.17M, lower than budgeted corporate contingency of \$0.96M, utilities and street light hydro \$0.97M, property tax penalty and interest \$0.54M, and insurance \$0.22M. As discussed through the 2019 budget process, investment income is anticipated to be favourable at year-end due to a higher prime rate which may not be sustainable in future years. Any investment income in excess of the budget (\$11.00M) will be transferred to reserves at year-end.

2. CITY'S PRIMARY OPERATING BUDGET BY MAJOR ACCOUNTS (excl. winter maintenance)

At the end of September the actual operating results, excluding winter maintenance, against budget netted a favourable variance of \$7.92M and the breakdown is as follows:

a) REVENUES

At the end of September, revenues totalled \$214.87M against a budget of \$210.33M resulting in a favourable variance of \$4.54M or 102.2% of the year-to-date budget.

<u>Revenues</u>	<u>Actual</u>	<u>Budget</u>	<u>Fav./(Unfav.)</u>
Property Taxation Revenues	\$ 161.96 M	\$ 161.68 M	\$ 0.28 M
General Revenues	\$ 22.48 M	\$ 18.65 M	\$ 3.83 M
User Fees & Service Charges	\$ 24.79 M	\$ 24.82 M	(\$ 0.03 M)
Grant & Subsidy Revenues	\$ 1.31 M	\$ 1.26 M	\$ 0.05 M
Other Income	\$ 4.33 M	\$ 3.92 M	\$ 0.41 M
Net Variance	\$ 214.87 M	\$ 210.33 M	\$ 4.54 M

Property Taxation Revenues (Actual \$161.96M – Budget \$161.68M = Variance \$0.28M)
Property taxation revenue YTD budget includes the full year 2019 property tax levy.

General Revenues (Actual \$22.48M – Budget \$18.65M = Variance \$3.83M)

The general revenues YTD budget of \$18.65M includes investment income (budget \$11.10M), property tax penalty and interest (budget \$3.30M), parking fines (budget \$2.44M) and business, taxi, marriage and other licences (budget \$1.79M).

General revenues also include Alectra interest and dividends (YTD budget \$2.91M) with a corresponding transfer in expenditures to the Life Cycle Replacement and Capital Reserve Fund. At year-end, a net \$1.00M is retained in the Operating Budget from Alectra interest and dividends.

YTD general revenues totaled \$22.48M at the end of September against a YTD budget of \$18.65M. The main drivers for the favourable variance of \$3.83M are investment income of \$3.17M resulting from a higher than budgeted rate of return and property tax penalty and interest \$0.53M. As discussed through the 2019 budget process, investment income is anticipated to be favourable at year-end due to a higher Prime Rate which may not be sustainable in future years. Any investment income in excess of the budget (\$11.00M) will be transferred to reserves.

User Fees and Service Charges (Actual \$24.79M – Budget \$24.82M = Variance (\$0.03M))

The user fees and services charges YTD budget of \$24.82M includes revenues from programs offered by the Recreation, Culture Services and Library departments, as well as service fees such as new property tax account set-up fees, ownership change administrative fees and utility permit fees (budget \$17.53M), and facility rental fees for arenas, pools, gym and halls (budget \$6.81M).

User fees and service charges were unfavourable by \$0.03M, the main drivers of which were lower aquatics fees offset by higher fitness and program fees.

Grants & Subsidy Revenues (Actual \$1.31M – Budget \$1.26M = Variance \$0.05M)

The YTD budget includes Provincial and Federal grants of \$1.26M. The favourable variance of \$0.05M resulted from the receipt of one-time federal and provincial grants.

Other Income (Actual \$4.33M – Budget \$3.92M = Variance \$0.41M)

The favourable variance of \$0.41M is mainly due to gain on miscellaneous recoveries \$0.18M.

b) PERSONNEL EXPENDITURES

At the end of September, personnel expenditures were favourable by \$0.40M or spending of 99.6% of the year-to-date budget.

<u>Personnel</u>	<u>Actual</u>	<u>Budget</u>	<u>Fav./(Unfav.)</u>
Full time net of vacancy backfills and part time salaries	\$ 100.51 M	\$ 101.38 M	\$ 0.87 M
Overtime and other personnel costs	\$ 1.86 M	\$ 1.39 M	(\$ 0.47 M)
Total	\$ 102.37 M	\$ 102.77 M	\$ 0.40 M

At the end of September, there were 32 net temporary vacancies resulting in a favourable variance of \$1.45M. This was partially offset by an unfavourable variance in part-time salaries of (\$0.60M) and full year budgeted salary gapping of (\$0.45M) netting a favourable variance of \$0.40M.

Overtime and other personnel costs were unfavourable by (\$0.47M).

c) NON-PERSONNEL EXPENDITURES

At the end of September, non-personnel expenditures were favourable by \$2.98M or spending of 95.4% of the year-to-date budget.

<u>Non Personnel Items</u>	<u>Actual</u>	<u>Budget</u>	<u>Fav./(Unfav.)</u>
Materials & Supplies	\$ 4.21 M	\$ 4.38 M	\$ 0.17 M
Purchased Services	\$ 28.11 M	\$ 30.09 M	\$ 1.98 M
Transfers to Reserves	\$ 28.13 M	\$ 27.70 M	(\$ 0.43 M)
Other Expenditures	\$ 1.55 M	\$ 2.81 M	\$ 1.26 M
Total	\$ 62.00 M	\$ 64.97 M	\$ 2.98 M

Materials & Supplies (Actual \$4.21M – Budget \$4.38M = Variance \$0.17M)

Materials & supplies YTD budget of \$4.38M includes facility maintenance supplies, uniforms, recreation and other program supplies (budget \$2.03M), vehicle supplies such as fuel and repair parts (budget \$1.38M), and printing and office supplies (budget \$0.34M).

The favourable variance of \$0.17M is primarily due to operating materials and supplies \$0.15M (e.g. uniforms, equipment and program expenses), construction materials (traffic signs, steel, gravel) \$0.02M and botanical supplies \$0.03M.

Purchased Services (Actual \$28.13M – Budget \$30.09M = Variance \$1.98M)

Purchased services YTD budget of \$30.09M includes utilities and streetlight hydro (budget \$8.54M), waste collection (budget \$8.79M), insurance (budget \$2.33M), maintenance & repairs of City assets (budget \$4.18M) and professional services such as Theatre artist/entertainer fees, school crossing guards and external legal services (budget \$2.09M).

Purchased Services were favourable \$1.98M primarily due to:

- \$0.97M favourable in utilities \$0.73M and streetlight hydro \$0.24M
- \$0.24M favourable in professional fees, training, and travel (excl. office supplies which is included under materials & supplies)
- \$0.22M favourable in insurance
- \$0.17M favourable contract service agreements including grass cutting and traffic signal maintenance
- \$0.10M favourable in maintenance and repairs (utility locates, streetlight maintenance)
- \$0.10M favourable in waste collection

Transfers to Reserves (Actual \$28.13M – Budget \$27.70M = Variance (\$0.43M))

The majority of funds are transferred to the Life Cycle and Capital Reserve Fund.

Other Expenditures (Actual \$1.55M – Budget \$2.81M = Variance \$1.26M)

Other expenditures YTD budget of \$2.81M includes contingency expense and non-personnel ramp ups \$1.34M and property tax adjustments \$0.76M. Year to date variance of \$1.26M is mainly due to lower corporate contingency expenditures of \$0.96M

3. PRIMARY BUDGET YEAR-END PROJECTION INCLUDING YEAR-END ACCOUNTING ACCRUALS AND OTHER ADJUSTMENTS

Staff are projecting a 1.6% favourable variance to budget at year-end (including winter maintenance).

Projected Year-End Variance	
	<u>Fav./ (Unfav.)</u>
1. Primary operating budget (day-to-day operations)	\$ 6.35 M
2. Year-end accounting accruals and other adjustments	\$ (0.86) M
Total	\$ 5.49 M
3. Winter maintenance unfavourable variance	\$ (1.72) M
Net Surplus	\$ 3.77 M

The main driver for the projected favourable variance is due to lower expenditures in utilities and streetlight hydro due to lower than budgeted rates, 32 net temporary vacancies, maintenance and repairs, professional services, office supplies, travel, training, and

corporate contingencies, offset partially by unfavourable variances in part-time salaries, fire overtime, advertising and promotion, fuel and gasoline.

Contributing drivers in the revenue projection include higher property tax penalty and interest, parking fines, and cultural venue revenues, offset by unfavourable variances in Recreation, mainly due to the closure of the Milliken Pool from September to December 2019.

As discussed through the 2019 budget process, investment income is anticipated to be favourable at year-end due to a higher Prime Rate which may not be sustainable in future years. Any investment income in excess of the budget (\$11.00M) will be transferred to reserves. Therefore, the \$2.76M projected favourability has been excluded from the year-end forecast.

The City's year-end accounting accruals and other adjustments include the required top-up to the firefighters' sick leave reserve (as per the latest actuarial valuation to the year 2021), severance and salary continuance payments, post-retirement benefits, and payroll accruals. The 2019 year-end accounting accruals and other adjustments have been estimated at a net cost of (\$0.86M).

Of the projected \$5.49M favourable year-end variance, winter maintenance is projected to be unfavourable by (\$1.72M) which will net a favourable surplus of \$3.77M.

The projected net favourable surplus of \$3.77M will be transferred to reserves, as per policy, in the order outlined below:

- a. Corporate Rate Stabilization Reserve to achieve a balance equal to 15% of the local tax levy;
- b. Remaining surplus, if any, to the Life Cycle Replacement and Capital Reserve Fund.

There are several one-time items affecting the City's 2019 year-end projection, as summarized below. These items are either one-time revenues or expenses incurred or expected in 2019. In some cases, budgets will be adjusted in the 2020 budget where needed.

- \$2.43M favourable in corporate contingency (Budget \$2.56M, 1.1% of the City's Operating Budget of \$233.04M)
- \$1.14M favourable in personnel primarily due to temporary net vacancies (average 32 net temporary vacancies out of the total tax funded full-time complement of 891, or 3.5% of the full-time complement)
- \$1.30M favourable in hydro and streetlight hydro (no incremental increase in the 2020 budget required for the projected 2020 rate increase)
- \$0.68M favourable in penalty and interest due to higher than anticipated overdue property tax payments (2020 budget to be adjusted)
- (\$0.70M) unfavourable Recreation revenue due to Milliken pool closure
- (\$0.50M) unfavourable variance in Finance admin and legal fees

-
- (\$0.86M) unfavourable variance due to year-end accounting accruals and other adjustments

Total: \$3.49M

Based on the projected year-end variance of \$3.77M, after adjusting for the above items and the transfer to the Corporate Rate Stabilization Reserve of approximately \$0.78M in order to maintain it at 15% of the local tax levy, the City's projected surplus including year-end accounting accruals and other adjustments is expected to be fully depleted.

Winter Maintenance

Winter maintenance operations is projected to have a year-end unfavourable variance of (\$1.72M), based on an assumption of 30% unfavourable variance for the last six weeks of the year, based on historical trending.

The City's winter maintenance budget includes personnel expenditures, salt and sand purchases as well as five service contracts:

1. Supply and operation of tandem/single combination plow to sand and plow the City's primary road network;
2. Supply and operation of loaders to assist in the snow removal in cul-de-sacs, wide corners and rear lanes;
3. Grader rentals to remove snow on the City's local road networks;
4. Sidewalk snow removal; and
5. Windrow snow clearing services for eligible applicants

Planning & Design (Appendix 3)

YTD: Actual (\$1.38M) – Budget \$1.60M = Unfavourable variance (\$2.98M)

At the end of September, the Planning department had a deficit of \$1.38M against a budgeted surplus of \$1.60M. The unfavourable variance of (\$2.98M) was mainly due to lower than budgeted planning and design fees of (\$4.15M) partially offset by lower personnel costs of \$1.14M from a year-to-date average of 11 temporary net vacancies.

Year-End Projection:

Planning & Design is projecting a year-end deficit of \$2.22M compared to a budgeted surplus of \$2.08M. This will result in a transfer from reserve of \$2.22M (an unfavourable variance to budget of \$4.30M). The projected deficit is due to lower planning fees partially offset by favourable personnel variances due to continuation of 4 net average vacancies to year-end.

Engineering (Appendix 4)

YTD: Actual (\$0.66M) – Budget (\$0.01M) = Unfavourable variance (\$0.65M)

At the end of September, the Engineering Department had a deficit of \$0.65M against a budgeted surplus of \$0.01M. The unfavourable variance of (\$0.64M) was mainly due to

lower than budgeted Engineering fees (\$1.11M) partially offset by lower personnel costs of \$0.40M from a year-to-date average of 3 temporary net vacancies.

Year-End Projection:

Engineering is projecting a year-end deficit of \$1.25M compared to a budgeted surplus of \$0.68M. This will result in a transfer from reserve of \$1.25M primarily due to lower engineering fees than budgeted.

Based on the above year-end projection in Planning, Design and Engineering, the reserve is anticipated to be in a deficit position of \$3.44M at year-end (see Appendix 5).

Building Standards (Appendix 6)

YTD: Actual (\$2.83M) – Budget (\$1.10M) = Unfavourable variance (\$1.73M)

At the end of September, the Building Standards department had a deficit of \$2.82M against a budgeted deficit of \$1.09M. The unfavourable variance of (\$1.73M) was mainly due to lower building permit fees than budgeted of (\$2.12M) partially offset by lower personnel costs of \$0.30M from a year-to-date average of 3 temporary net vacancies.

Year-End Projection:

Staff is projecting a year-end deficit of \$2.26M compared to a budgeted deficit of \$1.38M. This will result in a transfer from reserve of \$2.26M which is higher than the budgeted deficit of \$1.38M. The variance is due to lower Building permit fees than budgeted.

Based on the above year-end projection in Building Services, the balance of the reserve is anticipated to be \$10.48M at year-end (see Appendix 7).

Waterworks (Appendix 8)

YTD: Actual \$11.52M – Budget \$11.16M = Favourable variance \$0.36M

At the end of September, the Waterworks department had a surplus of \$11.52M against a budgeted surplus of \$11.16M. The main drivers for the unfavourable variance of \$0.36M were as follows:

- Higher than budgeted sale of water \$0.50M is offset partially by higher purchase of water (\$0.37M), resulting in net sales and purchase of \$0.13M. Year-to-date June average actual non-revenue water (NRW) was 11.7% (NRW budgeted at 11%).
- Lower revenues resulting in an unfavourable variance of (\$0.20M) due primarily to lower water meter installation fees and developer fees for services
- Lower non-personnel costs resulting in a favourable variance of \$0.43M due to lower water, sewer and roadwork materials and supplies costs.

Year-End Projection:

Based on the September year-to-date results, Waterworks is projecting to be on budget by year-end.

The Waterworks reserve balance is projected to be \$64.73M at year-end (see Appendix 9).

FINANCIAL CONSIDERATIONS:

Staff will continue to monitor the results of Operations each month, and provide an updated year-end projection as part of the September 2019 year-to-date review of operations to be brought forward to General Committee in November 2019.

RECOMMENDED**X**

Joel Lustig
Treasurer

X

Trinela Cane
Commissioner, Corporate Services

Appendices 1 to 15:

Appendix 1 – Primary Operating Budget - Financial Results for the Seven Months Ended September 30, 2019

Appendix 2 – Library Operating Budget - Financial Results for the Seven Months Ended September 30, 2019

Appendix 3 – Planning & Design Operating Budget - Financial Results for the Seven Months Ended September 30, 2019

Appendix 4 – Engineering Operating Budget - Financial Results for the Seven Months Ended September 30, 2019

Appendix 5 – Planning & Engineering Development Fee Reserve Balance as at September 30, 2018

Appendix 6 – Building Standards Operating Budget - Financial Results for the Seven Months Ended September 30, 2019

Appendix 7 – Building Fee Reserve Balance as at September 30, 2018

Appendix 8 – Waterworks Operating Budget - Financial Results for the Seven Months Ended September 30, 2019

Appendix 9 – Waterworks Reserve Balance as at September 30, 2018

Appendix 10 – Variances by Commission and Department for the Seven Months Ended September 30, 2019 – CAO's Office, Human Resources, Legal and Sustainability

Appendix 11 – Variances by Commission and Department for the Seven Months Ended September 30, 2019 – Community and Fire Services

Appendix 12 – Variances by Commission and Department for the Seven Months Ended September 30, 2019 – Corporate Services

Appendix 13 – Variances by Commission and Department for the Seven Months Ended September 30, 2019 – Development Services

Appendix 14 – Variances by Commission and Department for the Seven months ended September 30, 2019 – Mayor & Council

Appendix 15 – Variances by Commission and Department for the Seven months ended September 30, 2019 – Corporate Items

APPENDIX 1

CITY OF MARKHAM
Operating Budget
(Including Library, excluding Planning & Design, Engineering, Waterworks and Building Standards)
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019 Actual	2019 Budget	Variance fav./ (unfav.)	Annual Budget	% of YTD Budget
Revenues					
Property Taxation Revenues	161.96	161.68	0.28	161.76	
General Revenues	22.48	18.65	3.83	33.01	
User Fees & Service Charges	24.79	24.82	(0.03)	30.94	
Grant & Subsidy Revenues	1.31	1.26	0.05	1.96	
Other Income	4.33	3.92	0.41	5.23	
Revenues Total	214.87	210.33	4.54	232.90	102.2%
Expenditures					
Salaries & Benefits	102.37	102.77	0.40	135.64	
Material & Supplies	4.21	4.38	0.17	5.78	
Purchased Services	28.11	30.09	1.98	41.09	
Transfers to Reserves	28.13	27.70	(0.43)	36.53	
Other Expenditures	1.55	2.81	1.26	3.86	
Expenditures Total	164.37	167.75	3.38	222.90	98.0%
Surplus not including winter maintenance	50.50	42.58	7.92	10.00	
Winter Maintenance	8.48	7.52	(0.96)	10.00	
Surplus including winter maintenance	42.02	35.06	6.96	(0.00)	

APPENDIX 2

CITY OF MARKHAM
Library Operating Budget
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019 Actual	2019 Budget	Variance fav./ (unfav.)	Annual Budget	% of YTD Budget
Revenues					
User Fees & Services Charges	0.77	0.79	(0.02)	0.90	
Grant & Subsidy Revenues	0.00	0.00	0.00	0.23	
Revenues Total	0.77	0.79	(0.02)	1.13	97.5%
Expenditures					
Salaries & Benefits	8.81	9.09	0.28	12.45	
Material & Supplies	0.12	0.12	0.00	0.15	
Purchased Services	1.55	1.66	0.11	1.90	
Other Expenditures	0.00	0.01	0.01	0.01	
Expenditures Total	10.48	10.88	0.40	14.51	96.3%
Deficit	(9.71)	(10.09)	0.38	(13.38)	

APPENDIX 3

CITY OF MARKHAM
Planning & Design Operating Budget
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019 Actual	2019 Budget	Variance fav./.(unfav.)	Annual Budget	% of YTD Budget	Year-end Projection
Revenues						
Planning & Design Fees	4.90	9.05	(4.15)	11.86		
Revenues Total	4.90	9.05	(4.15)	11.86	54.1%	
Expenditures						
Salaries & Benefits	4.26	5.41	1.15	7.07		
Material & Supplies	0.03	0.03	0.00	0.04		
Purchased Services	1.99	2.01	0.02	2.67		
Expenditures Total	6.28	7.45	1.17	9.78	84.3%	
Surplus/(Deficit) Before Transfer to/Draw (from) Reserve	(1.38)	1.60	(2.98)	2.08		(2.22)
Transfer to Reserve	0.00	0.00	0.00	2.08		(2.22)
Surplus After Transfer to Reserve	(1.38)	1.60	(2.98)	0.00		0.00

CITY OF MARKHAM
Engineering Operating Budget
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019	2019	Variance	Annual	% of	
	Actual	Budget	fav./(unfav.)	Budget	YTD Budget	Year-end Projection
Revenues						
Engineering Fees	5.15	6.27	(1.12)	8.93		
Revenues Total	5.15	6.27	(1.12)	8.93	82.1%	
Expenditures						
Salaries & Benefits	3.81	4.21	0.40	5.51		
Material & Supplies	0.01	0.03	0.02	0.03		
Purchased Services	1.99	2.04	0.05	2.71		
Expenditures Total	5.82	6.28	0.47	8.25	92.7%	
Surplus/(Deficit) Before Transfer to/Draw (from) Reserve	(0.66)	(0.01)	(0.65)	0.68		(1.25)
Transfer to Reserve	0.00	0.00	0.00	0.68		(1.25)
Surplus After Transfer to Reserve	(0.66)	(0.01)	(0.65)	0.00		0.00

APPENDIX 5

CITY OF MARKHAM
Planning & Engineering Development Fee Reserve Balance
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019 Budget	2019 Projection
Opening Balance at January 1, 2019	0.27	0.27
Transfer to Capital and Interest Charges	(0.24)	(0.24)
Transfer to/Draw (from) Reserves		
Planning & Design	2.08	(2.22)
Engineering	0.67	(1.25)
Planning & Engineering Reserve Ending Balance	2.78	(3.44)

APPENDIX 6

CITY OF MARKHAM
Building Standards Operating Budget
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019 Actual	2019 Budget	Variance fav./ (unfav.)	Annual Budget	% of YTD Budget	Year-end Projection
Revenues						
Building Permits	3.77	5.94	(2.17)	7.92		
Other Revenues	0.07	0.02	0.05	0.03		
Revenues Total	3.84	5.96	(2.12)	7.95	64.4%	
Expenditures						
Salaries & Benefits	4.42	4.72	0.30	6.23		
Material & Supplies	0.03	0.06	0.03	0.07		
Purchased Services	2.22	2.28	0.06	3.03		
Expenditures Total	6.67	7.06	0.39	9.33	94.5%	
Surplus/(Deficit) Before Transfer to/Draw (from) Reserve	(2.83)	(1.10)	(1.73)	(1.38)		(2.26)
Transfer to Reserve	0.00	0.00	0.00	(1.38)		(2.26)
Surplus After Transfer to Reserve	(2.83)	(1.10)	(1.73)	0.00		0.00

APPENDIX 7

CITY OF MARKHAM
Building Fee Reserve Balance
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019 Budget	2019 Projection
Opening Balance at January 1, 2019	12.94	12.94
Transfer to Capital and Interest Income	(0.20)	(0.20)
Projected Transfer to/Draw (from) Reserves	(1.38)	(2.26)
Building Reserve Ending Balance	11.36	10.48

APPENDIX 8

CITY OF MARKHAM
Waterworks Operating Budget
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2018 Actual	2018 Budget	Variance fav./(unfav.)	Annual Budget	% of YTD Budget	Year-End Projection
Sales & Purchases of Water						
Water Revenue						
Water & Sewer Billing	99.12	98.62	0.50	130.51		
Water Expenditure						
Contracted Municipal Services	76.65	76.28	(0.37)	101.04		
Net Sales & Purchases of Water	22.47	22.34	0.13	29.46	100.6%	
Other Revenues Total	0.73	0.92	(0.20)	1.41	78.6%	
Other Expenditures						
Salaries & Benefits	6.05	6.03	(0.02)	7.86		
Non Personnel Expenditures	5.63	6.08	0.45	7.74		
Expenditures Total	11.68	12.11	0.43	15.60	96.4%	
Surplus Before Transfer to Reserve	11.52	11.16	0.36	15.28		15.28
Transfer to Reserve	0.00	0.00	0.00	15.28		15.28
Surplus After Transfer to Reserve	11.52	11.16	0.36	0.00		0.00

APPENDIX 9

CITY OF MARKHAM
Waterworks Reserve Balance
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

	2019 Budget	2019 Projection
Opening Balance - January 1, 2019	69.13	69.13
Transfer to 2019 Capital Net of Interest Income	(22.31)	(22.31)
Interest Income	0.80	0.80
Transfer from 2018 closed capital projects (YTD: \$1.34M + projected \$0.50M)	0.00	1.84
Transfer to Reserve	15.28	15.28
Waterworks Reserve Ending Balance	62.89	64.73

APPENDIX 10

CITY OF MARKHAM
Variances by Commission and Department
CAO'S Office, Human Resources and Legal Department
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

Department	Fav./ (Unfav.)			
	Personnel	Non-Personnel	Revenue	Total
CAO'S OFFICE	0.02	0.03	0.00	0.05
HUMAN RESOURCES	0.07	0.05	0.00	0.12
LEGAL DEPT.	0.00	0.06	0.04	0.10
Total	0.09	0.14	0.04	0.27

APPENDIX 11

CITY OF MARKHAM
Variances by Commission and Department
Community and Fire Services
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

Department	Fav./ (Unfav.)			
	Personnel	Non-Personnel	Revenue	Total
OPERATIONS	0.43	0.42	-	0.85
FIRE SERVICES	(0.92)	0.03	0.04	(0.85)
LIBRARY	0.29	0.11	(0.02)	0.38
RECREATION SERVICES	(0.09)	(0.23)	(0.10)	(0.42)
ENVIRONMENTAL SERVICES	0.10	0.01	-	0.11
WASTE	0.02	0.20	-	0.22
COMMISSIONER'S OFFICE	0.03	0.03	-	0.07
Total Excl. Winter Maintenance	(0.14)	0.57	(0.08)	0.36
WINTER MAINTENANCE	0.04	(0.97)	(0.03)	(0.96)
Total	(0.10)	(0.40)	(0.11)	(0.60)

APPENDIX 12

CITY OF MARKHAM
Variances by Commission and Department
Corporate Services
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

Department	Fav./ (Unfav.)			
	Personnel	Non-Personnel	Revenue	Total
LEGISLATIVE SERVICES & CORPORATE COMMUNICATIONS	(0.29)	0.07	0.09	(0.13)
FINANCIAL SERVICES	0.22	-	(0.04)	0.18
ITS DEPARTMENT	0.26	-	-	0.26
SUSTAINABILITY & ASSET MANAGEMENT	0.20	(0.32)	0.39	0.27
COMMISSIONER'S OFFICE	0.01	0.01	-	0.02
Total	0.40	(0.24)	0.44	0.60

APPENDIX 13

CITY OF MARKHAM
Variances by Commission and Department
Development Services
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

Department	Fav./ (Unfav.)			
	Personnel	Non-Personnel	Revenue	Total
CULTURE & ECONOMIC DEVELOPMENT	(0.29)	0.01	(0.03)	(0.31)
TRAFFIC OPERATIONS	0.08	0.06	-	0.13
COMMISSIONER'S OFFICE	0.07	-	-	0.07
Total	(0.15)	0.07	(0.03)	(0.11)

APPENDIX 14

CITY OF MARKHAM
Variances by Commission and Department
Mayor & Council
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

Department	Fav./ (Unfav.)			
	Personnel	Non-Personnel	Revenue	Total
MAYOR & COUNCIL	0.12	(0.01)	0.06	0.17
Total	0.12	(0.01)	0.06	0.17

APPENDIX 15

CITY OF MARKHAM
Variances by Commission and Department
Corporate Items
Financial Results for the Nine Months Ended Sep 30, 2019
(in millions of dollars)

Department	Fav./ (Unfav.)			
	Personnel	Non-Personnel	Revenue	Total
CORPORATE ITEMS	0.16	2.42	4.05	6.63
Total	0.16	2.42	4.05	6.63



Report to: General Committee

Meeting Date: November 18, 2019

SUBJECT: Quality Management System - Management Review
PREPARED BY: Andrea Tang, Manager, Business Compliance - ext. 3360
 Vincent Feng, QMS Coordinator – ext. 2737

RECOMMENDATION:

- 1) That the report titled “Quality Management System – Management Review” be received; and
- 2) That Council, as the Owner of the City’s drinking water system, acknowledge and support the outcome and action items identified from the Management Review; and further,
- 3) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not applicable.

PURPOSE:

To provide information outlining the results of the Management Review process. This report updates Council on the status of the drinking water Quality Management System (QMS). This report is required by the Ministry of the Environment, Conservation and Parks’ (MECP) Drinking Water Quality Management Standard (DWQMS).

BACKGROUND:

As per Element 20 of the DWQMS, under the Safe Drinking Water Act (SDWA), 2002, Top Management of the Operating Authority is required to report the results of the Management Review to the Owner on an annual basis. Top Management is defined as the highest level of management within the Operating Authority that makes decisions and recommendations regarding the QMS, and is comprised of the Chief Administrative Officer, the Commissioner of Community & Fire Services and the Director of Environmental Services.

OPTIONS/ DISCUSSION:

An annual management review is required by the DWQMS. Top Management uses this management review as an opportunity to assess the QMS. The review focuses on a set of specific components identified in the DWQMS. The following topics are legislated to be included in the review:

<ul style="list-style-type: none"> • Incidents of non-compliance with applicable regulations 	<ul style="list-style-type: none"> • Previous Management Review meeting action items
Incidents of adverse drinking-water tests	<ul style="list-style-type: none"> • Updates on action items identified between Management Review meetings
<ul style="list-style-type: none"> • Deviations from critical control point limits and corresponding actions taken 	<ul style="list-style-type: none"> • Changes that could impact the QMS
<ul style="list-style-type: none"> • The effectiveness of the risk assessment 	<ul style="list-style-type: none"> • Consumer feedback
<ul style="list-style-type: none"> • Findings from internal and external audits 	<ul style="list-style-type: none"> • Resources needed for QMS maintenance
<ul style="list-style-type: none"> • Emergency preparedness and response 	<ul style="list-style-type: none"> • Results of the infrastructure review
<ul style="list-style-type: none"> • Operational performance 	<ul style="list-style-type: none"> • The currency of the Operational Plan
<ul style="list-style-type: none"> • Trends in the quality of raw water supply and drinking-water 	<ul style="list-style-type: none"> • Comments and suggestions

This review process helps identify opportunities for continuous improvement of the QMS. Top Management met on October 8, 2019, to review system performance for the time period of January 1 to June 30, 2019, and confirm the adequacy, suitability and effectiveness of the QMS. Each of the managers provided detailed information on the City's water system to the Top management in which there were no major issues identified and there were no outstanding action items from previous reviews.

Outcome and action items identified during the review are indicated in the Report on Quality Management System to Council Management Review Outcome (October 8, 2019), Attachment "A". The City of Markham renewed its municipal drinking water license with MECP on July 22, 2019. The license was re-issued on October 11, 2019 to include a two year approval for lead sampling regulatory relief. The most recent license is included in Municipal Drinking Water License Issue 9, Attachment "B". The City of Markham's renewed permit is included in Drinking Water Works Permit Issue 4, Attachment "C".

FINANCIAL CONSIDERATIONS

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Municipal Services – The QMS allows for the continual improvement of municipal service levels provided to City residents and businesses with regards to safe drinking water.

Excellence Markham – The continuous review and improvement of the QMS ensures that policies, documentation and practices remain current and reflect best management practices where applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

The undersigned represent the Top Management of the City of Markham's Drinking Water System and by signing below; the Top Management of the Operating Authority has reviewed and approved the outcome of the Management Review meeting held on October 8, 2019.

RECOMMENDED BY:

Phoebe Fu, P. Eng.
Director, Environmental Services

Brenda Librecz
Commissioner, Community and Fire Services

Andy Taylor
Chief Administrative Officer

ATTACHMENTS:

Attachment "A" – Report on Quality Management System to Council Management Review Outcome (October 8, 2019)

Attachment "B" – Municipal Drinking Water License, Issue 9

Attachment "C" – Drinking Water Works Permit, Issue 4

Report on Quality Management System to Council Management Review Outcome

Meeting Date: October 8, 2019

Attendees: Andy Taylor, Brenda Librecz, Phoebe Fu, Andrea Tang, Eddy Wu, Gord Miokovic, Vin Sunak, Vince Feng

RESULTS OF MANAGEMENT REVIEW	REPORT
Summary of Management Review	<ul style="list-style-type: none"> • Presentation and supporting documentation provided to Top Management covered all required items identified in the Operational Plan and Drinking Water Quality Management Standard. • Top Management reviewed information from January 1 to June 30, 2019.
Deficiencies Identified	<ul style="list-style-type: none"> • No deficiencies were identified at this meeting
Decisions Made	<ol style="list-style-type: none"> 1. To confirm if neighboring municipalities are also reporting observational adverse watermain repairs as AWQIs. 2. To track PVC pipe break information and note any potential trends and impact. 3. To review the composition of CSRs that impact the Operations & Maintenance Performance measure. 4. To review the parameters set for Alectra as to when they are to notify the City of high consumptions (proactive notification) 5. To revise the Summary of Chemical Parameters table to identify average values affected by a change in the lab's detectable reportable limit. 6. To forward Municipal Drinking Water License Issue 9 and Drinking Water Works Permit Issue 4 to Top Management members when available.
Action Items	<p>Incidents of adverse drinking water tests</p> <ol style="list-style-type: none"> 1. Verify if local municipalities are also reporting observational adverse watermain repairs as AWQIs. <p>Operational Performance – Watermain Breaks</p> <ol style="list-style-type: none"> 2. Track and indicate the reason for break in PVC pipes, including Region failures. Note any trends and potential impact. <p>Operational Performance – Water Related Service Levels</p> <ol style="list-style-type: none"> 3. Review the composition of CSRs that impact the Performance measure. 4. Review the parameters set for Alectra as to when they are to notify the City of high consumptions (proactive). <p>Raw Water supply and drinking water quality trends</p> <ol style="list-style-type: none"> 5. Update the Summary of Chemical Parameters table to identify average values that are impacted by a change in the lab's detectable reportable limit. <p>Changes that could affect the Quality Management System</p> <ol style="list-style-type: none"> 6. Attach Municipal Drinking Water License Issue 9 and Drinking Water Works Permit Issue 4 with the Management Review minutes to Top Management members when available.

Report on Quality Management System to Council Management Review Outcome

RESULTS OF MANAGEMENT REVIEW	REPORT
Other QMS Issues Identified (including summary of corrective actions)	<ul style="list-style-type: none">• The City of Markham renewed its municipal drinking water license (MDWL) and drinking water works permit (DWWP) with the Ministry of Environment, Conservation and Parks (MECP) on July 22, 2019. The MECP approved a lead sampling regulatory relief for 2 years and re-issued the MDWL on October 11, 2019.• MDWL Issue 9 and DWWP Issue 4 are valid for 5 years and they will be forwarded to Top Management and Council.

Management Review Meeting Minutes are available upon request from the QMS Coordinator.



MUNICIPAL DRINKING WATER LICENCE

Licence Number: 021-101

Issue Number: 9

Pursuant to the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, and the regulations made thereunder and subject to the limitations thereof, I hereby issue this municipal drinking water licence under Part V of the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32 to:

The Corporation of the City of Markham

**101 Town Center Blvd.
Markham, ON
L3R 9W3**

For the following municipal residential drinking water system:

Markham Distribution System

This municipal drinking water licence includes the following:

Schedule	Description
Schedule A	Drinking Water System Information
Schedule B	General Conditions
Schedule C	System-Specific Conditions
Schedule D	Conditions for Relief from Regulatory Requirements

Upon the effective date of this drinking water licence # 021-101, all previously issued versions of licence # 021-101 are revoked and replaced by this licence.

DATED at TORONTO this 11th day of October, 2019

Signature

Aziz Ahmed, P.Eng.
Director
Part V, *Safe Drinking Water Act*, 2002

Schedule A: Drinking Water System Information

System Owner	The Corporation of the City of Markham
Licence Number	021-101
Drinking Water System Name	Markham Distribution System
Licence Effective Date	October 11, 2019

1.0 Licence Information

Licence Issue Date	October 11, 2019
Licence Effective Date	October 11, 2019
Licence Expiry Date	July 21, 2024
Application for Licence Renewal Date	January 21, 2024

2.0 Incorporated Documents

The following documents are applicable to the above drinking water system and form part of this licence:

2.1 Drinking Water Works Permit

Drinking Water System Name	Permit Number	Issue Date
Markham Distribution System	021-201	October 11, 2019

2.2 Permits to Take Water

Water Taking Location	Permit Number	Issue Date
Not Applicable	Not Applicable	Not Applicable

2.3 Other Documents

Document Title	Version Number	Version Date
Not Applicable	Not Applicable	Not Applicable

3.0 Financial Plans

The Financial Plan Number for the Financial Plan required to be developed for this drinking water system in accordance with O. Reg. 453/07 shall be:	021-301
Alternately, if one Financial Plan is developed for all drinking water systems owned by the owner, the Financial Plan Number shall be:	021-301A

021-101

Schedule A

October 11, 2019

4.0 Accredited Operating Authority

Drinking Water System or Operational Subsystems	Accredited Operating Authority	Operational Plan No.	Operating Authority No.
Markham Distribution System	The Corporation of the City of Markham	021-401	021-OA1

Schedule B: General Conditions

System Owner	The Corporation of the City of Markham
Licence Number	021-101
Drinking Water System Name	Markham Distribution System
Licence Effective Date	October 11,, 2019

1.0 Definitions

1.1 Words and phrases not defined in this licence and the associated drinking water works permit shall be given the same meaning as those set out in the SDWA and any regulations made in accordance with that act, unless the context requires otherwise.

1.2 In this licence and the associated drinking water works permit:

“adverse effect”, “contaminant” and “natural environment” shall have the same meanings as in the EPA;

“alteration” may include the following in respect of this drinking water system:

- (a) An addition to the system,
- (b) A modification of the system,
- (c) A replacement of part of the system, and
- (d) An extension of the system;

“compound of concern” means a contaminant described in paragraph 4 subsection 26 (1) of O. Reg. 419/05, namely, a contaminant that is discharged to the air from a component of the drinking water system in an amount that is not negligible;

“CT” means the CT Disinfection Concept, as described in subsection 3.1.1 of the Ministry’s Procedure for Disinfection of Drinking Water in Ontario, dated July 29 2016.

“Director” means a Director appointed pursuant to section 6 of the SDWA for the purposes of Part V of the SDWA;

“drinking water works permit” means the drinking water works permit for the drinking water system, as identified in Schedule A of this licence and as amended from time to time;

“emission summary table” means a table described in paragraph 14 of subsection 26 (1) of O. Reg. 419/05;

“EPA” means the *Environmental Protection Act*, R.S.O. 1990, c. E.19;

“financial plan” means the financial plan required by O. Reg. 453/07;

“Harmful Algal Bloom (HAB)” means an overgrowth of aquatic algal bacteria that produce or have the potential to produce toxins in the surrounding water, when the algal cells are damaged or die. Such bacteria are harmful to people and animals and include microcystins produced by cyanobacterial blooms.

“licence” means this municipal drinking water licence for the municipal drinking water system identified in Schedule A of this licence;

“Ministry” means the Ontario Ministry of the Environment, Conservation and Parks;

“operational plan” means an operational plan developed in accordance with the Director’s Directions – Minimum Requirements for Operational Plans made under the authority of subsection 15(1) of the SDWA;

“owner” means the owner of the drinking water system as identified in Schedule A of this licence;

“OWRA” means the *Ontario Water Resources Act*, R.S.O. 1990, c. 0.40;

“permit to take water” means the permit to take water that is associated with the taking of water for purposes of the operation of the drinking water system, as identified in Schedule A of this licence and as amended from time to time;

“point of impingement” has the same meaning as in section 2 of O. Reg. 419/05 under the EPA;

“point of impingement limit” means the appropriate standard from Schedule 2 or 3 of O. Reg. 419/05 under the EPA and if a standard is not provided for a compound of concern, the concentration set out for the compound of concern in the document titled “Air Contaminants Benchmarks (ACB) List: Standards, guidelines and screening levels for assessing point of impingement concentrations of air contaminants”, as amended from time to time and published by the Ministry and available on a government of Ontario website;

“licensed engineering practitioner” means a person who holds a licence, limited licence or temporary licence under the Professional Engineers Act;

“provincial officer” means a provincial officer designated pursuant to section 8 of the SDWA;

“publication NPC-300” means the Ministry publication titled “Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning” dated August 2013, as amended;

“SCADA system” means a supervisory control and data acquisition system used for process monitoring, automation, recording and/or reporting within the drinking water system;

“SDWA” means the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32;

"sensitive receptor" means any location where routine or normal activities occurring at reasonably expected times would experience adverse effect(s) from a discharge to air from an emergency generator that is a component of the drinking water system, including one or a combination of:

- (a) private residences or public facilities where people sleep (e.g.: single and multi-unit dwellings, nursing homes, hospitals, trailer parks, camping grounds, etc.),
- (b) institutional facilities (e.g.: schools, churches, community centres, day care centres, recreational centres, etc.),
- (c) outdoor public recreational areas (e.g.: trailer parks, play grounds, picnic areas, etc.), and
- (d) other outdoor public areas where there are continuous human activities (e.g.: commercial plazas and office buildings).

"sub-system" has the same meaning as in Ontario Regulation 128/04 (Certification of Drinking Water System Operators and Water Quality Analysts) under the SDWA;

"surface water" means water bodies (lakes, wetlands, ponds - including dug-outs), water courses (rivers, streams, water-filled drainage ditches), infiltration trenches, and areas of seasonal wetlands;

"UV" means ultraviolet, as in ultraviolet light produced from an ultraviolet reactor.

2.0 Applicability

- 2.1 In addition to any other applicable legal requirements, the drinking water system identified above shall be established, altered and operated in accordance with the conditions of the drinking water works permit and this licence.

3.0 Licence Expiry

- 3.1 This licence expires on the date identified as the licence expiry date in Schedule A of this licence.

4.0 Licence Renewal

- 4.1 Any application to renew this licence shall be made on or before the date identified as the application for licence renewal date set out in Schedule A of this licence.

5.0 Compliance

- 5.1 The owner and operating authority shall ensure that any person authorized to carry out work on or to operate any aspect of the drinking water system has been informed of the SDWA, all applicable regulations made in accordance with that act, the drinking water works permit and this licence and shall take all reasonable measures to ensure any such person complies with the same.

6.0 Licence and Drinking Water Works Permit Availability

- 6.1** At least one copy of this licence and the drinking water works permit shall be stored in such a manner that they are readily viewable by all persons involved in the operation of the drinking water system.

7.0 Permit to Take Water and Drinking Water Works Permit

- 7.1** A permit to take water identified in Schedule A of this licence is the applicable permit on the date identified as the Effective Date of this licence.
- 7.2** A drinking water works permit identified in Schedule A of this licence is the applicable permit on the date identified as the Effective Date of this licence.

8.0 Financial Plan

- 8.1** For every financial plan prepared in accordance with subsections 2(1) and 3(1) of O. Reg. 453/07, the owner of the drinking water system shall:
- 8.1.1 Ensure that the financial plan contains on the front page of the financial plan, the appropriate financial plan number as set out in Schedule A of this licence; and
- 8.1.2 Submit a copy of the financial plan to the Ministry of Municipal Affairs and Housing within three (3) months of receiving approval by a resolution of municipal council or the governing body of the owner.

9.0 Interpretation

- 9.1** Where there is a conflict between the provisions of this licence and any other document, the following hierarchy shall be used to determine the provision that takes precedence:
- 9.1.1 The SDWA;
- 9.1.2 A condition imposed in this licence that explicitly overrides a prescribed regulatory requirement;
- 9.1.3 A condition imposed in the drinking water works permit that explicitly overrides a prescribed regulatory requirement;
- 9.1.4 Any regulation made under the SDWA;
- 9.1.5 Any provision of this licence that does not explicitly override a prescribed regulatory requirement;
- 9.1.6 Any provision of the drinking water works permit that does not explicitly override a prescribed regulatory requirement;
- 9.1.7 Any application documents listed in this licence, or the drinking water works permit from the most recent to the earliest; and

-
- 9.1.8 All other documents listed in this licence, or the drinking water works permit from the most recent to the earliest.
 - 9.1.9 Any other technical bulletin or procedure issued by the Ministry from the most recent to the earliest.
 - 9.2** If any requirement of this licence or the drinking water works permit is found to be invalid by a court of competent jurisdiction, the remaining requirements of this licence and the drinking water works permit shall continue to apply.
 - 9.3** The issuance of and compliance with the conditions of this licence and the drinking water works permit does not:
 - 9.3.1 Relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement, including the *Environmental Assessment Act*, R.S.O. 1990, c. E.18; and
 - 9.3.2 Limit in any way the authority of the appointed Directors and provincial officers of the Ministry to require certain steps be taken or to require the owner to furnish any further information related to compliance with the conditions of this licence or the drinking water works permit.
 - 9.4** For greater certainty, nothing in this licence or the drinking water works permit shall be read to provide relief from regulatory requirements in accordance with section 46 of the SDWA, except as expressly provided in the licence or the drinking water works permit.

10.0 Adverse Effects

- 10.1** Nothing in this licence or the drinking water works permit shall be read as to permit:
 - 10.1.1 The discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect; or
 - 10.1.2 The discharge of any material of any kind into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters.
- 10.2** All reasonable steps shall be taken to minimize and ameliorate any adverse effect on the natural environment or impairment of the quality of water of any waters resulting from the operation of the drinking water system including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
- 10.3** Fulfillment of one or more conditions imposed by this licence or the drinking water works permit does not eliminate the requirement to fulfill any other condition of this licence or the drinking water works permit.

11.0 Change of Owner or Operating Authority

- 11.1** This licence is not transferable without the prior written consent of the Director.
- 11.2** The owner shall notify the Director in writing at least 30 days prior to a change of any operating authority identified in Schedule A of this licence.
- 11.2.1 Where the change of operating authority is the result of an emergency situation, the owner shall notify the Director in writing of the change as soon as practicable.

12.0 Information to be Provided

- 12.1** Any information requested by a Director or a provincial officer concerning the drinking water system and its operation, including but not limited to any records required to be kept by this licence or the drinking water works permit, shall be provided upon request.

13.0 Records Retention

- 13.1** Except as otherwise required in this licence or the drinking water works permit, any records required by or created in accordance with this licence or the drinking water works permit, other than the records specifically referenced in section 12 or section 13 of O. Reg. 170/03, shall be retained for at least 5 years and made available for inspection by a provincial officer, upon request.

14.0 Chemicals and Materials

- 14.1** All chemicals and materials used in the alteration or operation of the drinking water system that come into contact with water within the system shall meet all applicable standards set by both the American Water Works Association ("AWWA") and the American National Standards Institute ("ANSI") safety criteria standards NSF/60, NSF/61 and NSF/372.
- 14.1.1 In the event that the standards are updated, the owner may request authorization from the Director to use any on hand chemicals and materials that previously met the applicable standards.
- 14.2** The most current chemical and material product registration documentation from a testing institution accredited by either the Standards Council of Canada or by the American National Standards Institution ("ANSI") shall be available at all times for each chemical and material used in the operation of the drinking water system that comes into contact with water within the system.
- 14.3** Conditions 14.1 and 14.2 do not apply in the case of the following:
- 14.3.1 Water pipe and pipe fittings meeting AWWA specifications made from ductile iron, cast iron, PVC, fibre and/or steel wire reinforced cement pipe or high density polyethylene (HDPE);
- 14.3.2 Articles made from stainless steel, glass, HDPE or Teflon®;

- 14.3.3 Cement mortar for watermain lining and for water contacting surfaces of concrete structures made from washed aggregates and Portland cement;
- 14.3.4 Gaskets that are made from NSF approved materials;
- 14.3.5 Food grade oils and lubricants, food grade anti-freeze, and other food grade chemicals and materials that are compatible for drinking water use that may come into contact with drinking water, but are not added directly to the drinking water; or
- 14.3.6 Any particular chemical or material where the owner has written documentation signed by the Director that indicates that the Ministry is satisfied that the chemical or material is acceptable for use within the drinking water system and the chemical or material is only used as permitted by the documentation.

15.0 Drawings

- 15.1 All drawings and diagrams in the possession of the owner that show any treatment subsystem as constructed shall be retained by the owner unless the drawings and diagrams are replaced by a revised or updated version showing the subsystem as constructed subsequent to the alteration.
- 15.2 Any alteration to any treatment subsystem shall be incorporated into process flow diagrams, process and instrumentation diagrams, and record drawings and diagrams within one year of the alteration being completed or placed into service.
- 15.3 Process flow diagrams and process and instrumentation diagrams for any treatment subsystem shall be kept in a place, or made available in such a manner, that they may be readily viewed by all persons responsible for all or part of the operation of the drinking water system.

16.0 Operations and Maintenance Manual

- 16.1 An up-to-date operations and maintenance manual or manuals shall be maintained and applicable parts of the manual or manuals shall be made available for reference to all persons responsible for all or part of the operation or maintenance of the drinking water system.
- 16.2 The operations and maintenance manual or manuals, shall include at a minimum:
 - 16.2.1 The requirements of this licence and associated procedures;
 - 16.2.2 The requirements of the drinking water works permit for the drinking water system;
 - 16.2.3 A description of the processes used to achieve secondary disinfection within the drinking water system;
 - 16.2.4 Procedures for monitoring and recording the in-process parameters necessary for the control of any treatment subsystem and for assessing the performance of the drinking water system;

- 16.2.5 Procedures for the operation and maintenance of monitoring equipment;
- 16.2.6 Contingency plans and procedures for the provision of adequate equipment and material to deal with emergencies, upset conditions and equipment breakdown;
- 16.2.7 Procedures for dealing with complaints related to the drinking water system, including the recording of the nature of the complaint and any investigation and corrective action taken in respect of the complaint;
- 16.3** Procedures necessary for the operation and maintenance of any alterations to the drinking water system shall be incorporated into the operations and maintenance manual or manuals prior to those alterations coming into operation.
- 16.4** All of the procedures included or referenced within the operations and maintenance manual must be implemented.

Schedule C: System-Specific Conditions

System Owner	The Corporation of the City of Markham
Licence Number	021-101
Drinking Water System Name	Markham Distribution System
Licence Effective Date	October 11, 2019

1.0 Additional Sampling, Testing and Monitoring

Drinking Water Health and Non-Health Related Parameters

- 1.1** For each treatment subsystem or treatment subsystem component identified in column 1 of Tables 5 and 6 and in addition to any other sampling, testing and monitoring that may be required, sampling, testing and monitoring shall be undertaken for a test parameter listed in column 2 at the sampling frequency listed in column 3 and at the monitoring location listed in column 4 of the same row.

Table 5: Drinking Water Health Related Parameters

Column 1 Treatment Subsystem or Treatment Subsystem Component Name	Column 2 Test Parameter	Column 3 Sampling Frequency	Column 4 Monitoring Location
Markham Distribution System	Nitrosodimethylamine	Quarterly	Farthest point in the distribution system

Table 6: Drinking Water Non-Health Related Parameters

Column 1 Treatment Subsystem or Treatment Subsystem Component Name	Column 2 Test Parameter	Column 3 Sampling Frequency	Column 4 Monitoring Location
Not Applicable	Not Applicable	Not Applicable	Not Applicable

Environmental Discharge Parameters

- 1.2** Pursuant to Condition 10 of Schedule B of this licence, the owner may undertake the following environmental discharges associated with the maintenance and/or repair of the drinking water system:

1.2.1 The discharge of potable water from a watermain to a road or storm sewer;

1.2.2 The discharge of potable water from a water storage facility or pumping station:

1.2.2.1 To a road or storm sewer; or

- 1.2.2.2 To a watercourse where the discharge has been dechlorinated and if necessary, sediment and erosion control measures have been implemented.
- 1.2.3 The discharge of dechlorinated non-potable water from a watermain, water storage facility or pumping station to a road or storm sewer;
- 1.2.4 The discharge of potable water or non-potable water from a treatment subsystem to the environment where if necessary, the discharge has been dechlorinated and sediment and erosion control measures have been implemented.
- 1.2.5 The discharge of any excess water to a road, storm sewer or the environment, associated with the management of materials excavated as part of watermain construction or repair, where necessary sediment, erosion and environmental control measures have been implemented.

2.0 Studies Required

- 2.1 Not Applicable

3.0 Source Protection

- 3.1 The owner of the drinking water system shall implement risk management measures, as appropriate, to manage any potential threat to drinking water that results from the operation of the drinking water system.
- 3.2 The owner of the system shall notify the Director in writing within thirty (30) days of any approved changes to an applicable source protection plan that impact the assessed threat level of a fuel oil system identified in Schedule A of drinking water works permit.
- 3.3 The notification required in condition 3.2 shall include:
 - 3.3.1 A description of the changes and their impact on the assessed threat level of the fuel oil system(s); and,
 - 3.3.2 A timeline for re-assessing the threat level and providing the results of the assessment to the Director.

Schedule D: Conditions for Relief from Regulatory Requirements

System Owner	The Corporation of the City of Markham
Licence Number	021-101
Drinking Water System Name	Markham Distribution System
Licence Effective Date	October 11, 2019

1.0 Lead Regulatory Relief

- 1.1** For a drinking water system or drinking water subsystem identified by columns 1 and 2 of Table 1 and despite the provisions of Schedule 15.1 of O. Reg. 170/03, the owner is not required to comply with the sampling requirements of columns 3, 4 and 5 of the same row.

Table 1: Number of Sampling Points Required for Compliance with Schedule 15.1 of O. Reg. 170/03				
Column 1 Drinking Water System or Drinking Water Subsystem Name	Column 2 DWS Number	Column 3 Number of Sampling Points in Plumbing that Serves Private Residences	Column 4 Number of Sampling Points in Plumbing that Does Not Serve Private Residences	Column 5 Number of Sampling Points in Distribution System
Markham Distribution System	220004162	100	10	20

- 1.2** For a drinking water system or drinking water subsystem identified by columns 1 and 2 of Table 2 and subject to any other applicable conditions of this licence and drinking water works permit, the owner is required to comply with the sampling requirements of columns 3, 4 and 5 of the same row.

Table 2: Number of Sampling Points Required for Relief from Regulatory Requirements				
Column 1 Drinking Water System or Drinking Water Subsystem Name	Column 2 DWS Number	Column 3 Number of Sampling Points in Plumbing that Serves Private Residences	Column 4 Number of Sampling Points in Plumbing that Does Not Serve Private Residences	Column 5 Number of Sampling Points in Distribution System
Markham Distribution System	220004162	0	0	10

- 1.3** For a drinking water system or drinking water subsystem identified by columns 1 and 2 of Table 3, the relief from regulatory requirements granted in condition 1.1 is in effect for the sampling period identified in column 3 of the same row.

Table 3: Sampling Periods		
Column 1 Drinking Water System or Drinking Water Subsystem Name	Column 2 DWS Number	Column 3 Sampling Period
Markham Distribution System	220004162	December 15, 2019 to April 15, 2020 June 15, 2020 to October 15, 2020 December 15, 2020 to April 15, 2021 June 15, 2021 to October 15, 2021

- 1.4** For a drinking water system or drinking water subsystem identified by columns 1 and 2 of Table 4 and notwithstanding condition 1.3, the relief from regulatory requirements granted in condition 1.1 is also in effect for the sampling periods identified in column 3 of the same row.

Table 4: Sampling Periods		
Column 1 Drinking Water System or Drinking Water Subsystem Name	Column 2 DWS Number	Column 3 Sampling Period
Markham Distribution System	220004162	NA

- 1.5** The relief from regulatory requirements granted in condition 1.1 is conditional upon the owner submitting to the Director the following documentation no later than ten (10) calendar days after the end of each sampling period:
- 1.5.1 A copy of the documents sent to each residential and non-residential building within the area of service of the drinking water system or drinking water subsystem, requesting volunteers to provide sampling locations as required under Schedule 15.1 of O. Reg. 170/03;
 - 1.5.2 A copy of newspaper or other media advertisements requesting volunteers;
 - 1.5.3 Logs of direct contacts made with occupants of residential and non-residential buildings requesting volunteers, including phone calls or home visits. For greater certainty, this clause does not impose a requirement to contact each private residence within the area of service, but the owner shall make reasonable efforts to directly contact private residences to request volunteers;
 - 1.5.4 Documentation of any other steps taken to secure volunteers to provide sampling locations as required under Schedule 15.1 of O. Reg. 170/03;
 - 1.5.5 A statement from the owner confirming that reasonable efforts were made to contact occupants of all residential and non-residential buildings within the service area to secure volunteers; and

- 1.5.6 A statement from the owner confirming the number of volunteers for both residential and non-residential locations.
- 1.5.7 The relief from regulatory requirements granted in accordance with condition 1.1 ceases to apply to a sampling period identified in Table 4 if the owner does not comply with condition 1.5.
- 1.6 In the event that the owner secures a larger number of volunteers for sampling in any one sampling period than is required in Table 2, the owner shall increase the number of samples collected during any sampling period identified in Tables 3 and 4 to include the additional volunteers, up to the minimum required under Schedule 15.1 of O. Reg. 170/03. Regardless of the number of additional samples collected during that sampling period, the relief granted in accordance with condition 1.1 will remain in effect for the other sampling periods listed in Table 4.
- 1.7 In the event O. Reg. 170/03 is amended to require fewer sampling locations than specified under the relief granted in accordance with condition 1.1, then the regulation shall prevail.
- 1.8 Subsection 15.1 – 5 (Reduced Sampling) of O. Reg. 170/03 does not apply to the drinking water system or drinking water subsystems identified in this licence as long as the relief from regulatory requirements granted in accordance with condition 1.1 remains in effect.

2.0 Other Regulatory Relief

- 2.1 Subject to Condition 2.2 below, the provisions of Section 17-9 of Schedule 17 of O. Reg. 170/03 do not apply to the drinking water system with respect to corrective action in the event of adverse bacteriological test results indicating the presence of *Aeromonas* spp., etc., if the drinking water system provides chloramination.
- 2.2 For the purpose of Section 18 of the SDWA, in respect of *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp., or fecal *streptococci* (Group D *streptococci*), and subject to the condition above, the owner of the drinking water system and the operating authority for the system shall ensure that the following corrective action is taken:
 - a) Resample and test as soon as reasonably possible.
 - b) If *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp., or fecal *streptococci* (Group D *streptococci*) are detected under paragraph a) above, immediately flush the watermains to ensure that a combined chlorine residual of at least 0.25 milligram per litre is achieved at all points in the affected parts of the distribution system.
 - c) Continue to resample and test until *Aeromonas* spp., *Pseudomonas aeruginosa*, *Staphylococcus aureus*, *Clostridium* spp., or fecal *streptococci* (Group D *streptococci*) are not detected in any of the samples from two consecutive sets of samples taken 24 to 48 hours apart or as otherwise directed by the Medical Officer of Health.

d) Take such other steps as are directed by the Medical Officer of Health.

- 2.3** Subject to Condition 2.4 below, the following provisions of O. Reg, 170/03 do not apply to the drinking water system with respect to corrective action in the event of an adverse bacteriological test results indicating the presence of *E. coli* or total coliforms, if the drinking water system provides chloramination:
- a) Paragraph 2 of Section 17-5 Schedule 17 - *E. coli*
Immediately increase the chlorine or chloramination dose and flush the watermain to ensure that a combined chlorine residual of at least 1.0 milligram per litre is achieved at all points in the affected parts of the distribution system.
 - b) Paragraph 2 of Section 17-6 Schedule 17 - total coliforms
If total coliforms are detected under paragraph 1 of Section 17-6 Schedule 17, immediately increase the chlorine or chloramination dose and flush the watermain to ensure that a combined chlorine residual of at least 1.0 milligram per litre is achieved at all points in the affected parts of the distribution system, if the drinking water system provides chloramination.
- 2.4** Indicating the presence of *E. coli* or total coliforms from treated water samples collected in the distribution system shall apply:
- a) Immediately flush the watermain to ensure that a combined chlorine residual of at least 0.25 milligram per litre is achieved at all points in the affected parts of the distribution system.
- 2.5** For purposes of subsection 10-2 of Schedule 10 of Reg. 170/03 a drinking water system serves a population if its distribution system is directly connected to the plumbing that serves the population.



DRINKING WATER WORKS PERMIT

Permit Number: 021-201

Issue Number: 4

Pursuant to the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, and the regulations made thereunder and subject to the limitations thereof, I hereby issue this drinking water works permit under Part V of the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32 to:

The Corporation of the City of Markham

**101 Town Center Blvd.
Markham, ON
L3R 9W3**

For the following municipal residential drinking water system:

Markham Distribution System

This drinking water works permit includes the following:

Schedule	Description
Schedule A	Drinking Water System Description
Schedule B	General
Schedule C	All documents issued as Schedule C to this drinking water works permit which authorize alterations to the drinking water system

Upon the effective date of this drinking water works permit # 021-201, all previously issued versions of permit # 021-201 are revoked and replaced by this permit.

DATED at TORONTO this 22nd day of July, 2019

Signature

Aziz Ahmed, P.Eng.
Director
Part V, *Safe Drinking Water Act*, 2002

Schedule A: Drinking Water System Description

System Owner	The Corporation of the City of Markham
Permit Number	021-201
Drinking Water System Name	Markham Distribution System
Permit Effective Date	July 22, 2019

1.0 System Description

- 1.1 The following is a summary description of the works comprising the above drinking water system:

Overview

The **Markham Distribution System** consists of three primary pressure districts and approximately 1081 kilometers of watermains and transmission mains.

Raw water from Lake Ontario is treated by the City of Toronto and the Regional Municipality of Peel. Potable water from these systems is transmitted to the Regional Municipality of York which sells it wholesale to local municipalities including the City of Markham.

Watermains

- 1.2 Watermains within the distribution system comprise:

- 1.2.1 Watermains that have been set out in each document or file identified in column 1 of Table 1.

Table 1: Watermains	
Column 1 Document or File Name	Column 2 Date
Distribution System Map - Markham Distribution System.pdf	December 20, 2018

- 1.2.2 Watermains that have been added, modified, replaced or extended further to the provisions of Schedule C of this drinking water works permit on or after the date identified in column 2 of Table 1 for each document or file identified in column 1.

- 1.2.3 Watermains that have been added, modified, replaced or extended further to an authorization by the Director on or after the date identified in column 2 of Table 1 for each document or file identified in column 1.

Schedule B: General

System Owner	The Corporation of the City of Markham
Permit Number	021-201
Drinking Water System Name	Markham Distribution System
Permit Effective Date	July 22, 2019

1.0 Applicability

- 1.1 In addition to any other applicable legal requirements, the drinking water system identified above shall be altered and operated in accordance with the conditions of this drinking water works permit and the licence # 021-101.
- 1.2 The definitions and conditions of licence # 021-101 are incorporated into this permit and also apply to this drinking water system.

2.0 Alterations to the Drinking Water System

- 2.1 Any document issued by the Director to be incorporated into Schedule C to this drinking water works permit shall provide authority to alter the drinking water system in accordance with the applicable conditions of this drinking water works permit and licence # 021-101.
- 2.2 All documents issued by the Director as described in condition 2.1 shall form part of this drinking water works permit.
- 2.3 All parts of the drinking water system in contact with drinking water that are added, modified, replaced, extended shall be disinfected in accordance with a procedure approved by the Director or in accordance with the applicable provisions of the following documents:
 - a) The ministry's Watermain Disinfection Procedure, dated November 2015;
 - b) Subject to condition 2.3.2, any updated version of the ministry's Watermain Disinfection Procedure;
 - c) AWWA C652 – Standard for Disinfection of Water-Storage Facilities;
 - d) AWWA C653 – Standard for Disinfection of Water Treatment Plants; and
 - e) AWWA C654 – Standard for Disinfection of Wells.
- 2.3.1 For greater clarity, where an activity has occurred that could introduce contamination, including but not limited to repair, maintenance, or physical / video inspection, all equipment that may come in contact with the drinking water system shall be disinfected in accordance with the requirements of condition 2.3. above.
- 2.3.2 Updated requirements described in condition 2.3 b) are effective six months from the date of publication of the updated Watermain Disinfection Procedure.
- 2.4 The owner shall notify the Director in writing within thirty (30) days of the placing into service or the completion of any addition, modification, replacement, removal or extension of the drinking water system which had been authorized through:

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- 2.4.1 Schedule B to this drinking water works permit which would require an alteration of the description of a drinking water system component described in Schedule A of this drinking water works permit;
 - 2.4.2 Any document to be incorporated in Schedule C to this drinking water works permit respecting works other than watermain; or
 - 2.4.3 Any approval issued prior to the issue date of the first drinking water works permit respecting works other than watermain which were not in service at the time of the issuance of the first drinking water works permit.
 - 2.5 The notification required in condition 2.4 shall be submitted using the "Director Notification Form" published by the Ministry.
 - 2.6 For greater certainty, the notification requirements set out in condition 2.4 do not apply to any addition, modification, replacement, removal or extension in respect of the drinking water system which:
 - 2.6.1 Is exempt from subsection 31(1) of the SDWA by subsection 9.(2) of O. Reg. 170/03;
 - 2.6.2 Constitutes maintenance or repair of the drinking water system; or
 - 2.6.3 Is a watermain authorized by condition 3.1 of Schedule B of this drinking water works permit.
 - 2.7 The owner shall notify the legal owner of any part of the drinking water system that is prescribed as a municipal drinking water system by section 2 of O. Reg. 172/03 of the requirements of the licence and this drinking water works permit as applicable to the prescribed system.
 - 2.8 For greater certainty, the owner may only carry out alterations to the drinking water system in accordance with this drinking water works permit after having satisfied other applicable legal obligations, including those arising from the *Environmental Assessment Act*, *Niagara Escarpment Planning and Development Act*, *Oak Ridges Moraine Conservation Act, 2001* and *Greenbelt Act, 2005*.

3.0 Watermain Additions, Modifications, Replacements and Extensions

- 3.1 The owner may alter the drinking water system, or permit it to be altered by a person acting on the owner's behalf, by adding, modifying, replacing or extending a watermain within the distribution system subject to the following conditions:
 - 3.1.1 The design of the watermain addition, modification, replacement or extension:
 - a) Has been prepared by a licensed engineering practitioner;
 - b) Has been designed only to transmit water and has not been designed to treat water;
 - c) Satisfies the design criteria set out in the Ministry publication "Watermain Design Criteria for Future Alterations Authorized under a Drinking Water Works Permit – June 2012", as amended from time to time; and

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- d) Is consistent with or otherwise addresses the design objectives contained within the Ministry publication "Design Guidelines for Drinking Water Systems, 2008", as amended from time to time.
 - 3.1.2 The maximum demand for water exerted by consumers who are serviced by the addition, modification, replacement or extension of the watermain will not result in an exceedance of the rated capacity of a treatment subsystem or the maximum flow rate for a treatment subsystem component as specified in the licence, or the creation of adverse conditions within the drinking water system.
 - 3.1.3 The watermain addition, modification, replacement or extension will not adversely affect the distribution system's ability to maintain a minimum pressure of 140 kPa at ground level at all points in the distribution system under maximum day demand plus fire flow conditions.
 - 3.1.4 Secondary disinfection will be provided to water within the added, modified, replaced or extended watermain to meet the requirements of O. Reg. 170/03.
 - 3.1.5 The watermain addition, modification, replacement or extension is wholly located within the municipal boundary over which the owner has jurisdiction.
 - 3.1.6 The owner of the drinking water system consents in writing to the watermain addition, modification, replacement or extension.
 - 3.1.7 A licensed engineering practitioner has verified in writing that the watermain addition, modification, replacement or extension meets the requirements of condition 3.1.1.
 - 3.1.8 The owner of the drinking water system has verified in writing that the watermain addition, modification, replacement or extension meets the requirements of conditions 3.1.2 to 3.1.6.
 - 3.2 The authorization for the addition, modification, replacement or extension of a watermain provided for in condition 3.1 does not include the addition, modification, replacement or extension of a watermain that:
 - 3.2.1 Passes under or through a body of surface water, unless trenchless construction methods are used;
 - 3.2.2 Has a nominal diameter greater than 750 mm;
 - 3.2.3 Results in the fragmentation of the drinking water system; or
 - 3.2.4 Connects to another drinking water system, unless:
 - a) Prior to construction, the owner of the drinking water system seeking the connection obtains written consent from the owner or owner's delegate of the drinking water system being connected to; and
 - b) The owner of the drinking water system seeking the connection retains a copy of the written consent from the owner or owner's delegate of the drinking water system being connected to as part of the record that is recorded and retained under condition 3.3.

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- 3.3 The verifications required in conditions 3.1.7 and 3.1.8 shall be:
- 3.3.1 Recorded on “Form 1 – Record of Watermains Authorized as a Future Alteration”, as published by the Ministry, prior to the watermain addition, modification, replacement or extension being placed into service; and
 - 3.3.2 Retained for a period of ten (10) years by the owner.
- 3.4 For greater certainty, the verification requirements set out in condition 3.3 do not apply to any addition, modification, replacement or extension in respect of the drinking water system which:
- 3.4.1 Is exempt from subsection 31(1) of the SDWA by subsection 9.(2) of O. Reg. 170/03; or
 - 3.4.2 Constitutes maintenance or repair of the drinking water system.
- 3.5 The document or file referenced in Column 1 of Table 1 of Schedule A of this drinking water works permit that sets out watermains shall be retained by the owner and shall be updated to include watermain additions, modifications, replacements and extensions within 12 months of the addition, modification, replacement or extension.
- 3.6 The updates required by condition 3.5 shall include watermain location relative to named streets or easements and watermain diameter.
- 3.7 Despite clause (a) of condition 3.1.1 and condition 3.1.7, with respect to the replacement of an existing watermain or section of watermain that is 6.1 meters in length or less, if a licensed engineering practitioner has:
- 3.7.1 inspected the replacement prior to it being put into service;
 - 3.7.2 prepared a reporting confirming that the replacement satisfies clauses (b), (c) and (d) of condition 3.1.1 (i.e. “Form 1 – Record of Watermains Authorized by a Future Alteration” (Form 1), Part 3, items No. 2, 3 and 4); and
 - 3.7.3 appended the report referred to in condition 3.7.2 to the completed Form 1,
- the replacement is exempt from the requirements that the design of the replacement be prepared by a licensed engineering practitioner and that a licensed engineering practitioner verify on Form 1, Part 3, item No. 1 that a licensed engineering practitioner prepared the design of the replacement.
- 3.8 For greater certainty, the exemption in condition 3.7 does not apply to the replacement of an existing watermain or section of watermain if two or more sections of pipe, each of which is 6.1 meters in length or less, are joined together, if the total length of replacement pipes joined together is greater than 6.1 meters.

4.0 Minor Modifications to the Drinking Water System

- 4.1 The drinking water system may be altered by adding, modifying or replacing the following components in the drinking water system:
- 4.1.1 Coagulant feed systems in the treatment system, including the location and number of dosing points:

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- a) Prior to making any alteration to the drinking water system under condition 4.1.1, the owner shall undertake a review of the impacts that the alteration might have on corrosion control or other treatment processes; and
 - b) The owner shall notify the Director in writing within thirty (30) days of any alteration made under condition 4.1.1 and shall provide the Director with a copy of the review.
 - c) The notification required in condition 4.1.1 b) shall be submitted using the "Director Notification Form" published by the Ministry
 - 4.1.2 Instrumentation and controls, including new SCADA systems and upgrades to SCADA system hardware;
 - 4.1.3 SCADA system software or programming that:
 - a) Measures, monitors or reports on a regulated parameter;
 - b) Measures, monitor or reports on a parameter that is used to calculate CT; or,
 - c) Calculates CT for the system or is part of the process algorithm that calculates log removal, where the impacts of addition, modification or replacement have been reviewed by a licensed engineering practitioner;
 - 4.1.4 Filter media, backwashing equipment, filter troughs, and under-drains and associated equipment in the treatment system;
 - 4.1.5 Spill containment works; or,
 - 4.1.6 Coarse screens and fine screens
 - 4.2 The drinking water system may be altered by adding, modifying, replacing or removing the following components in the drinking water system:
 - 4.2.1 Treated water pumps, pressure tanks, and associated equipment;
 - 4.2.2 Raw water pumps and process pumps in the treatment system;
 - 4.2.3 Inline booster pumping stations that are not associated with distribution system storage facilities and are on a watermain with a nominal diameter not exceeding 200 mm;
 - 4.2.4 Re-circulation devices within distribution system storage facilities;
 - 4.2.5 In-line mixing equipment;
 - 4.2.6 Chemical metering pumps and chemical handling pumps;
 - 4.2.7 Chemical storage tanks (excluding fuel storage tanks) and associated equipment; or,
 - 4.2.8 Measuring and monitoring devices that are not required by regulation, by a condition in the Drinking Water Works Permit, or by a condition otherwise imposed by the Ministry.

- 4.2.9 Chemical injection points.
- 4.2.10 Valves;
- 4.3 The drinking water system may be altered by replacing the following:
 - 4.3.1 Raw water piping, treatment process piping or treated water piping within the treatment subsystem;
 - 4.3.2 Measuring and monitoring devices that are required by regulation, by a condition in the Drinking Water Works Permit or by a condition otherwise imposed by the Ministry.
 - 4.3.3 Coagulants and pH adjustment chemicals, where the replacement chemicals perform the same function;
 - a) Prior to making any alteration to the drinking water system under condition 4.3.3, the owner shall undertake a review of the impacts that the alteration might have on corrosion control or other treatment processes; and
 - b) The owner shall notify the Director in writing within thirty (30) days of any alteration made under condition 4.3.3 and shall provide the Director with a copy of the review.
 - c) The notification required in condition 4.3.3 b) shall be submitted using the "Director Notification Form" published by the Ministry
- 4.4 Any alteration of the drinking water system made under conditions 4.1, 4.2 or 4.3 shall not result in:
 - 4.4.1 An exceedance of a treatment subsystem rated capacity or a treatment subsystem component maximum flow rate as specified in the licence;
 - 4.4.2 The bypassing or removal of any unit process within a treatment subsystem;
 - 4.4.3 The addition of any new unit process other than coagulation within a treatment subsystem;
 - 4.4.4 A deterioration in the quality of drinking water provided to consumers;
 - 4.4.5 A reduction in the reliability or redundancy of any component of the drinking water system;
 - 4.4.6 A negative impact on the ability to undertake compliance and other monitoring necessary for the operation of the drinking water system; or
 - 4.4.7 An adverse effect on the environment.
- 4.5 The owner shall verify in writing that any addition, modification, replacement or removal of drinking water system components in accordance with conditions 4.1, 4.2 or 4.3 has met the requirements of the conditions listed in condition 4.4.

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- 4.6 The verifications and documentation required in condition 4.5 shall be:
- 4.6.1 Recorded on “Form 2 – Record of Minor Modifications or Replacements to the Drinking Water System” published by the Ministry, prior to the modified or replaced components being placed into service; and
 - 4.6.2 Retained for a period of ten (10) years by the owner.
- 4.7 For greater certainty, the verification requirements set out in conditions 4.5 and 4.6 do not apply to any addition, modification, replacement or removal in respect of the drinking water system which:
- 4.7.1 Is exempt from subsection 31(1) of the SDWA by subsection 9.(2) of O. Reg. 170/03; or
 - 4.7.2 Constitutes maintenance or repair of the drinking water system, including software changes to a SCADA system that are not listed in condition 4.1.3
- 4.8 The owner shall update any drawings maintained for the drinking water system to reflect the modification or replacement of the works, where applicable.

5.0 Equipment with Emissions to the Air

- 5.1 The drinking water system may be altered by adding, modifying or replacing any of the following drinking water system components that may discharge or alter the rate or manner of a discharge of a compound of concern to the air:
- 5.1.1 Any equipment, apparatus, mechanism or thing that is used for the transfer of outdoor air into a building or structure that is not a cooling tower;
 - 5.1.2 Any equipment, apparatus, mechanism or thing that is used for the transfer of indoor air out of a space used for the production, processing, repair, maintenance or storage of goods or materials, including chemical storage;
 - 5.1.3 Laboratory fume hoods used for drinking water testing, quality control and quality assurance purposes;
 - 5.1.4 Low temperature handling of compounds with a vapor pressure of less than 1 kilopascal;
 - 5.1.5 Maintenance welding stations;
 - 5.1.6 Minor painting operations used for maintenance purposes;
 - 5.1.7 Parts washers for maintenance shops;
 - 5.1.8 Emergency chlorine and ammonia gas scrubbers and absorbers;
 - 5.1.9 Venting for activated carbon units for drinking water taste and odour control;
 - 5.1.10 Venting for a stripping unit for methane removal from a groundwater supply;
 - 5.1.11 Venting for an ozone treatment unit;

- 5.1.12 Natural gas or propane fired boilers, water heaters, space heaters and make-up air units with a total facility-wide heat input rating of less than 20 million kilojoules per hour, and with an individual fuel energy input of less than or equal to 10.5 gigajoules per hour; or
- 5.1.13 Emergency generators that fire No. 2 fuel oil (diesel fuel) with a sulphur content of 0.5 per cent or less measured by weight, natural gas, propane, gasoline or biofuel, and that are used for emergency duty only with periodic testing.
- 5.2 The owner shall not make an addition, modification, or replacement described in condition 5.1 in relation to an activity that is not related to the treatment and/or distribution of drinking water.
- 5.3 The emergency generators identified in condition 5.1.13 shall not be used for non-emergency purposes including the generation of electricity for sale or for peak shaving purposes.
- 5.4 The owner shall prepare an emission summary table for nitrogen oxides emissions only, for each addition, modification or replacement of emergency generators identified in condition 5.1.13.

Performance Limits

- 5.5 The owner shall ensure that a drinking water system component identified in conditions 5.1.1 to 5.1.13 is operated at all times to comply with the following limits:
 - 5.5.1 For equipment other than emergency generators, the maximum concentration of any compound of concern at a point of impingement shall not exceed the corresponding point of impingement limit;
 - 5.5.2 For emergency generators, the maximum concentration of nitrogen oxides at sensitive receptors shall not exceed the applicable point of impingement limit, and at non-sensitive receptors shall not exceed the Ministry half-hourly screening level of 1880 ug/m³ as amended; and
 - 5.5.3 The noise emissions comply at all times with the limits set out in publication NPC-300, as applicable.
- 5.6 The owner shall verify in writing that any addition, modification or replacement of works in accordance with condition 5.1 has met the requirements of the conditions listed in condition 5.5.
- 5.7 The owner shall document how compliance with the performance limits outlined in condition 5.5.3 is being achieved, through noise abatement equipment and/or operational procedures.
- 5.8 The verifications and documentation required in conditions 5.6 and 5.7 shall be:
 - 5.8.1 Recorded on "Form 3 – Record of Addition, Modification or Replacement of Equipment Discharging a Contaminant of Concern to the Atmosphere", as published by the Ministry, prior to the additional, modified or replacement equipment being placed into service; and

5.8.2 Retained for a period of ten (10) years by the owner.

5.9 For greater certainty, the verification and documentation requirements set out in conditions 5.6 and 5.8 do not apply to any addition, modification or replacement in respect of the drinking water system which:

5.9.1 Is exempt from subsection 31(1) of the SDWA by subsection 9.(2) of O. Reg. 170/03; or

5.9.2 Constitutes maintenance or repair of the drinking water system.

5.10 The owner shall update any drawings maintained for the works to reflect the addition, modification or replacement of the works, where applicable.

6.0 Previously Approved Works

6.1 The owner may add, modify, replace or extend, and operate part of a municipal drinking water system if:

6.1.1 An approval was issued after January 1, 2004 under section 36 of the SDWA in respect of the addition, modification, replacement or extension and operation of that part of the municipal drinking water system;

6.1.2 The approval expired by virtue of subsection 36(4) of the SDWA; and

6.1.3 The addition, modification, replacement or extension commenced within five years of the date that activity was approved by the expired approval.

7.0 System-Specific Conditions

7.1 Not Applicable

8.0 Source Protection

8.1 Not Applicable

Schedule C: Authorization to Alter the Drinking Water System

System Owner	The Corporation of the City of Markham
Permit Number	021-201
Drinking Water System Name	Markham Distribution System
Permit Effective Date	July 22, 2019

1.0 General

- 1.1 Table 2 provides a reference list of all documents to be incorporated into Schedule C that have been issued as of the date that this permit was issued.

- 1.1.1 Table 2 is not intended to be a comprehensive list of all documents that are part of Schedule C. For clarity, any document issued by the Director to be incorporated into Schedule C after this permit has been issued is considered part of this drinking water works permit.

Table 2: Schedule C Documents				
Column 1 Issue #	Column 2 Issued Date	Column 3 Description	Column 4 Status	Column 5 DN#
Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable

- 1.2 For each document described in columns 1, 2 and 3 of Table 2, the status of the document is indicated in column 4. Where this status is listed as 'Archived', the approved alterations have been completed and relevant portions of this permit have been updated to reflect the altered works. These 'Archived' Schedule C documents remain as a record of the alterations.



Report to: General Committee

Meeting Date: Nov 18, 2019

SUBJECT: Transfer of Peter St. Watermain from Region of York
PREPARED BY: Shu Min Gao, Water System Engineer, Ext: 6230
 Phoebe Fu, Director, Environmental Services, Ext: 3010

RECOMMENDATION:

- 1) That Staff be authorized to assume the ownership of the Peter Street regional watermain from the Regional Municipality of York; and,
- 2) That Staff be authorized to accept payment of \$1,364,000.00, excluding HST, from the Regional Municipality of York for assuming the ownership of the Peter Street regional watermain; and,
- 3) That Staff be authorized to deposit the payment of \$1,364,000.00 to the Waterworks Stabilization/Capital Reserve; and,
- 4) That the Director of Environmental Services be authorized to execute any documents in a form satisfactory to the City Solicitor related to the transfer of Peter Street watermain; and further,
- 5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

N/A

PURPOSE:

To seek Council's approval to assume ownership of the regional 400mm Peter Street watermain from 16th Ave to Springdale Street, (see the Attachment) along with their payment of \$1,364,000.00, excluding HST, for that transfer.

BACKGROUND:

The Regional Peter Street watermain conveys water to the local distribution system

The Regional 400 mmm ductile iron Peter Street watermain between 16th Avenue and Springdale Street was installed in 1978, a distance of approximately 620 meters. The watermain conveys water north to south from the Markham Pumping Station along 16th Avenue to the local water distribution system. The majority of the 620 meter watermain is located under the northbound lane of Peter Street at a depth of approximately two to three meters. This Regional main conveys water to the City of Markham's distribution system downstream, therefore, cannot be abandoned.

Two watermains on Peter Street, only one watermain is needed

There is a second 200mm PVC watermain on Peter Street running parallel to the Regional 400mm watermain. This 200mm watermain was constructed in 2000 (19 years old), belongs to the City of Markham and services the fronting properties.

The water hydraulic analysis for the area shows that only one 400mm watermain is needed on Peter Street to satisfy both water transmission and water distribution capacity requirements.

The Regional Peter Street watermain does not meet the “Water and Wastewater Infrastructure Regional Jurisdiction Policy” criteria

The Water and Wastewater Infrastructure Regional Jurisdiction Policy establishes the criteria used to define what should be Regional jurisdiction by service function. The Policy defines York Region’s jurisdiction for water distribution infrastructure to specifically include:

- Watermain and pumping stations that transmit bulk water supply to local municipalities
- Metering to determine flow from York Region to local municipalities

Region staff recommend that the watermain be transferred to the City of Markham and the delineation between Regional and the City jurisdiction be established at the pressure reducing valve chamber at the corner of 16th Ave and Peter Street.

OPTIONS/ DISCUSSION:

Region requested the City of Markham to take over ownership of 400mm main based on Jurisdiction Policy

The Regional Peter Street watermain experienced two watermain breaks within the last six years caused by external corrosion. It was determined by the Region that the Regional Peter Street watermain is nearing the end of its useful life after 40 years of service.

Based on the Water and Wastewater Infrastructure Regional Jurisdiction Policy, Region has requested the City of Markham to take over the ownership of the 400mm main. From an ownership perspective, City staff agrees that the 400mm main should be transferred to the City to make the ownership delineation clear and will benefit system operation and control. It will further enhance service continuity providing enhanced service response to our residents in this area.

Future replacement of the two watermain with one watermain

City Staff evaluated the efficiency of the two watermain on Peter Street, and determined that only one 400mm watermain is needed. To maximize the life of this existing 400 mm watermain and delay the replacement of the two watermain, staff is recommending the City continue monitoring the 400 mm ductile iron watermain performance. At some future date, when financially warranted and the maintenance cost becomes unacceptable, the two watermain (400 mm and 200 mm) would be replaced with one 400 mm local watermain.

The Region agrees to provide a lump sum payment for future rehabilitation or replacement to the City for the transfer of the Peter Street Regional watermain “as is”

The Region recognized that the Region's 400mm main requires rehabilitation/replacement and has agreed to supply a lump sum payment of \$1,364,000.00 to the City for the transfer. The Region would have incurred these costs regardless of the transfer.

City staff evaluated the transfer amount based on 100% of the cost to construct a brand new 400 mm PVC watermain in the 2019 based on previous similar works and associated maintenance costs. Based on those criteria, Environmental Services staff determined the transfer amount is reasonable for City to take over ownership.

The transfer benefits the City by setting clear delineation of jurisdiction and gaining efficiency of combining two pipes

By clearly delineating ownership at the valve chamber at the corner of 16th Avenue and Peter Street, the City can quickly address any service impacts to its local distribution system and appropriately plan and maintain its infrastructure.

Receiving full cost for the 400mm watermain replacement, will provide the City with a brand new (90 years of life expectancy) watermain, replacing the existing approximately 19year old 200 mm watermain at minimum or no additional cost to the City.

FINANCIAL CONSIDERATIONS

Based on the financial analysis conducted by Environmental Services, the acquisition of the 400 mm watermain appears to be reasonable to the Finance Department.

This money will be deposited into the Waterworks Stabilization/Capital Reserve to fund the future watermain replacement.

HUMAN RESOURCES CONSIDERATIONS

N/A

ALIGNMENT WITH STRATEGIC PRIORITIES:

Transfer of Peter Street watermain from the Region complements and supports the City's strategic plan under the goals of High Quality of Municipal Services and Stewardship of Money and Resources.

BUSINESS UNITS CONSULTED AND AFFECTED:

Legal Services and Finance have been consulted in the preparation of this report.

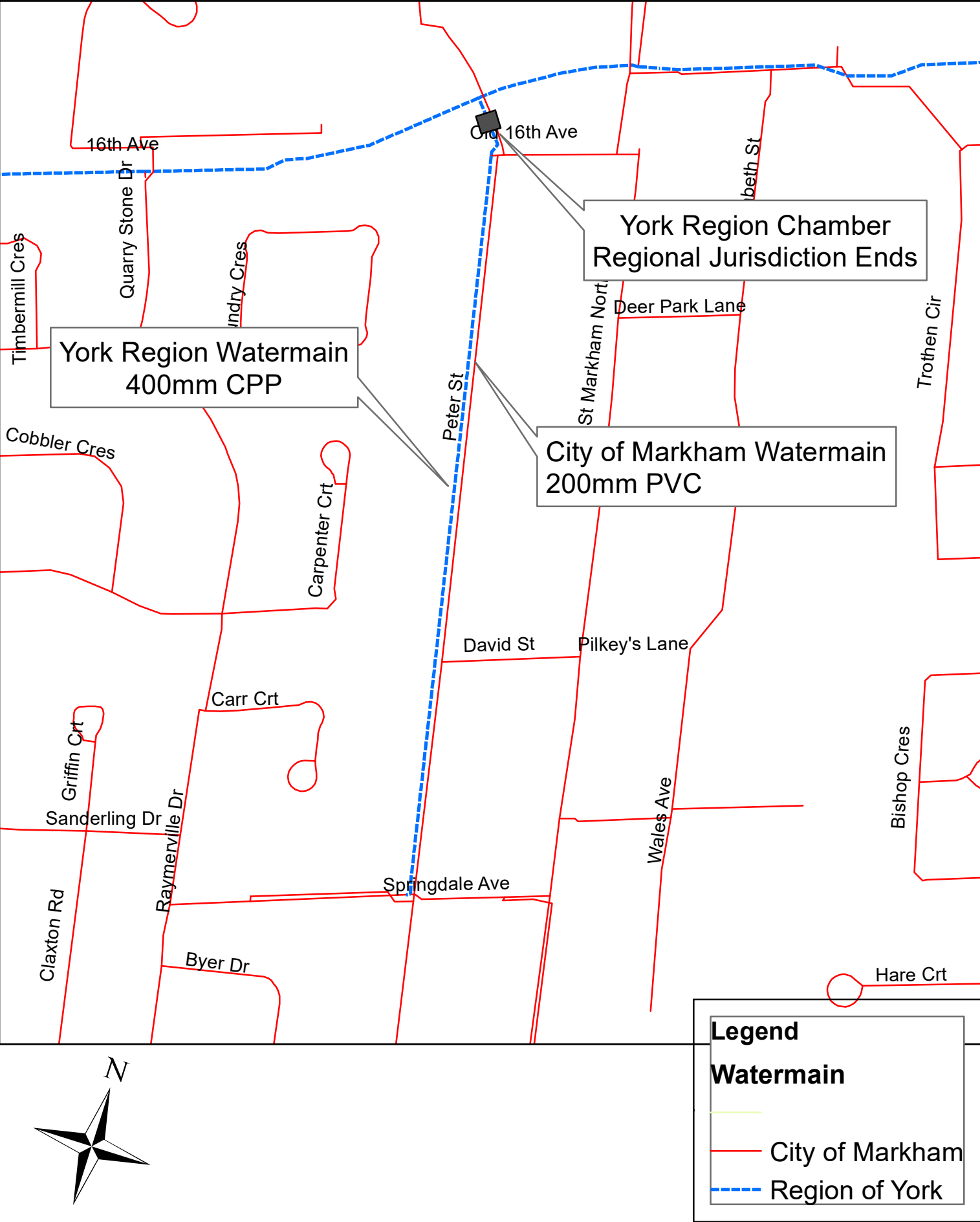
RECOMMENDED BY:

Phoebe Fu
Director, Environmental Services

Brenda Librecz
Commissioner, Community and Fire
Services

ATTACHMENTS:

Transfer of Peter Street Watermain from Region of York report – Attachment: A City of Markham Watermain





Report to: General Committee

Meeting Date: November 18, 2019

SUBJECT: Master Fire Plan, Second Crew at Station 99 (Cornell)
PREPARED BY: Dave Decker, ext. 5975

RECOMMENDATION:

- 1) That the report entitled “Master Fire Plan, Second Crew at Station 99 (Cornell)” be received; and,
- 2) That Council consider approval of the attached Terms of Reference in order to proceed with further analysis and consideration for the establishment of a second crew at Station 99 (Cornell) to improve fire response times for that area; and further,
- 3) That Staff be authorized and directed to schedule meetings as directed in the attached Terms of Reference.

PURPOSE:

The purpose of this report is in response to September 3, 2019 General Committee extract indicating the following:

**10.2 MASTER FIRE PLAN, TASK FORCE TERMS OF REFERENCE
 (SECOND CREW AT STATION 99 (CORNELL)) (7.15)**

The Committee suggested that this matter be postponed to the last General Committee Meeting in November 2019.

BACKGROUND:

Refer to September 3, 2019 Report Master Fire Plan, Task Force Terms of Reference.

OPTIONS/ DISCUSSION:

Refer to September 3, 2019 Report Master Fire Plan, Task Force Terms of Reference.

FINANCIAL CONSIDERATIONS

Refer to September 3, 2019 Report Master Fire Plan, Task Force Terms of Reference.

HUMAN RESOURCES CONSIDERATIONS

Refer to September 3, 2019 Report Master Fire Plan, Task Force Terms of Reference.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Refer to September 3, 2019 Report Master Fire Plan, Task Force Terms of Reference.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:

Dave Decker
Fire Chief

Brenda Librecz
Commissioner, Community & Fire Services

ATTACHMENTS:

1. General Committee - September 3, 2019 Extract
2. Report - Master Fire Plan, Task Force Terms of Reference
3. Terms of Reference for a Fire Response Task Force
4. 2018 Report to General Committee – Master Fire Plan, Second Crew at Station 99 (Cornell)
5. Presentation to May 2018 General Committee
6. Presentation to April 2018 General Committee

**General Committee
September 3, 2019
Extract**

To: Dave Decker, Fire Chief

**10.2 MASTER FIRE PLAN, TASK FORCE TERMS OF REFERENCE
(SECOND CREW AT STATION 99 (CORNELL)) (7.15)**

The Committee suggested that this matter be postponed to the last General Committee Meeting in November 2019.

Moved by Mayor Frank Scarpitti

Seconded by Deputy Mayor Don Hamilton

1. That the report entitled “Master Fire Plan, Task Force Terms of Reference Second Crew at Station 99 (Cornell)” be received;
2. That Council approve the attached Terms of Reference for the creation of a Council Task Force to review the recommendations from the Fire Chief for the second crew at Station 99 (Cornell) to improve fire response times for that area; and further,
3. That Council appoint members of Council to the Committee as outlined in the Terms of Reference.

Postponed



Report to: General Committee

Meeting Date: September 3, 2019

SUBJECT: Master Fire Plan, Task Force Terms of Reference
(Second Crew at Station 99 (Cornell))

PREPARED BY: Dave Decker, Fire Chief (ext. 5975)

RECOMMENDATION:

- 1) THAT the report entitled “Master Fire Plan, Task Force Terms of Reference Second Crew at Station 99 (Cornell)” be received;
- 2) THAT Council approve the attached Terms of Reference for the creation of a Council Task Force to review the recommendations from the Fire Chief for the second crew at Station 99 (Cornell) to improve fire response times for that area; and
- 3) THAT Council appoint four members of Council to the Committee as outlined in the Terms of Reference.

PURPOSE:

The purpose of this report is to provide, as directed by General Committee on June 12th 2018, Terms of Reference for the formation and appointment of Members of Council to a Council Task Force to review the report and recommendations from the Fire Chief for a second crew at Cornell related to improving response times.

BACKGROUND:

Markham Fire and Emergency Services Master Fire Plan (MFP) was completed and adopted in principle by Council in March 2012. In June of 2012, the Master Fire Plan - Implementation Plan was approved subject to annual business planning, operating, and capital budget processes.

Consistent with municipal fire services, staff used two reliable sources of benchmarked data to guide decision-making related to the Council-approved service levels for the City of Markham’s fire protection services.

They include:

1. **Fire Underwriters Survey (FUS)** provides data on public fire protection for fire insurance statistical work and underwriting. Staff engaged FUS in 2013, resulting in three key areas of improvement, namely Pre-Fire Planning, Total Fire Force Available, and Ladder (Aerial) Truck Service. This is consistent with the MFP in supporting a consistent level of service across the municipality.
2. **The National Fire Protection Association (NFPA)** standards for fire response criteria are used in the MFP to address minimum staffing, travel time to a reported fire and to safely and effectively perform the tasks necessary to conduct initial fire attack, and activities to support search and rescue.

In 2017, the Fire Chief undertook a geospatial review of fire response across the City and measured the results against Council-approved levels of service established in the Master Fire Plan and its Implementation Plan. Deployment mapping was completed through GIS and reviewed.

The Fire Chief delivered a presentation with recommendations during the April 9, 2018 General Committee meeting reporting on the MFP and activities to address service response deficiencies. The presentation demonstrated how fire response occurs and the critical need for the first truck to arrive at the scene within 4 minutes (first truck) and the remaining 3 trucks within 8 minutes. The Fire Chief was directed to prepare a staff report on the subject which was presented to General Committee on June 12th whereby staff was directed to report back with a terms of reference for a Council Task Force related to the second crew at Cornell. At Council the report was deferred to a meeting in 2019 and staff were asked staff to develop a process for review. This report is a follow up to the directions of Council related to the Fire Chief's recommendations related to the Second Crew for Cornell to address the service deficiencies in that area.

DISCUSSION

As directed by Council, the attached Terms of Reference for a Council Task Force for the purpose of evaluating the Fire Chief's recommendations related to addressing needs to improve fire response within the service area of Station 99 (Cornell).

The mandate of the Task Force would include:

1. To ensure clarity and understanding the current fire response conditions and what would be required to meet established standards as detailed in the Markham Master Fire Plan to provide public safety and protection of property. (Including overview of best practices in provision of life safety responses.)
2. To evaluate/discuss alternate options to improve fire response times in Station 99 area and other deficient areas.
3. To determine if there is any potential for neighboring fire departments to address response in deficient areas across the City.
4. To review options, impacts and costs to address deficiencies City wide.
5. That the Task Force make recommendations to General Committee on the outcomes of the meetings

The review will include resource planning data/GIS mapping used by staff to develop recommendations. Staff to provide background information used to make decisions.

Priority areas of focus for the review:

- **Public Safety:** Ensure consistent and equal response to fire and other emergencies across all neighborhoods.
- **Growth Management:** Ensure that levels of service are maintained as a result of increased population from new development within the context of a variety of build forms - vertical communities to land based developments.

-
- **Financial Management:** Continue to utilize good financial practices such as ramp up reserves prior to the need occurring.
 - **Continuous Improvement** – ensuring operational plans reflect changes in built form, experience from past fire occurrences (Markham and other locations), and opportunities to utilize new types of equipment and technology that benefit public safety.

Staff are recommending four members of Council be appointed to the Task Force that would be formed to focus on the most critical needs within the Fire Response that being the need to add a second crew to Cornell.

That on formation of the Committee that meetings be scheduled and the review of this important public safety matter be completed by the end of the year- end with the Task Force reporting findings to General Committee in the December.

FINANCIAL CONSIDERATIONS

There are no funding implications as a result of the formation of the Task Force unless additional resources are requested during the process.

HUMAN RESOURCES CONSIDERATIONS

None at this time

ALIGNMENT WITH STRATEGIC PRIORITIES:

Safe and Sustainable Community

Moving forward with the 2nd crew at Cornell is consistent with the Council Approved Master Fire Plan and Implementation Plan approved in 2012.

Growth Management: The recommendation supports existing and future growth to achieve a consistent and equitable level of fire response across the City addressing areas experiencing service gaps.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:

Dave Decker
Fire Chief

Brenda Librecz
Commissioner, Community & Fire
Services

ATTACHMENTS:

1. Terms of Reference for a Fire Response Task Force
2. 2018 Report to General Committee - Master Fire Plan, Second Crew at Station 99 (Cornell)
3. Presentation to April 2018 General Committee



Master Fire Plan - Second Crew at Station 99 (Cornell) Review

T e r m s o f R e f e r e n c e F o r A C o u n c i l T a s k F o r c e

August 2019

1. Establishment

In June 2018, Council directed that the recommendations from the Fire Chief related to the need for a second crew at Station 99 for the purpose of improving fire and other emergency response be referred to Council in 2019. The direction to staff at the General Committee related to this item was that staff report back on terms of reference for the establishment of a Task Force to review the Fire Chief's recommendations.

2. Mandate

The purpose of the Task Force:

1. To ensure clarity and understanding about the current fire response conditions and what would be required to meet established standards as detailed in the Markham Master Fire Plan for public safety and the protection of property. Including an overview of best practices and standard practices of other municipalities in the provision of life safety responses.
2. To evaluate/discuss alternate options to improve fire response times in Station 99 area and other deficient areas.
3. To determine if there is any potential for neighbouring fire departments to address fire and other emergency response in deficient areas across the City.
4. To review options, impacts and costs to address deficiencies City wide.
5. That the Task Force make recommendations to General Committee on the outcomes and findings of the meetings in an expedited manner due to the importance of addressing public safety.

The review will include resource planning data/GIS mapping used by staff to develop recommendations including the 2nd crew at Station 99 (Cornell). Staff to provide background information used to make decisions. The Markham Fire Master Plan and related background data will be provided.

Priority areas of focus for the review:

- **Public Safety:** Ensure consistent and equal response to fire and other emergencies across all neighborhoods.
- **Growth Management:** Ensure that levels of service are maintained as a result of increased population from new development within the context of a variety of built forms - vertical communities to land based development including basement apartments or second suites.
- **Financial Management:** Continue to utilize good financial practices such as ramp up reserves prior to the need occurring.
- **Continuous Improvement** – ensuring operational plans reflect changes in built form, learnings from past fire experiences (Markham and other locations), and opportunities to utilize new types of equipment and technology that benefit public safety.

Background:

A staff report and presentation was made to Council in June of 2018 recommending the activation of a second crew at Station 99 (Cornell) with the objective of reducing the existing fire response deficiency in the City with Wards 5 and 7 being the most severely impacted areas. The fire response time is measured against a target set by City Council when the Master Fire Plan was approved in 2012. The report was referred to 2019 after the election and directed that a task force (sub-committee) be established and that staff provide a terms of reference.

Key Facts:

- In the Province of Ontario the minimum fire response standard is well established and based on National Fire Protection Association Standard (NFPA) 1710 **Standard for the Organisation and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments** which provides response targets to ensure public safety.
- Effective July 2019 municipal Fire Departments in the Province of Ontario will be required to publically report response time performance based on NFPA 1710. The information will include the percentage of times that the response times are met.
- Services provided through Master Fire Plan recommendations contribute to the City's Corporate Goals of Exceptional Services by Exceptional People; Engaged, Diverse & Thriving City; Safe & Sustainable Community; and Stewardship of Money & Resources.

Deliverable:

The Task Force will make recommendations to Council regarding the second crew at Station 99 (Cornell) and a process to address other remaining gaps in fire and emergency response by December 2019.

Background Materials:

- 2018 Reports and presentations to Council

Term:

- September to December 2019

3. Membership and Roles and Responsibilities

Composition:

The Sub-Committee to be comprised of the following members:

Role and Responsibilities	Members
Chair and three members (4)	<ul style="list-style-type: none"> • Mayor Scarpitti • Chair of Community Services • Two Members of Council
Senior Staff and Support	<ul style="list-style-type: none"> • Dave Decker, Fire Chief • Adam Grant, Deputy Fire Chief • Commissioner of Community and Fire Services Brenda Librecz • Andy Taylor, CAO • Committee Secretary (Clerks)

4. Meeting Schedule and Decision Making

Meeting Schedule:

All meetings will occur and be scheduled as determined by the Chair

Decision Making:

Decision-making will adhere to the current practices established for sub-committees of Council with final recommendations to be provided to General Committee.

5. Reporting Requirements and Methods

The appointed Committee Secretary will manage the meeting agenda and minutes with involvement of the Chair, and Commissioner of Community & Fire Services.

6. Budget and Resources

No budget impact. Resources will be supplied internally to support the work of the sub-Committee.

7. Test for Completion

The mandate of the sub-committee will be considered complete when the deliverables set out in this mandate have been accomplished or the Task Force has been dissolved by Council



Master Fire Plan Cornell 2nd Crew



Objectives

- Obtain Council approval to move forward with the second crew at Station 99 in Cornell
- Define Responsibilities
- Explain fire and incident response service levels
- Illustrate existing response service levels by Ward
- Identify immediate and future resource requirements to provide a consistent level of service across the City to all residents

Master Fire Plan

- Master Fire Plan initiated 2010 - completed 2011
- Presented and received by Council March 2012
- Implementation plan received and approved by Council June 2012
- Master Fire Plan Updates December 2014, December 2017

Fire Chief's Responsibility

Fire Protection and Prevention Act 1997 (FPPA)

Responsibility to Council

6.(3) A Fire Chief is the person who is ultimately responsible to the Council of a municipality that appointed him or her for the delivery of fire protection services.

Once Council has approved the level of service, Council assumes responsibility while the Fire Chief is accountable to manage delivery of fire protection services and make recommendations for any changes or improvements.

Services Provided

- **Fire - Three Lines of Defense** - Fire Prevention Education, Fire Code Enforcement and Fire Response
 - Structural, vehicle, aircraft, ground cover
- **Emergency Services** - Other Types of Response
 - Medical, Hazardous Material, Technical Rescue, Police Assist, Vehicle Rescue, Ice/Water and, Elevator Rescue

National Fire Protection Association Standard 1710 Fire Response

City of Markham - Established Level of Service

- First in truck (4 firefighters) - 240 secs (4 minutes)
- 1st Alarm (16 firefighters) - 480 secs (8 minutes)
- The initial response goal is to meet the minimum travel times 90% of the time in the urbanized area
- The Master Fire Plan refers to the NFPA 1710 standard as the benchmark and target for response in the City of Markham



Current 4 Minute Response

Ward 1	
4 mins	62%

Ward 2	
4 mins	64%

Ward 3	
4 mins	58%

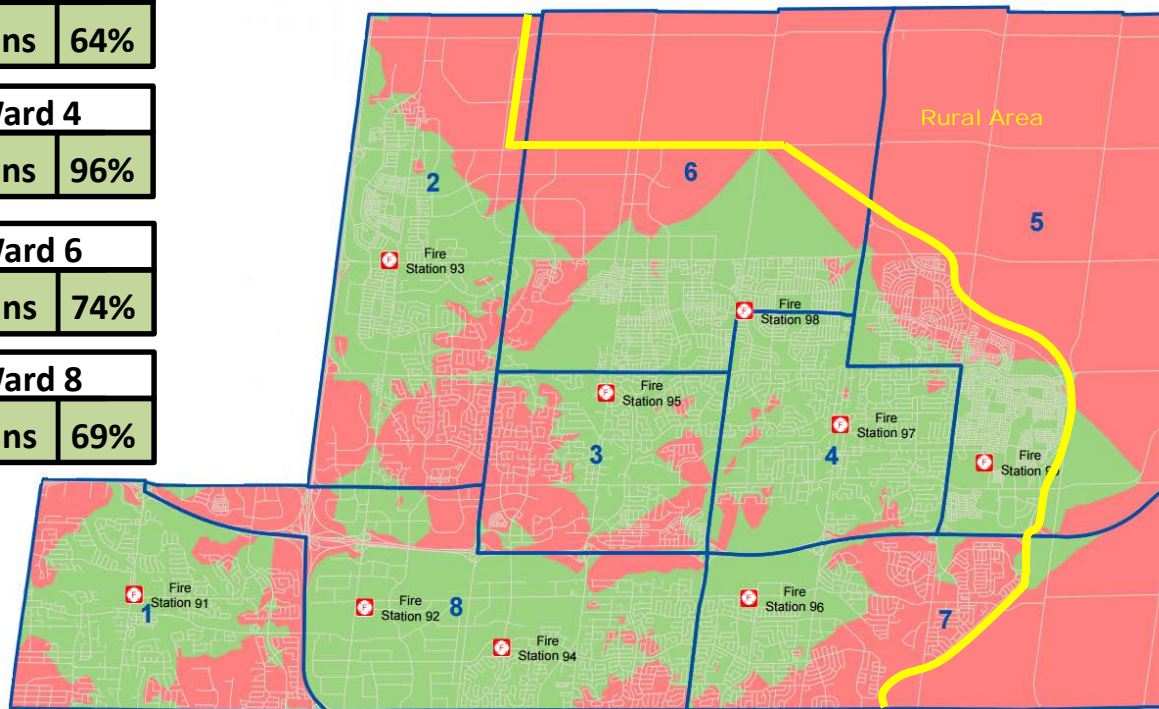
Ward 4	
4 mins	96%

Ward 5	
4 mins	57%

Ward 6	
4 mins	74%

Ward 7	
4 mins	39%

Ward 8	
4 mins	69%



GOAL

4 Firefighters
in 4 minutes
travel time
90% of the
time

Green Area

4 minute or less
response

Red Area

Greater than 4
minute response



Current 8 Minute Response

Ward 1	
8 mins	25%

Ward 2	
8 mins	46%

Ward 3	
8 mins	94%

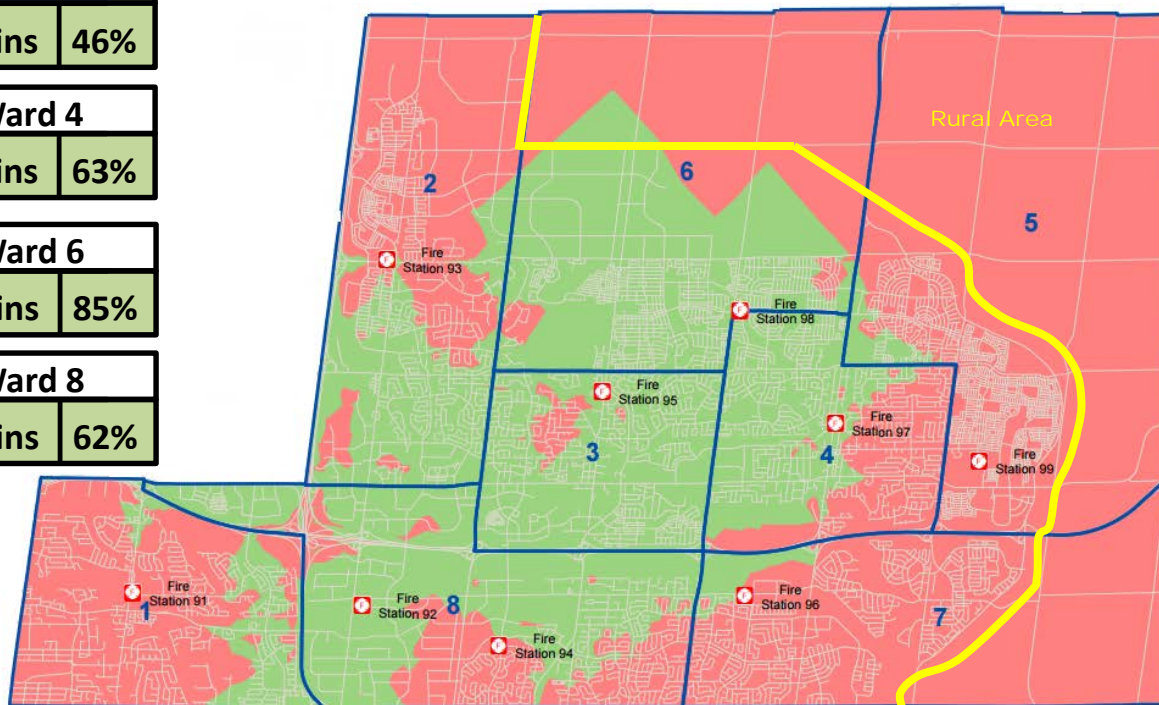
Ward 4	
8 mins	63%

Ward 5	
8 mins	5%

Ward 6	
8 mins	85%

Ward 7	
8 mins	6%

Ward 8	
8 mins	62%



GOAL

16 Firefighters
in 8 minutes
travel time
90% of the
time

Green Area

8 minute or less
response

Red Area

Greater than 8
minute response

NFPA 1710 Residential Fire

Initial 1st alarm to a reported fire in a typical 2000 ft², two-story single family dwelling without a basement and with no exposures ... recommendation is 16 firefighters.



Current Response

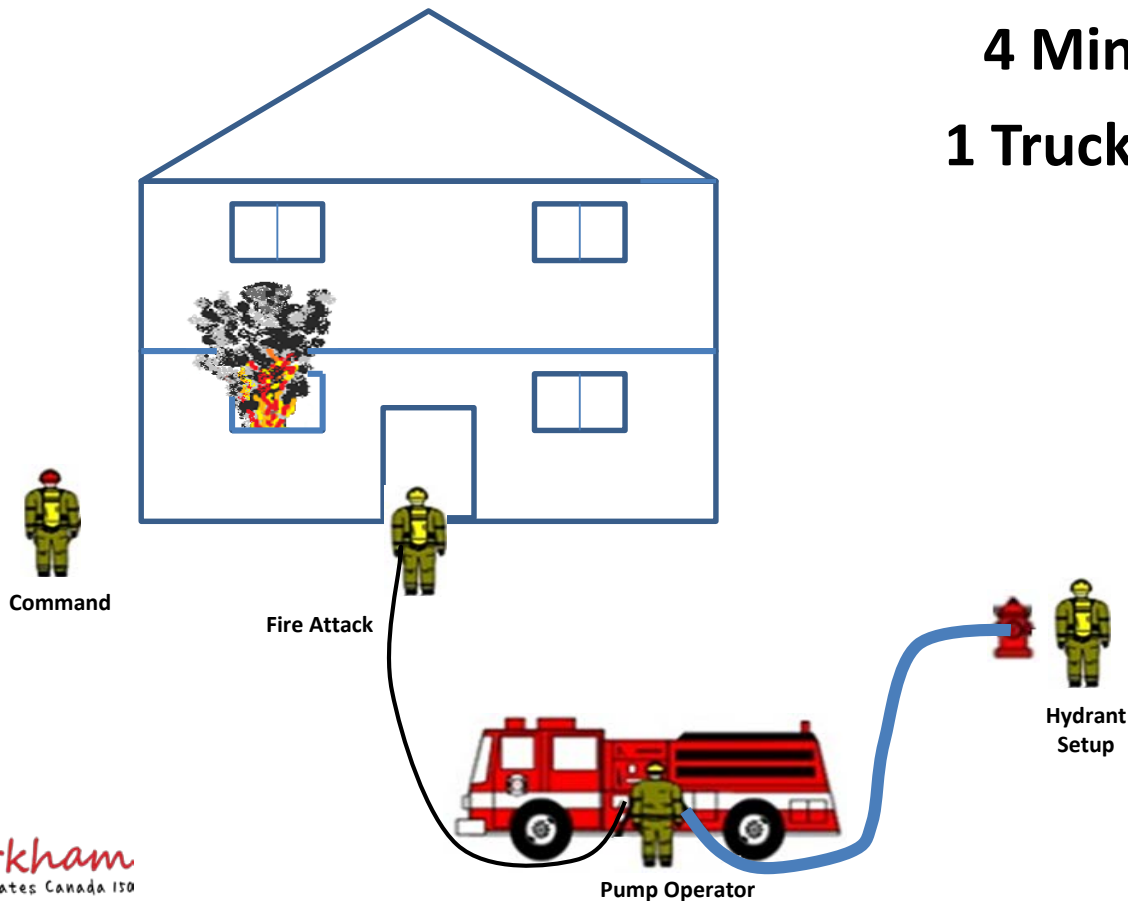
MFES: 16

NFPA: 16



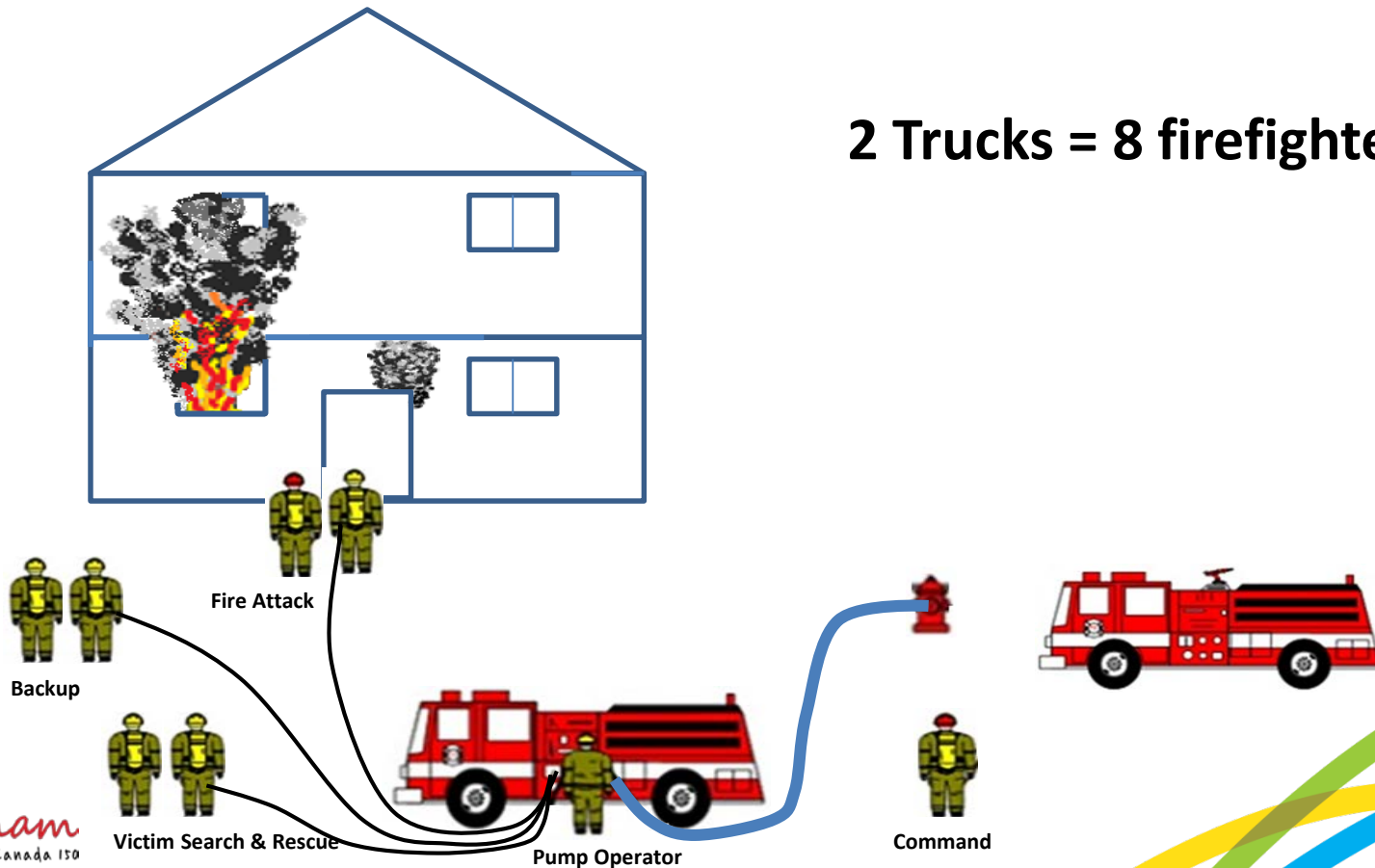
4 Minute Response

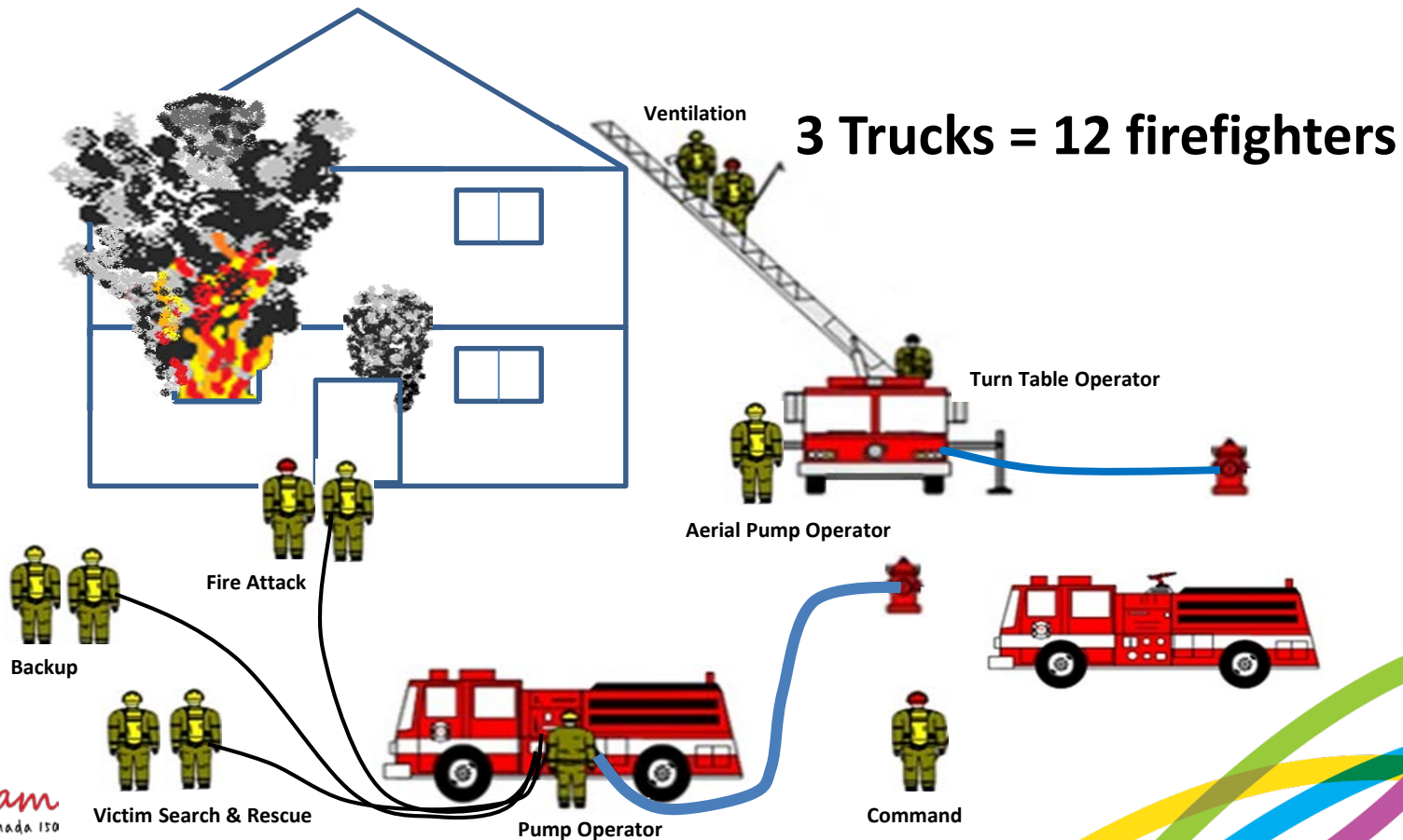
1 Truck = 4 firefighters





2 Trucks = 8 firefighters

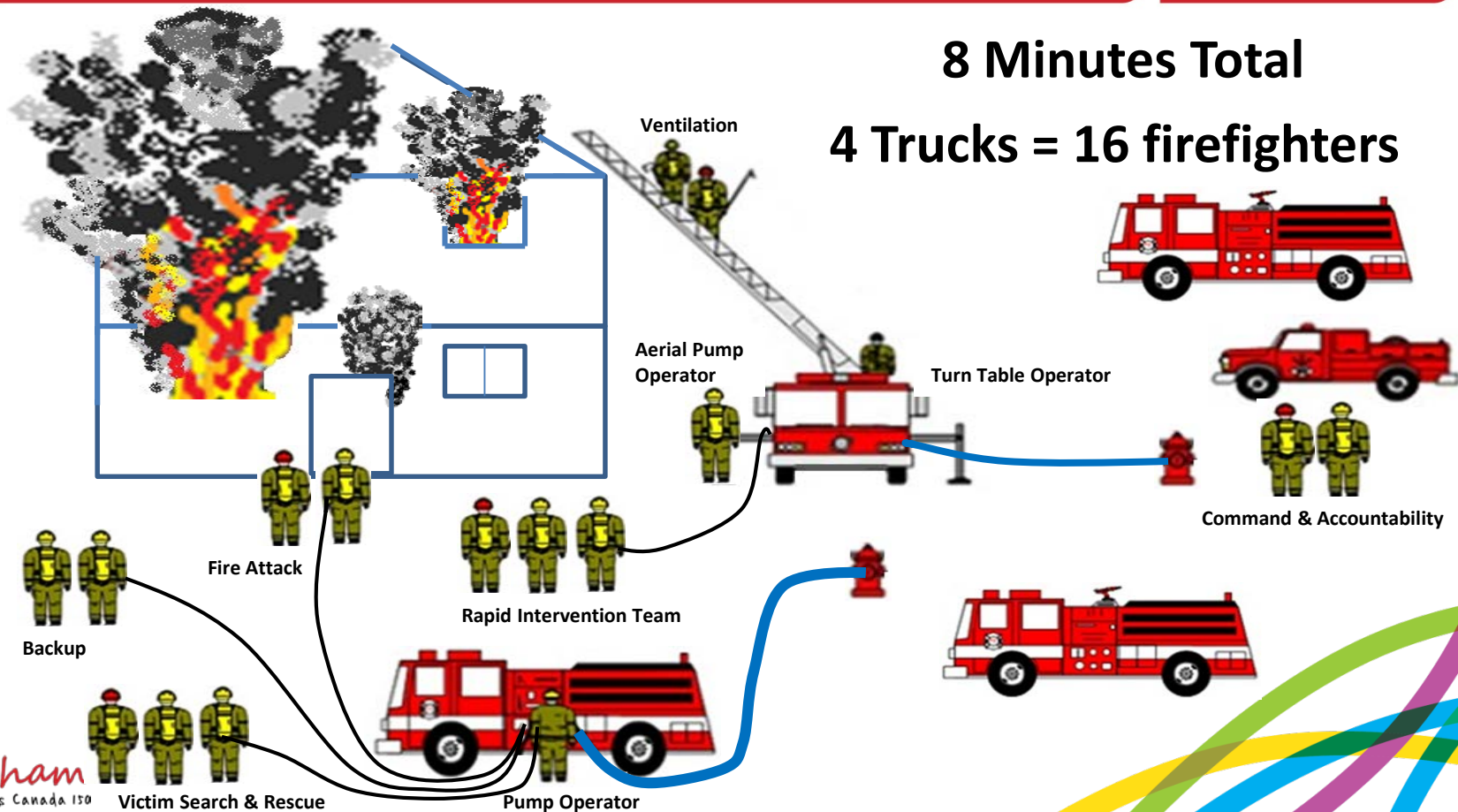






8 Minutes Total

4 Trucks = 16 firefighters





Lauraview Fire - Ward 6



Hartwell Fire - Ward 2



Service Level Review

- 4 minute response deficiencies improve only as additional stations are built and staffed with a crew.
- 8 minute response deficiencies will only improve when additional crews are added to existing stations and when additional stations are built.
- Three most significant fire response deficiencies:
 1. Ward 5 Fire Response 5%
 2. Ward 7 Fire Response 6%
 3. Ward 1 Fire Response 25%



Cornell Second Crew Impact

8-Minute Response (16 Firefighters)

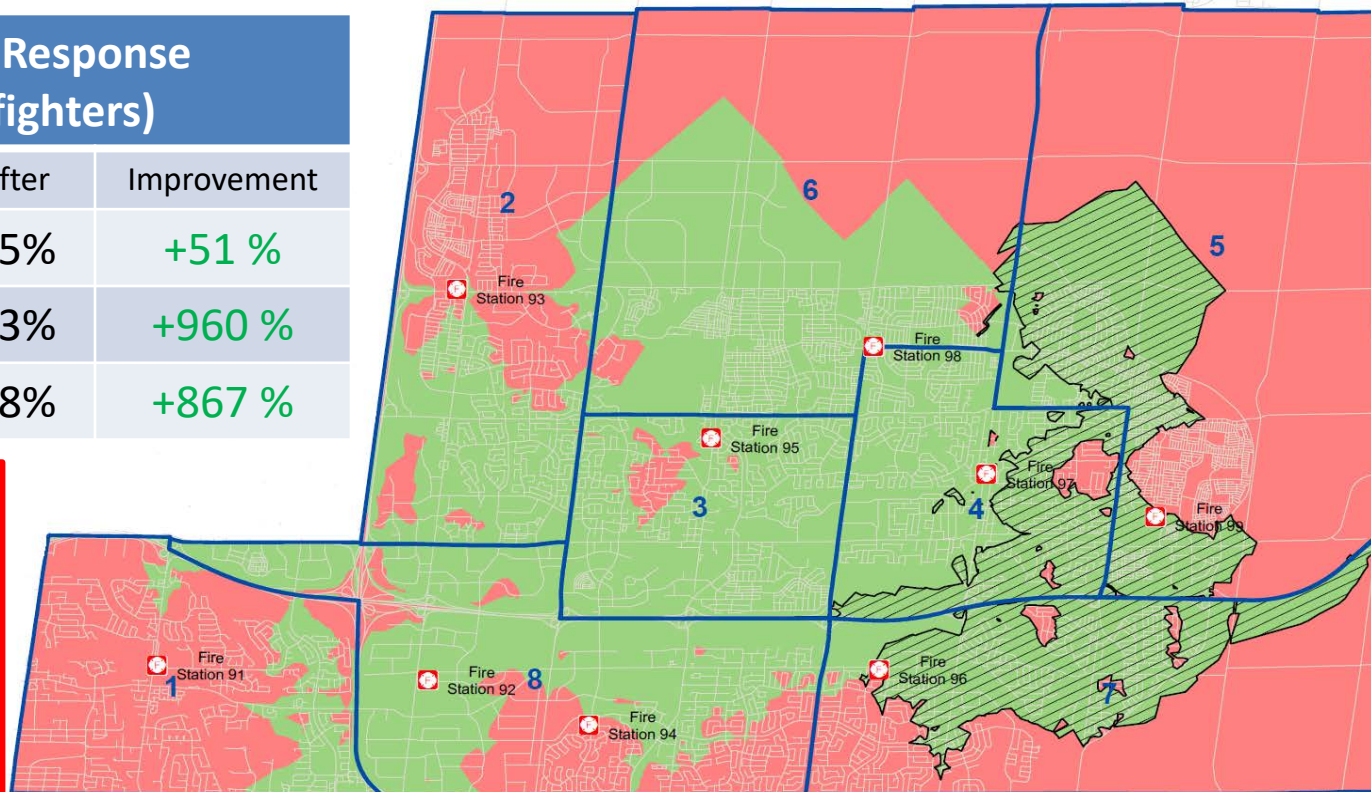
Ward	Existing	After	Improvement
4	63% → 95%		+51 %
5	5% → 53%		+960 %
7	6% → 58%		+867 %

Green Area

8 minute or less
response

Red Area

Greater than 8
minute response



Summary

The Master Fire Plan provides recommendations for future stations, apparatus and staff based on growth in an effort to achieve a consistent and equitable level of service with the minimum resources necessary to respond to a fire.

As Fire Chief it is my duty to report information and make recommendations that provide Council an opportunity to make informed decisions. Due to continued growth and taking into consideration the fire response deficiencies in Ward 5 and 7 and in order to work toward a consistent and equitable level of service for the residents I recommend that Council approve the recruitment of the 2nd crew for Station 99 Cornell.

I will provide a report to Council during the 2nd quarter of 2019 addressing the remaining deficiencies in fire response and a plan to provide a consistent level of service across the City including future requirements for stations and resources.

Questions





Report to: General Committee

Meeting Date: May 22, 2018

SUBJECT: Master Fire Plan, Second Crew at Station 99 (Cornell)
PREPARED BY: Dave Decker, ext. 5975

RECOMMENDATION:

- 1) THAT the report entitled “Master Fire Plan, Second Crew at Station 99 (Cornell)” be received;
- 2) THAT Council approve the Fire Chief’s recommendation to proceed immediately with the establishment of a second crew at Station 99 (Cornell) to improve fire response times for that area; and
- 3) 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 obtain approval from Council to move forward with the recruitment process to staff the second crew at Fire Station 99 (Cornell) in order to address identified gaps in fire response and to provide requested information.

BACKGROUND:

Markham Fire and Emergency Services Master Fire Plan (MFP) was completed and adopted in principle by Council in March 2012. In June of 2012, the Master Fire Plan - Implementation Plan was approved subject to annual business planning, operating, and capital budget processes. Staff provided an update to Council on the MFP in December 2014.

Consistent with other municipal fire services, staff used two reliable sources of benchmarked data to guide decision-making related to the Council-approved service levels for the City of Markham’s fire protection services. They include:

1. Fire Underwriters Survey (FUS) provides data on public fire protection for fire insurance statistical work and underwriting. Staff engaged FUS in 2013, resulting in three key areas of improvement, namely Pre-Fire Planning, Total Fire Force Available, and Ladder (Aerial) Truck Service. Staff are making progress on these improvements, which are consistent with the MFP in supporting a consistent level of service across the municipality.
2. The National Fire Protection Association (NFPA) standards for fire response criteria are used in the MFP to address minimum staffing, travel time to a reported fire and to safely and effectively perform the tasks necessary to conduct initial fire attack, and activities to support search and rescue.

In 2017, the Fire Chief undertook a geospatial review of fire response across the City and measured the results against Council-approved levels of service established in the Master Fire Plan and its Implementation Plan.

The Fire Chief delivered a presentation at the April 9, 2018 General Committee meeting reporting on the MFP and activities to address service response deficiencies. A staff report was requested to support the presentation.

DISCUSSION:

The 2017 review conducted extensive mapping of response times from existing fire stations to every neighborhood for both the first truck on scene and the initial 1st alarm assignment using the NFPA standard of 16 firefighters, which translates into a 4 fire apparatus response. The mapping accounted for developed and anticipated new development areas, road network, and urban densities. The mapped data was then used to compare against the Council-approved levels of service to determine gaps.

A main finding was the levels of service for fire response time across the City are not equal and that there are several areas within existing and new neighborhoods that are not being provided with the standard approved by Council. Key factors on response time are the characteristics of the road network and the travel time necessary for four fire apparatus to arrive on scene. The presentation (see Attachment) made at the April 9, 2018 General Committee meeting illustrated some of the considerations and complexities. It showed that significant improvement in response time can be achieved with the activation of a second crew at Station 99 (Cornell).

Roles & Responsibilities of the Fire Chief

The Fire Protection and Prevention Act 1997 (FPPA) defines the role of the Fire Chief as *“the person who is ultimately responsible to Council of a municipality that appointed him or her for the delivery of fire protection services.”* It is with this responsibility that the Fire Chief has prepared this report to Council about the service deficiencies and recommendations to address them based on the most cost-effective solution. Protecting the lives and properties of a community is a shared responsibility. While the City Council is responsible for establishing the levels of service, the Fire Chief is responsible for managing the levels of service in this case as outlined in the approved MFP.

Establishing & Regulating Bylaw and Upcoming Review in 2019

With reference to the types of fire incidents responded to by MFES, the Establishing & Regulating Bylaw must clearly identify the levels of service to be provided. The FPPA provides the Fire Chief with the authority to maintain the established level of service and report back to Council to either change a level of service or a request for additional resources in order to meet current levels of service. In addition to this report, staff is committed to providing a full report in the 2nd quarter of 2019 to outline proposed changes to the Establishing & Regulating By-law in order to maintain compliance with the FPPA and address gaps in service levels.

Fire Response & Resource Deployment

The City of Markham uses a “*minimum established response*” approach to tackle fires in residential, commercial, and high-rise buildings, as well as other emergency incidents. Setting the minimum established response and target response time reflect the analyses of risks, professional judgment, experience, and the City of Markham’s tolerance of acceptable risks to life safety and property protection.

It is a general industry practice that the initial 1st alarm response to a reported fire includes 4 fire trucks staffed with 16 firefighters in total. The tasks and positions assigned at a fire scene are prescribed by health and safety legislation and were explained in the Attachment and at the April 9, 2018 General Committee meeting. The target is for the full 1st alarm response to arrive in 8 minutes of travel time 90% of the time in an urbanized area. As noted in the 2017 Review of Current Response Time table, MFES is not meeting the established standard in 7 of the 8 wards, primarily a result of increased growth.

2017 Review of Current Response Time

Ward	Target: 1st Truck with 4 Firefighters on Scene 90% of Time in the Urbanized Area		Target: 4 Trucks with 16 Firefighters on Scene 90% of the Time in the Urbanized Area			
	4-Minute or Less	Target Met	8-Minute or Less	Target Met	Change resulting from Second Crew (Cornell)	Target Met
1	62%	No	25%	No	--	No
2	64%	No	46%	No	--	No
3	58%	No	94%	Yes	--	Yes
4	96%	Yes	63%	No	95%	Yes
5	57%	No	5%	No	53%	No
6	74%	No	85%	No	--	No
7	39%	No	6%	No	58%	No
8	69%	No	62%	No	--	No

Redeployment of existing resources was the first potential solution examined to address the above-noted gaps but there was no additional capacity available since fire deployment has already been maximized.

The use of a second crew has been used twice in the City of Markham, with their placement in Station 91 (Thornhill) and Station 95 (Unionville). Placing a 3rd second crew in the City at Station 99 (Cornell) will create a network of second crews across Markham, improving response time in areas that experience the greatest deficiencies, notably Wards 5 and 7, and improving response time in other areas such as Ward 4. Station 99 in Cornell was built to accommodate a second crew, a ladder truck and related equipment are already in place, and staff ramp-up funding commenced in 2014. Implementing a second crew at Cornell is the first step in the journey to address identified service level deficiencies, as a result of growth. Additional work and analysis will be undertaken by staff in 2019 as part of the E&R Bylaw update.

Arising from the feedback received at the April 9, 2018 General Committee, staff were requested to provide additional information on the following:

Is There a Different Way of Operating the Fire Service?

Municipal fire services are a well-regulated industry and have implemented many best practices collectively over time. As a result the operating model used by MFES to provide safe, effective and efficient fire suppression services is an industry best practice. In addition, MFES has continuously improved its processes, procedures, and equipment to meet the needs of the community in a cost-effective way. An example is the implementation of a “*technological*” improvement in deploying firefighting foam on every fire apparatus to greatly improve Markham’s fire suppression capability. Fact-based decision-making has been used to undertake risk assessments and apply sound research to support the meeting of Council-approved levels of service.

The cost per capita for fire services in Markham is one of the lowest. The City of Markham operating model is one of continuous improvement and cost-effective services, which has been adhered to by the Markham Fire & Emergency Services Department. The aforementioned 2019 review will take into consideration any changes to fire suppression practices and other factors to improve fire service operations.

Dynamic Crews (Staging)

MFES has used the dynamic staging of crews for many years. When firefighters and equipment are deployed at active incidents, the balance of remaining on-duty staff and apparatus are redeployed to provide best possible coverage or response time across the city. Dynamic staging is a process for redistributing remaining resources (on-duty staff and apparatus) to provide the most effective response with the remaining resources available. Dynamic staging is used 24/7 and may include escalation to include other fire services entering into the City of Markham within the scope of the Provincial Mutual Aid system.

Dynamic staging does not create more resources and it is not a substitute for the provision of adequate resources necessary to provide the initial 1st alarm assignment for fire response within the specified targets.

Public Safety Answering Point (PSAP)

Staff is working with York Region Police to better understand Public Safety Answering Point (PSAP) time, which is the period of time from which a 911 is answered until it is transferred to MFES. Currently the data is not readily available to MFES. PSAP times have no impact or factor into the analyses for fire stations, firefighters or apparatus deployment.

Effective January 1, 2020, the Fire Prevention and Protection Act prescribes that a municipality must report on fire department response times. This change was passed in the Ontario Legislature on May 7, 2018. MFES will be revising its procedures to be in compliance with these regulatory changes.

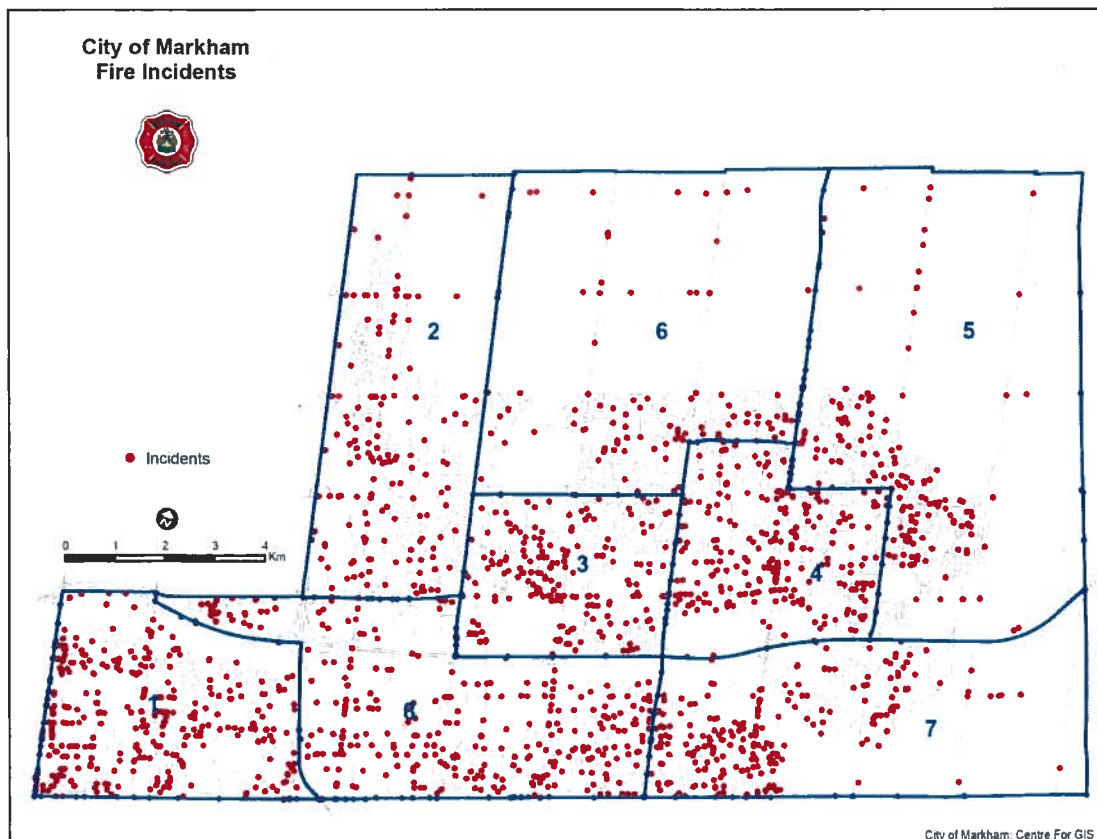
Three- vs. Four-Member Crew

The current best practice in the industry is the use of a four-member crew. Reducing the crew size will translate into an increase in the number of responding crews and apparatus in order to meet the 16 firefighters within 8-minute travel time. The existing gaps in response time may be exacerbated, there are other operational deployment impacts to be considered, and it does not eliminate the need to provide a second crew at Cornell. Additionally, changing the number of firefighters at a fire scene could put residents, firefighters and properties at risk.

Further discussion on crew size will be addressed in the aforementioned 2019 staff report.

GIS Fire Mapping 2012 - 2017

General Committee requested a map to visually display the number of fires that have occurred in the City of Markham. The accompanying map depicts fires that have occurred from 2012 to 2017, along with the current Ward boundaries. Since 2012, there were 2,389 reported fires or an annual average of 398 reported fires. Over the mapping period, reported fires are somewhat evenly distributed across the City, supporting the need for a consistent distribution of fire resources across the municipality.



Recommended Action

In reference to the legislated roles and responsibilities of the Fire Chief, this city's Fire Chief seeks Council approval to establish a second crew at Station 99 (Cornell) in order to improve fire response times of 8-minutes or less in areas that are experiencing the

greatest deficiencies, notably Wards 5 and 7. Establishing a second crew will significantly improve fire responses in Ward 5 from 5% to 53% and Ward 7 from 6% to 58% and has the additional benefit of improving the response time for Ward 4 so that it meets the established target. All Wards require further on-going analysis to identify the resource requirements to meet the 90% target.

Establishing a second crew at a Station 99, is further supported in that the additional fire apparatus for Station 99 has been purchased and the station was renovated to house a second crew.

Furthermore, staff will provide a report to Council in the 2nd quarter of 2019 to address all remaining gaps in fire response and provide recommendations with the objective to provide a consistent level of service across the City.

FINANCIAL CONSIDERATIONS

Currently in the 5th year of a 9-year ramp-up for staffing costs, with funds allocated each year.

HUMAN RESOURCES CONSIDERATIONS

Human Resources staff will be involved with the recruitment process (business as usual).

ALIGNMENT WITH STRATEGIC PRIORITIES:


Growth Management: The recommendation supports existing and future growth to achieve a consistent and equitable level of fire response across the City by addressing areas experiencing service gaps.

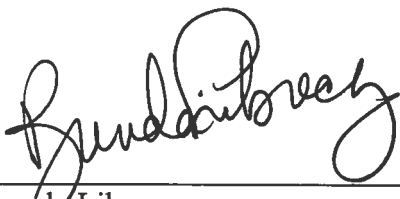
Municipal Services: Moving forward with the 2nd crew at Cornell is consistent with the Council Approved Master Fire Plan and Implementation Plan approved in 2012.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

RECOMMENDED BY:



Dave Decker
Fire Chief

Brenda Librecz
Commissioner, Community & Fire
Services

ATTACHMENTS:

Master Fire Plan Cornell 2nd Crew Presentation on April 9, 2018



Master Fire Plan

Cornell 2nd Crew Report

Background

Further to the presentation to Council April 9, 2018 a report was put forward as requested by Council which seeks approval to move forward with the 2nd crew at Station 99 in Cornell. The report addresses several of questions asked during the presentation and recommends that Council approve the 2nd crew at Cornell.

Presentation Questions and Additional Information

- Is there a different way of operating the fire service ?
- Can MFES utilize dynamic crews ?
- Access to public safety answering point data ?
- Three vs. 4 member crew ?
- GIS Fire Mapping Data 2012 - 2017

Impacts as a result of Adding the Second Crew

- Improved level of service in line with the Council approved level of service,
- Improved response times across the City,
- Improved capability to perform rescue safely,
- Improved level of firefighter safety,
- Further enhanced dynamic staging, and
- Potential for a decrease in property damage.

Master Fire Plan

As indicated during the April 9th presentation, the Council Approved Master Fire Plan details the initial 1st Alarm Response to include the 1st arriving truck with 4 firefighters in a 4 minute travel time and the balance of the 1st alarm of 12 firefighters within an 8 minute travel time to 90% of the urbanized area. This response is based on best practice as indicated by the National Fire Protection Association. All research and planning has been in accordance with the approved level of service and targets described in the Master Fire Plan.

Fire Chief's Responsibility

Fire Protection and Prevention Act 1997 (FPPA)

Responsibility to Council

6.(3) A Fire Chief is the person who is ultimately responsible to the Council of a municipality that appointed him or her for the delivery of fire protection services.

Once Council has approved the level of service, Council assumes responsibility while the Fire Chief is accountable to manage delivery of fire protection services and make recommendations for any changes or improvements.



Current 8 Minute Response

Ward 1	
8 mins	25%

Ward 2	
8 mins	46%

Ward 3	
8 mins	94%

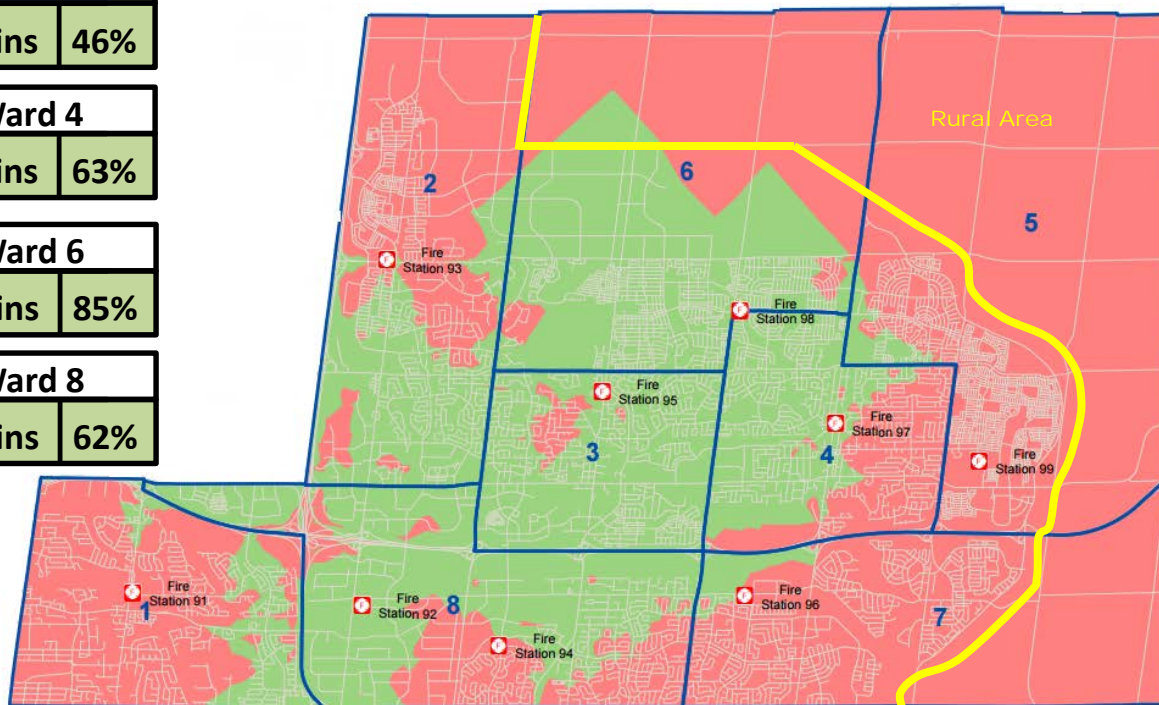
Ward 4	
8 mins	63%

Ward 5	
8 mins	5%

Ward 6	
8 mins	85%

Ward 7	
8 mins	6%

Ward 8	
8 mins	62%



GOAL

16 Firefighters
in 8 minutes
travel time
90% of the
time

Green Area

8 minute or less
response

Red Area

Greater than 8
minute response



Cornell Second Crew Impact

8-Minute Response (16 Firefighters)

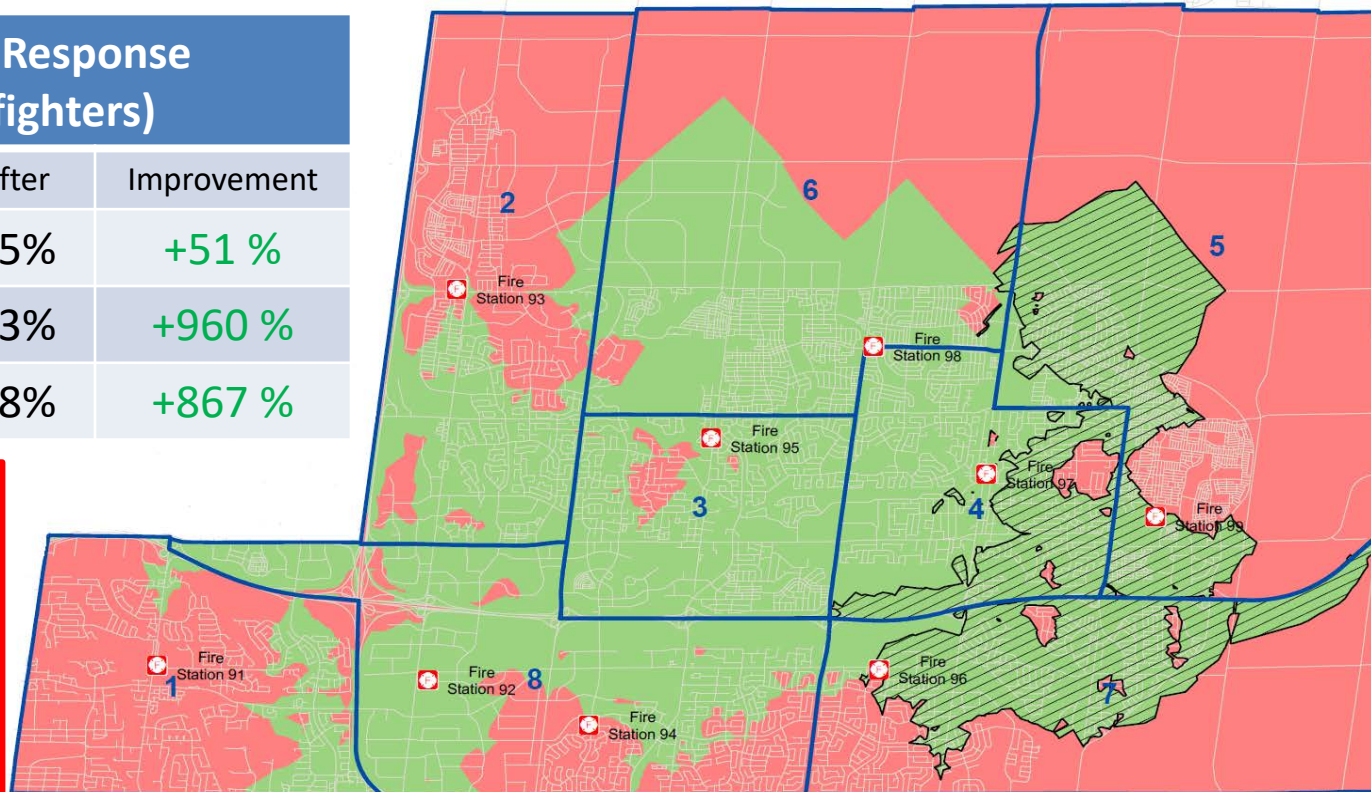
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Questions



Markham Innovation Exchange (Nov. 25, 2019)

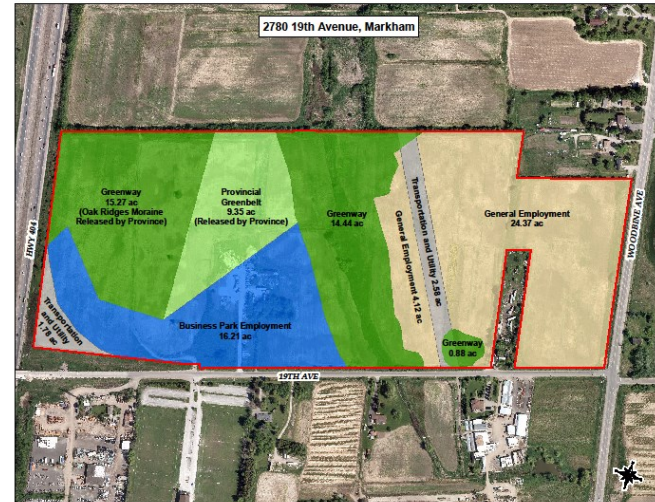


Presentation Outline

1. Chronology of The MiX Innovation District
2. The Collision Conference & Lessons Learned
3. Prepare to Go to Market
4. Recommendations

1. Chronology of The MiX Innovation District

- Active examination of employment land development opportunity for 19th Avenue/404/Woodbine began in 2012/13
- Mayor led business mission to China in Nov. 2012



In 2015:

- City (in collaboration with landowner) began to market area for future “Science Park”
- Promoted opportunity in China



Proposed Land Use:

- Office Campus
- Corporate HQ
- Advanced Manufacturing
- Digital Media
- Broadcast & Film Studios
- Software Design Studios
- Engineering and Architectural Offices
- Research and Development
- Medical Research Labs
- Life Sciences and Medical Devices
- Financial Services + Fintech
- Trade & Convention Centres
- Banquet Halls
- Hotels
- Restaurants

建议土地用途:

- 办公大楼
- 企业总部
- 先进制造业
- 数字媒体
- 广播影视制作工作室
- 电脑软件设计
- 工程及建筑设计事务所
- 高科技产业研究中心
- 生物科学及医疗设备
- 生命科学及医疗设备
- 金融及金融科技
- 贸易及会议中心
- 宴会厅
- 酒店
- 餐厅

中文区划
砂嘉城, 万锦市高级商务发展中心
sandaram@markham.ca, 1-416-581-5893



出售
优质可供发展土地

For Sale
Prestigious Development Land—Lots Available



2780 Ninotcun Avenue, Markham, Ontario
404 Frontage

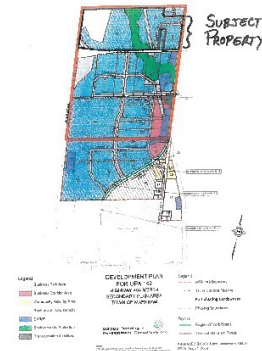
Location:
The property is located at 2780 Ninotcun Avenue, Markham, Ontario, just off Highway 404. The property is a large, flat, and well-served by public transit and major roads.

Size:
The property is approximately 100,000 square feet in size, making it a prime location for a variety of commercial and industrial uses.

Surrounding Area:
The property is surrounded by a mix of commercial and industrial developments, providing a strategic location for businesses looking to expand or relocate.

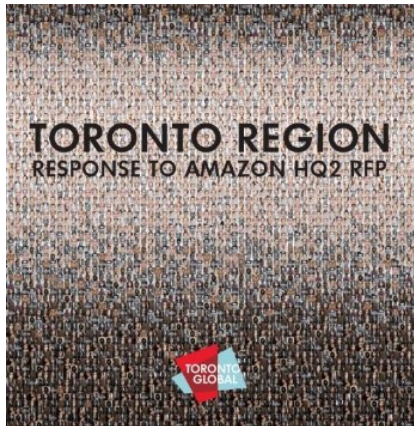
Infrastructure:
The property is well-served by major roads, including Highway 404, and has easy access to public transit and other transportation options.

Development Potential:
The property offers a wide range of development opportunities, from office space and retail to manufacturing and logistics. The location and infrastructure make it an ideal choice for a variety of businesses.



In 2017:

- City evaluated this property in pursuit of Amazon HQ2



In 2017/18:

- Attracted attention of site location consultants and urban planners
- City began to formulate vision and strategy for an innovation district



Vision:

MARKHAM INNOVATION EXCHANGE

To create a **distinctive new urban innovation district** of regional and national significance on the City's substantial land holdings and adjacent lands in the northern part of Markham that will be **home to a 21st century employment cluster** containing an innovative and exciting diversity of knowledge-based employment and industrial activity





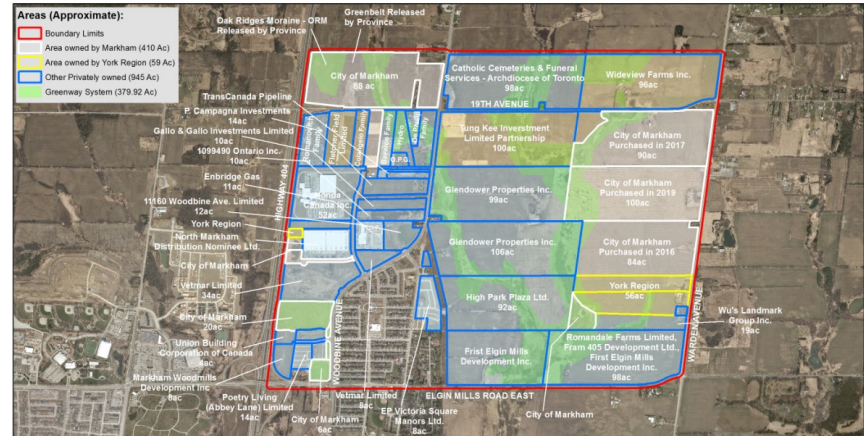
THE SITE

- ▶ 1920 acre site, approximately 410 of which are owned by Markham
- ▶ Full realization of the opportunity will require close public-private cooperation
- ▶ Phase One of development will be located on City-owned property



In 2018/19:

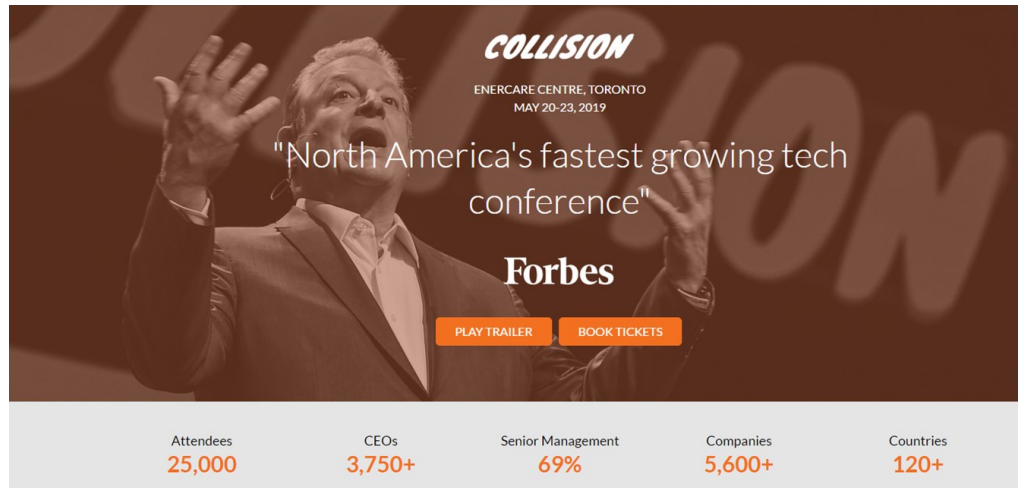
- City began to acquire properties in N-W Markham
- Mayor and staff attended “Web Summit” in Lisbon, Portugal



2. Collision Conference & Lessons Learned

Collision provided opportunity to market test Markham's innovation district vision:

- Showcase to key target market segments
- Leverage media and industry attention



COLLISION
ENERCARE CENTRE, TORONTO
MAY 20-23, 2019

"North America's fastest growing tech conference"

Forbes

[PLAY TRAILER](#) [BOOK TICKETS](#)

Attendees	CEOs	Senior Management	Companies	Countries
25,000	3,750+	69%	5,600+	120+

Global NEWS Toronto News & Radio Programs

May 21, 2019 9:59 pm

Markham mayor pitches land parcel designed for innovation hub at Collision conference

By David Paddon The Canadian Press

NEWS TORONTO

HOME VIDEO NEWS WEATHER MORE TRAFFIC CONNECT

Markham uses Collision tech conference to put spotlight on new innovation hub

COLLISION

17°C Sunday, May 20 YorkRegion.com

LOCAL NEWS THINGS TO DO OPINION LIFE ANNOUNCEMENT

Markham's 1,920-acre high-tech exchange among largest in North America: mayor

'We want to see our vision take hold in this area'

NEWS May 24, 2019 By Elizabeth Markham (Councilor & Mayor)

f t o i n

Toronto Edition CHANGE LOCATION

TORONTO STAR

LOCAL CANADA POLITICS WORLD OPINION LIFE SPORTS ENTERTAINMENT BUSINESS STAR INVESTIGATIONS

Markham uses Collision to put spotlight on land parcel designed for innovation hub

By David Paddon The Canadian Press
Tues., May 21, 2019

The mayor of Markham is using a major technology conference to tell startup enterprises that his city north of Toronto is preparing a large

MARKHAM

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Markham uses Collision to put spotlight on land parcel designed for innovation hub

TORONTO — The mayor of Markham is using a major technology conference to tell startup enterprises that his city north of Toronto is preparing a large parcel of land to be the home of a new innovation hub.

Mayor Frank Scarpitti says Markham has designated about 770 hectares (1,920 acres) of private and city-owned land that will be developed as a home for innovations.

He says it will be one of the largest innovation districts in North America and be close to the Canadian offices of a number of major technology companies such as IBM and American chip-makers Advanced Micro Devices and

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Markham uses Collision tech conference to put spotlight on innovation hub design

CBC MENU

NEWS Top Stories Local The National Opinion World Canada Politics

Toronto

Markham is creating an innovation hub the size of roughly 600 soccer fields, its mayor says

f t o i n

Frank Scarpitti: spotlights plan for private and city-owned land parcel at Collision tech conference

The Canadian Press - Posted: May 21, 2019 7:26 PM ET | Last Updated: May 21

Social Media Engagement:

City of Markham @cityofmarkham · May 15
Less than a week until @CollisionHQ!

We are #MarkhamProud to join the @YorkRegionGovt #YRTech Pavilion from May 20-23 to connect with industry leaders, scale-ups and innovators in tech.

Join Mayor @frankscarpitti on May 22 at 2:00 PM for a special #MarkhamMix announcement!



Mayor Frank Scarpitti
City of Markham
103 views
0:04 / 0:36

City of Markham @cityofmarkham · May 16
With more than 1,500 high-tech and life sciences companies creating more than 37,000 jobs, Markham is a leader in advancing innovation in Canada. We are thrilled to join the #YRTech Pavilion @CollisionHQ from May 20-23! #MarkhamMix #CollisionConf



COLLISION Special Announcement by Markham Mayor Frank Scarpitti
Wed., May 22 | 2 p.m.
Pavilion E172

THE MARKHAM MIX
diversity talent innovation

3 5

Mayor Frank Scarpitti @frankscarpitti · May 21
Have you been by the @cityofmarkham booth in the @YorkLink Pavilion? We are in E172 at @CollisionHQ. Find out why Markham is the place to #ScaleUP your tech business. We are driving innovation in Canada. Talent lives here. #CollisionConf #MarkhamMix



Mayor Frank Scarpitti Retweeted



CBC Here and Now @CBCHereandNow · May 22

Markham mayor @frankscarpitti was at the @CollisionHQ conference today, talking up plans to create a massive innovation hub in his city. He shared his pitch on the show today.



Markham Mayor wants tech companies to set up shop in his City | He...
The Mayor of Markham Frank Scarpitti spoke at this week's Collision Tech Conference to announce a large portion of land that he is dedicating to start
cbc.ca

Mayor Frank Scarpitti Retweeted



Bluewrist Inc. @BluewristInc · May 21

Thank you all (@frankscarpitti and the press community) for dropping by at the #YorkRegion #YRTech @YorkLink Pavilion at the #CollisionConf Day 1 to learn more about our contributions towards the manufacturing sector in Canada and around the world!



1 4 14

Outcomes:

- Extensive press coverage and exposure
- Significant social media engagement
- 170+ individuals have registered their interest in learning more about The MiX on our web page www.markham.ca/mix

The City of Markham is creating one of North America's signature new innovation districts, the Markham Innovation Exchange. We invite you to get involved. Get in the MiX.

MiX is a large-scale 21st century innovative development of some 2,000 acres located on the northern edge of the Greater Toronto Area, encompassing the extensive land holdings of the City. It will be home to a vibrant mix of leading-edge domestic and international businesses by offering them a wide range of sites in a rich, diverse and connected working environment. It will be home to a compelling variety of uses and activities fostering the exchange of ideas, business and opportunity.



Lessons/Key Findings:

- The MiX is the last & largest remaining greenfield opportunity to develop an innovation district in the GTA
- Not a 20th century research park
- Future uses should include:
 - A distinct employment-first, amenity rich district distinguished by the convergence of technology (IT and digital), innovation, learning, and wellness institutions and businesses
 - Complimented by hotels, restaurants, entertainment, recreation and destination attractions
- A true innovation district distinguished by:
 - Opportunities for life-long learning and new business start-ups
 - A diversified mix of businesses and economic activities
 - Networking spaces and places for idea exchanges
 - Creative cultural programming
 - Strong Regional and GTA connectivity and mobility options

3. Prepare to Go to Market

- The Markham Innovation Exchange is a long-term project intended to create a distinctive new urban innovation district that will be home to a 21st century, knowledge based employment cluster
 - High value employment
 - New assessment growth
 - Global reputation
- Markham's opportunity is to add value to the properties that have now been assembled by the City. This will be achieved by adopting a marketing and development vision for the district and preparing it for investor/partner purchase or collaboration.

Publish a “Business Case” or “Bid Book” to guide development of The MiX Innovation District

- Authored by highly respected experts and advisory firms
- Deliverables include:

Long & short term vision

High-level land use plan & phasing

Branding & market positioning

Asset Mgt. structure & governance

Real estate needs assessment/forecast

Infrastructure & servicing strategy

Partnering & joint-venture strategy (legal)

Target investor marketing strategy

Followed by release of Phase One RFQ or RFP



Request for Proposals
Innovation and Funding Partner for the
Quayside Development Opportunity
RFP No.: 2017-13
Issued March 17, 2017
Submission Deadline: April 27, 2017
2:00pm EST (local time)



Timeline to Go to Market:

- Nov-Dec:
 - Staff to draft RFP for consultants to prepare Business Proposition/Bid Book and recommend process for pursuing Phase One targeted investors
 - Council to budget \$510,000 for 2020 studies and marketing
- Jan-Feb:
 - Council to approve 2020 budget
 - Council to approve consultants RFP
- Feb/Mar:
 - Staff to issue RFP
 - Council to approve contract award
- Apr-Aug:
 - Consultants to complete contracted work
 - Staff to recommend Phase One RFQ/RFP process
- Sept:
 - Council to approve Phase One RFQ/RFP process
- Oct-Nov:
 - Go to Market

- The engagement of external expertise will require an investment of approximately \$400,000 - \$450,000
- In the context of other multimillion dollar property holding projects similar to The MiX, and given the size of the City's investment in the lands, the cost is of an appropriate scale
- This approach would be similar to the process undertaken by other municipal development/redevelopment projects (e.g., Waterfront Toronto)

Recommendations

1. THAT the presentation entitled “Markham Innovation Exchange (MiX)” be received;
2. AND THAT staff be authorized to engage in an RFP process for the advisory/consulting work necessary to prepare the call for investor interest;
3. AND THAT Capital funds not exceeding \$510,000 (inclusive of HST) be pre-approved as part of the 2020 Capital Budget for advisory/consulting work to prepare the call for investor interest, and to be funded from the Land Acquisition Reserve;
4. AND THAT staff be directed to do all things necessary to give effect to the recommendations in the staff presentation;



Report to: Council

Meeting Date: November 26, 2019

SUBJECT: 8 John Lyons Road Tree Removal Permit
PREPARED BY: Tanya Lewinberg – Public Realm Coordinator

RECOMMENDATION:

1. That the report entitled “8 John Lyons Road Tree Removal Permit” be received for information; and
2. 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 provide background information on the tree permit application denied to 8 John Lyons Road in 2019, and the tree permit issued to 7 John Lyons Road for the removal of two Black Walnut trees in 2014.

BACKGROUND:

A tree removal permit application was received from Mr. Koehn of 8 John Lyons Road. Mr. Koehn cited: “The walnuts that fall from the tree pose a threat to my baby grandson” as the reason for the application. John Lee one of the City’s Tree Preservation Technicians inspected the tree on April 10, 2019 to determine if a permit was applicable. The Black Walnut tree is 71.5cm DBH (DBH = diameter at breast height measured at 1.37 metres up from at grade base of the tree), and it is approximately 25 metres in height. The tree’s estimated age is approximately 70 years old. Images of the subject tree are attached to this report as Attachment A. A second assessment of the tree was also conducted by another Tree Preservation Technician, Mark Goldsworthy, on June 18, 2019. The second assessment also did not support the removal of this tree. A denial letter was sent to Mr. Koehen on April 11, 2019; included as Attachment B.

The permit was denied because the subject tree is healthy, with no diseases or structural defects. There are no physiological or environmental indicators that would suggest that the subject Black Walnut is likely to decline significantly in health or structural stability. This tree has no pests, diseases or defects that would compromise its health or structural stability long term. The trunk was sounded using a nylon sounding hammer and no pockets of decay were found. The canopy is full with no dieback. All unions on the tree were well structured and no included bark was found. Based on the conclusions of the assessment, the Black Walnut does not qualify for a permit or a permit exemption under the stipulations outlined by the Tree Preservation By-law.

Upon receiving the denial letter Mr. Koehen requested an appeal, which took place on September 13, 2019. John Lee prepared a report for the Licensing Committee entitled

“Report for Appeal Hearing – 8 John Lyons Road” attached to this report as Attachment C.

While providing testimony at the appeal hearing, Mr. Koehn discussed the removal of Black Walnut trees on the neighbouring property at 7 John Lyons Road, as well as illustrating the impact of falling walnuts on his property and his concerns for his grandson’s safety during the harvest period for the walnuts.

OPTIONS/ DISCUSSION:

7 John Lyons Road

The original permits and documentation were requested from Markham’s archival records as the current team was not directly involved with 7 John Lyons Road permit issuance.

The tree permit application requested approval for the removal of three Black Walnut trees in the rear yard of 7 John Lyons Road. The Black Walnuts measured 32.5cm DBH, 45cm DBH and a multi-stemmed tree with DBHs of 38.5cm and 60cm. The two smaller Black Walnut trees were approved for removal. One of which had previously sustained injury and was in less than ideal condition. The request to remove the largest of the three trees, the multi-stemmed tree, was not approved for removal, and the tree remains in good health and structure to date. No further tree permit applications or correspondence regarding safety in the rear yard of 7 John Lyons Road have been received by City Staff.

The tree permit is attached to this report as Attachment D for 7 John Lyons Road was initially issued on December 18, 2013, and expired on March 6, 2014. A subsequent permit for the same trees was issued on March 6, 2014 with an expiry date of June 4, 2014 is attached to this report as Attachment E.

Alternative to Removal

It should be noted that the period of Black Walnut harvest season, is typically the shortest of all fruiting trees and occurs the last weeks of September and first weeks of October.

Tree Preservation Technicians had previously provided alternative solutions by means of chemical treatment to inhibit fruiting of walnuts. Further investigation has revealed these solutions as only available in the United States at this time. The active ingredient glyphosphosate is available for sale in Canada as herbicide at a different concentration, however it is not approved for use as a deflowering agent.

Not Far From the Tree, is a nonprofit organization dedicated to connecting property owners with volunteers, so that excess fruit can be harvested and distributed to the local community. The property owner can register their tree, and contact the group when their fruit is ready for harvesting, then *Not Far From the Tree*, will send volunteers to pick the fruit and clean up the yard. The harvested fruit may be shared: 1/3rd to the home owner, 1/3rd to the volunteers and 1/3rd is delivered to one of their participating social agencies, including food banks, or community kitchens. The harvesting of black walnut by the

volunteer group would greatly reduce the number of walnuts in the subject tree, thereby significantly minimizing the risk caused by falling walnuts.

Another alternative is to construct a structure that would provide cover that could be used during Black Walnut harvest.

Since the timing of harvest season for Black Walnut is in late September and October when residents tend not to use their yards for extended outdoor activities it permits the opportunity for residents to avoid falling black walnuts. Residents can and have coexisted with Black Walnut trees hence most municipalities have not excepted them from protection in their bylaws due to falling fruit/nuts.

Tree Appraisal / Replanting

In an effort to provide information on the value of the Black Walnut tree at 8 John Lyons Road, a tree appraisal was completed in preparation for this report, included as Attachment F. The appraisal provides a value for a location assessment, and the contribution assessment of the subject tree. The appraised value of this tree is equal to approximately 34 - 60mm caliper trees or \$20,141.64. In instances of illegal removals where the size and condition of a tree is unable to be determined, a By-law order with replanting conditions would be applied using a 6:1 ratio or cash-in-lieu at \$600 per tree. The cost per tree is reduced to \$300 per tree for approved replanting conditions (i.e. not illegal removals).

The Tree Preservation Technicians rely on the Tree Preservation By-law (2008-96) to guide their reviews. The Tree Preservation Technicians enforce the Tree Preservation By-law in a consistent manner based on biology, physiology and arboricultural best practices.

In addition to the site related attachments, a City of Toronto, Report for Action from 2017, entitled "*Black Walnut Trees in Toronto*", in which Toronto Public Health was consulted, and is mostly regarding allergic reactions to the walnuts has been included as Attachment G.

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Tree Preservation By-law is aligned with the strategic priority of providing Safe, Sustainable and Complete Community, to enhance the natural environment.

RECOMMENDED BY:

Morgan Jones
Director, Operations

Brenda Librecz
Commissioner, Community & Fire
Services

ATTACHMENTS:

Attachment A - 8 John Lyon's Road Tree Images

Attachment B - 8 John Lyons Rd - Denial Letter

Attachment C - Report for Appeal Hearing - 8 John Lyons Road

Attachment D - TP - John Lyons Road 7 2013

Attachment E - TP - John Lyons Road 7 2014

Attachment F - 8 John Lyons Rd- Appraisal

Attachment G- Black Walnut Trees in Toronto - Report for Action



1 - Trunk



2 - Overall Canopy



3 - Inside Canopy



Operations
Community & Fire Services Commission

11-APR-19

Karl Koehn
8 John Lyons Rd
Markham ON
L3P 3H4

Re: **Application to Permit the Injury or Destruction of Trees**

Dear Karl Koehn:

We have site inspected the tree(s) on your application. The results of our evaluation and assessment of the tree(s) in reference to the provisions and intent of the Tree Preservation By-law (*BY-LAW 2008-96*) are as follows:

The permit has been DENIED for:

Species: black walnut

Size: 71.5cm

Municipal Address: 8 John Lyons Rd

Location:

Points of Reason:

1. At present, the tree's health, structural integrity, species, size and location are satisfactory.
The tree is providing a contribution to the City's urban canopy.

Trees provide greater energy savings, air quality improvements, storm water runoff reductions, increase in property values, and carbon sequestration. Trees on private land in Markham account for 29% of total leaf area and are a key component to the sustainability of our urban forest and health of our community.

Trees require maintenance in an urban environment and it is reasonable to expect that in an effort to preserve trees, property owners are responsible for their upkeep. The bylaw exists because we recognize the value of trees and the many social, economical, physiological and environmental benefits they provide to the community.

If you require further information on this or any tree bylaw related matters, please do not hesitate to contact me at 905-477-7000 ext. 2703.

Sincerely,

John Lee.
ISA Certified Arborist
Tree Preservation Technician, Operations and Community Services

Section 9.1 of Tree Preservation Bylaw 2008-96: Where the Administrator refuses to issue a permit an applicant may within fifteen (15) days of the date of refusal of the permit appeal to the Licensing Committee of Council by submitting a written request to the Administrator that the appeal of the permit application be heard by Licensing Committee.

Page 1 of 1



Report to: Licensing Committee of Council

Date Report Authored: August 7, 2019

SUBJECT: Appeal from Karl Koehn of 8 John Lyons Road to remove one (1) tree on private property under By-Law 2008-96

PREPARED BY: John Lee, Tree Preservation Technician, Operations
Department, Ext. 3224

RECOMMENDATION:

- 1) That the Licensing Committee of Council receive and review the decision of the Tree Preservation Technician to refuse the issuance of a permit for the removal of a tree on private property at 8 John Lyons Road, Markham.
- 2) And that under section 7.2 (d) (vi) of the Tree Preservation By-Law, the Administrator may refuse to issue a permit to injure or destroy a tree if it contravenes the general intent and purpose of this by-law.
- 3) 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:

- Inform the Licensing Committee of Council that an appeal hearing has been requested by Karl Koehn of 8 John Lyons Road; and
- Provide information to the Licensing Committee of Council regarding the refusal of a permit for the removal of one (1) tree on private property.

BACKGROUND:

An application was received from Mr. Koehn requesting the removal of one (1) Black Walnut (*Juglans nigra*) tree, located in the backyard of 8 John Lyons Road. The applicant has cited the following reasons for the removal of the tree: "The walnuts that fall from the tree pose a threat to his baby grandson."

The City's Tree Preservation Technician (John Lee) conducted a ground-based visual assessment of the tree to determine if a permit would be applicable in accordance with the Tree Preservation By-law on April 10, 2019. An assessment of the same tree was also conducted by a second Tree Preservation Technician (Mark Goldsworthy), on June 18, 2019.

The Black Walnut is 71.5cm DBH (DBH = diameter at breast height measured at 1.37 metres up from at grade base of the tree) and it is approximately 25 metres in height. The tree's estimated age is approximately 70 years old.

The permit was denied because the subject tree is healthy, with no diseases or structural defects. Based on the conclusions of the assessment, the Black Walnut does not qualify for a permit or a permit exemption under the stipulations outlined by the Tree Preservation By-law.

A letter was sent out on April 11, 2019 notifying the applicant of this decision. The applicant is appealing the decision of the Tree Preservation Technician to deny the removal of the Black Walnut (*Juglans nigra*) on the property of 8 John Lyons Road.

OPTIONS/ DISCUSSION:

The subject Black Walnut is growing on the west side of the property in the backyard. The tree is the only large growing tree on the property and currently contributing to improved air and ground water quality, community aesthetics as well as supporting the local ecosystem of migratory birds, mammals and insects. Black walnut trees of this size contribute not only to our community air, water and ground integrity. They also contribute to the local ecosystem of birds, ground mammals and insects. There are no physiological or environmental indicators that would suggest that the subject Black Walnut is likely to decline significantly in health or structural stability.

This tree has no pests, diseases or defects that would compromise its health or structural stability long term. The trunk was sounded using a nylon sounding hammer and no pockets of decay were found. The canopy is full with no dieback. All unions on the tree were well structured and no included bark was found.

Black walnut trees produce white flowers which become walnuts that are approximately 7 centimetres in diameter. Seeding is a staple part of all plants, it is how they reproduce. Black walnuts typically seed biannually. However as they age it becomes irregular and depends mostly on environmental conditions. To prevent seeding Arborists use three different methods:

1. The application of FLOREL, a growth regulator that is sprayed on flowers to prevent fruiting.
2. The injection of a growth agent Sniper which causes the flowers to fall before turning to seed.
3. Flowers be pruned off by a climbing Arborist. This is the most labour intensive.

Due to the size of the Black Walnut we recommend the application of Sniper when the flower buds are breaking dormancy. The Black Walnut at 8 John Lyons Road would require 7 injections at a time, and would cost a small percentage of the removal cost for this tree.

Report to: Licensing Committee of Council

Date Report Authored: August 7, 2019

Page 3

SUBJECT:

Appeal from Karl Koehn of 8 John Lyons Road to remove one (1) tree on private property under By-Law 2008-96

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Tree Preservation By-Law aligns with the Green Print and other Environmental/Sustainability initiatives.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable

RECOMMENDED BY:



John Lee,
Tree Preservation
Technician



Raymond Law,
Sr. Manager, Business,
Fleet and Public Realm



for Morgan Jones,
Director, Operations



INJURY OR DESTRUCTION OF TREES PERMIT					
Date Issued: Dec 18, 2013		Permit #: 13 137006 TREE		ACR (CARE) #: 359975	
Date of Expiry: Mar 18, 2014				Total Permit Fee: \$0.00	
Property Address for Tree's Location					
7 John Lyons Rd					
Mailing Address of Registered Property Owner (Applicant)					
Last Name		First Name		Initial	
[REDACTED]		[REDACTED]		[REDACTED]	
Corporation or Partnership (if applicable)					
Street No.		Street Name			Unit/Suite No.
7		John Lyons Rd			
Municipality		Province	Postal Code	email	
Markham		ON	L3P 3H3	[REDACTED]	
Telephone Number		Alternative Number			
[REDACTED]		[REDACTED]			
SITE PLAN					
Tree #	Tree Species	# of Trees	DBH	Approved Action to be taken	Reason Code
1.0	black walnut	1	32.5cm	Issued with Conditions	(G)
2.0	black walnut	1	45cm	Issued with Conditions	(G)
3.0	black walnut	1	38.5 / 60 cm	Denied	as per out conversation
Conditions of Permit, Section 7.2(g)(iii): Upon removal of the above tree(s), 2 deciduous tree(s), each with a minimum calliper size of 50mm, shall be planted anywhere on the subject site by May 31, 2014 or cash-in-lieu option of \$300.00 for each tree not planted. The cash-in-lieu will be used for tree planting elsewhere in the City. A follow-up By-law compliance inspection will be completed on or shortly after the above date. Tree species selected should be from the list(s) provided.					

The information provided herein is collected on behalf of the City of Markham pursuant to its authority under the Municipal Act, 2001, S.O. 2001, c. 25 and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. The information collected will be used for the purposes of the tree preservation by-law. The City, on its own and by its agent, intends to retain the information for 5 years, after which the information collected shall be destroyed. Questions with respect to the collection, use and destruction of this information should be directed to the City Clerk.

Signature of Administrator

Dec 18, 2013

Date

Please notify the City of Markham at 905-477-5530 when the work is complete.



MANDATORY NOTICE

Section 5.0: Administration and Enforcement

5.3

For the purposes of conducting an inspection to determine compliance with this by-law, an order, a permit or any condition of a permit, the Administrator or Officer may, upon producing the appropriate identification, at any reasonable time, enter and inspect any lands or property, to determine whether the provisions of this by-law, an Order issued under this by-law or a permit or condition of a permit issued under this by-law, have been complied with

5.4

No person shall obstruct the Administrator or an Officer who is carrying out an inspection pursuant to this by-law. Any person who obstructs the Administrator or Officer is guilty of an offence.

Section 6.0: General Prohibitions

6.1

Except as provided in Section 4.0 of this by-law, no person, through his or her own actions or through the actions of another, shall:

- (a) injure or destroy any tree within the City of Markham without first obtaining a permit issued under this by-law;
- (b) injure or destroy any tree within the City of Markham without first complying with all conditions of a permit issued under this by-law;
- (c) fail to comply with any condition of term of a permit issued under this by-law;
- (d) fail to comply with any Order issued under this by-law or remove or deface any Order issued under this By-law, without obtaining the prior consent of the Administrator;
- (e) obstruct or attempt to obstruct the Administrator, any Officer or any person acting under the Administrator's instructions in the exercise of a power under this by-law; or
- (f) contravene any other provision of this by-law

Section 8.0: Orders to Discontinue Activities

8.1

Where the Administrator or any Officer is satisfied a contravention of this by-law or a permit issued under this by-law has occurred, the Administrator or Officer may make an Order setting out the particulars of the contravention and requiring the owner or any other person to stop the injury or destruction of a tree, or requiring the owner or any other person to stop the injury or destruction of a tree, or requiring work to be done to correct the contravention

Section 10.0: Penalties

10.1

Any person who contravenes any provision of this by-law or an Order issued pursuant to Section 8 of this By-law is guilty of an offence.

10.2

All contraventions of any provision of this by-law or an Order issued under Section 8 of this by-law are designated as multiple offences and continuing offences, pursuant to subsection 429(2) of the Act. A multiple offence is 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 and, for greater certainty, when multiple trees are injured or destroyed the injury or destruction of each tree is a separate offence.

10.3

Upon conviction of an offence under this by-law, a person is liable to a fine in accordance with section 429 of the Act as follows:

- (a) The minimum fine for an offence is \$500.00 and the maximum fine for an offence is \$100,000.00;
- (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00;
- (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00;
- (d) A special fine may be imposed, in addition to a fine under clause (a) to (c) above, in circumstances where there is an economic advantage or gain from the contravention of this by-law or an order under section 8.1 of this by-law, and the maximum amount of the special fine may exceed \$100,000.00.

10.4

Upon conviction of an offence under this by-law, in addition to any other remedy or penalty, the City may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to make an order;

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
- (b) requiring the person convicted to correct the contravention in the manner and within the period the court may consider appropriate, which may include a request for an order for;
 - (i) the planting or replanting of any tree or trees injured, removed or destroyed in a specified location and within a specified period of time; and
 - (ii) the application of any silvicultural treatment that may be necessary to re-establish the tree or trees.



TREE PERMIT to INJURE OR DESTROY TREE(S)

ISSUED TO: 7 John Lyons Rd Markham ON L3P 3H3		Permit #: 13 137006 TREE			
		ACR (CARE) #: 359975			
		Status: Conditional Approval			
		Application Fee Total: \$0.00			
		Date Issued: March 6, 2014			
		Date of Expiry: June 4, 2014			
Municipal Address of Tree(s)' Location: 7 John Lyons Rd					
Primary Number: [REDACTED]		Alternative Number: [REDACTED]		Email: [REDACTED]	
TREE(S)					
Tree #	Tree Species	# of Trees	DBH	Approved Action to be Taken	Reason Code
1.0	black walnut	1	32.5cm	Issued with Conditions	(G)
2.0	black walnut	1	45cm	Issued with Conditions	(G)
3.0	black walnut	1	38.5 / 60cm	Denied	as per out conversation
CONDITIONS OF PERMIT – Section 7.2(g)(iii)					
<p>Upon removal of the above tree(s), 2 deciduous tree(s), each with a minimum calliper size of 50mm, shall be planted anywhere on the subject site by Sept 30, 2014 or cash-in-lieu option of \$300.00 for each tree not planted. The cash-in-lieu would be used for tree planting elsewhere in the City. A follow-up By-law compliance inspection will be completed on or shortly after the above date. Tree species selected should be from the list(s) provided.</p>					
SITE MAP					

The information provided herein is collected on behalf of the City of Markham pursuant to its authority under the Municipal Act, 2001, S.O. 2001, c. 25 and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. The information collected will be used for the purposes of the tree preservation by-law. The City, on its own and by its agent, intends to retain the information for 5 years, after which the information collected shall be destroyed. Questions with respect to the collection, use and destruction of this information should be directed to the City Clerk.

Signature of Administrator

Dec 18, 2013

Date

If conditions apply, please notify the City of Markham at 905-477-5530 ext: 2703 when the conditions have been met.



MANDATORY NOTICE

Section 5.0: Administration and Enforcement

- 5.3 For the purposes of conducting an inspection to determine compliance with this by-law, an order, a permit or any condition of a permit, the Administrator or Officer may, upon producing the appropriate identification, at any reasonable time, enter and inspect any lands or property, to determine whether the provisions of this by law, an Order issued under this by law or a permit or condition of a permit issued under this by-law, have been complied with
- 5.4 No person shall obstruct the Administrator or an Officer who is carrying out an inspection pursuant to this by-law. Any person who obstructs the Administrator or Officer is guilty of an offence.

Section 6.0: General Prohibitions

- 6.1 Except as provided in Section 4.0 of this by-law, no person, through his or her own actions or through the actions of another, shall:
- (a) injure or destroy any tree within the City of Markham without first obtaining a permit issued under this by-law;
 - (b) injure or destroy any tree within the City of Markham without first complying with all conditions of a permit issued under this by-law;
 - (c) fail to comply with any condition of term of a permit issued under this by-law;
 - (d) fail to comply with any Order issued under this by-law or remove or deface any Order issued under this By-law, without obtaining the prior consent of the Administrator;
 - (e) obstruct or attempt to obstruct the Administrator, any Officer or any person acting under the Administrator's instructions in the exercise of a power under this by-law; or
 - (f) contravene any other provision of this by-law

Section 8.0: Orders to Discontinue Activities

- 8.1 Where the Administrator or any Officer is satisfied a contravention of this by-law or a permit issued under this by-law has occurred, the Administrator or Officer may make an Order setting out the particulars of the contravention and requiring the owner or any other person to stop the injury or destruction of a tree, or requiring the owner or any other person to stop the injury or destruction of a tree, or requiring work to be done to correct the contravention

Section 10.0: Penalties

- 10.1 Any person who contravenes any provision of this by-law or an Order issued pursuant to Section 8 of this By-law is guilty of an offence.
- 10.2 All contraventions of any provision of this by-law or an Order issued under Section 8 of this by-law are designated as multiple offences and continuing offences, pursuant to subsection 429(2) of the Act. A multiple offence is 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 and, for greater certainty, when multiple trees are injured or destroyed the injury or destruction of each tree is a separate offence.
- 10.3 Upon conviction of an offence under this by-law, a person is liable to a fine in accordance with section 429 of the Act as follows:
- (a) The minimum fine for an offence is \$500.00 and the maximum fine for an offence is \$100,000.00;
 - (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00;
 - (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00;
 - (d) A special fine may be imposed, in addition to a fine under clause (a) to (c) above, in circumstances where there is an economic advantage or gain from the contravention of this by-law or an order under section 8.1 of this by-law, and the maximum amount of the special fine may exceed \$100,000.00.
- 10.4 Upon conviction of an offence under this by-law, in addition to any other remedy or penalty, the City may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to make an order;
- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
 - (b) requiring the person convicted to correct the contravention in the manner and within the period the court may consider appropriate, which may include a request for an order for;
 - (i) the planting or replanting of any tree or trees injured, removed or destroyed in a specified location and within a specified period of time; and
 - (ii) the application of any silvicultural treatment that may be necessary to re-establish the tree or trees.



8 John Lyons Rd - Back Yard Black Walnut Appraisal

Trunk Formula Method (9th Edition Guide for Plant Appraisal)

The appraisal was completed to illustrate the value of the subject back yard Black Walnut tree to the resident after the appeal process was completed. The Licensing Committee of Council (LCC) recommended to preserve the Black Walnut tree. Our appraisal found the value of the Subject tree to be \$20,141.64.

Appraisal Breakdown	
Condition Rating	91%
DBH (cm)	71.5
Location	69%
Species Rating	67%
Replacement Tree Size (cm)	6
Replacement Tree Area (cm ²)	36
Replacement Tree Cost	\$200.00
Installation Cost	\$150.00
Installation + Tree Cost	\$350.00
Unit Tree Cost (Markham Streetscape Manual)	6.51
Appraised Trunk Area	4013.11625
Appraised Trunk Increase	3977.11625
Basic Tree Cost	\$48,075.40
Appraised Value	\$20,141.64
Replacement Tree Number*	34
LCC Replacement tree number	0
LCC Replacement value	\$0.00
Diff. between Appraised and LCC value	\$20,141.64
Condition Assessment	
Trunk (Rated out of 8)	7
Roots (Rated out of 8)	7
Scaffold Branches (Rated out of 8)	7
Small Branches and Twigs (Rated out of 4)	4
Foliage and/or Buds (Rated out of 4)	4
Overall Condition	0.91
Location Assessment	
Site	0.75
Contribution	0.77
Placement	0.55
Overall Location Rating	0.69

Mark Goldsworthy, ISA Certified Arborist

Tree Preservation Technician, Operations and Community Services

905-477-7000 x2703 mgoldsworthy@markham.ca



PE17.2

REPORT FOR ACTION

Black Walnut Trees in Toronto

Date: February 7, 2017

To: Parks and Environment Committee

From: General Manager, Parks, Forestry and Recreation Division

Wards: All

SUMMARY

The purpose of this report is to respond to a request from the Parks and Environment Committee that the General Manager, Parks, Forestry and Recreation explain the effects of exempting black walnut trees (*Juglans nigra*) from protection under the City's tree bylaws with a focus on both community safety and canopy impacts.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that:

1. The Parks and Environment Committee receive this report for information.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting of November 17, 2016, the Parks and Environment Committee requested that the General Manager of Parks, Forestry and Recreation report to the February meeting of the Parks and Environment Committee on the effects of exempting black walnut trees from the City's tree bylaws, with a focus on both the effects of community safety and the greater tree canopy.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PE15.7>

COMMENTS

Urban Forestry receives requests on a regular basis for providing rationale for the regulation of preserving specific species of trees under *Chapter 813 of the Municipal Code*. The following concerns related to black walnut trees have been raised by property owners and applicants when applications for tree removal are submitted: fear of being struck and injured by falling walnuts, having an allergic reaction to walnuts, and not being able to grow other plants in proximity to black walnut trees.

Information was requested from the City of Toronto Corporate Finance, Insurance and Risk Management group as to whether the City had ever received a claim as a result of a falling walnut. Staff advised that they received one claim for property damage in September 2014. The claim was not paid and the file was subsequently closed. Historical claims experience suggests the risks associated with falling walnuts do not pose a significant exposure for the City.

Parks, Forestry and Recreation has consulted with Toronto Public Health who indicated that:

1. There is no evidence to support the removal of a nut-bearing tree to mitigate risk from an allergic response.
2. Anaphylaxis is highly unlikely to occur except through ingestion of nuts.
3. The allergen is in the nut itself and accidental exposure is not likely since the nut is covered by the shell.
4. Other measures (which are simpler and less expensive than tree removal) can mitigate the risk such as cleaning up tree nuts in play areas or teaching children to avoid tree-nuts.

Black walnut trees produce a chemical called juglone to reduce competition with other plant species and improve their chances of survival. This process is also known as allelopathy which is defined as the chemical inhibition of one plant (or other organism) by another, due to the release of biochemical substances into the environment acting as germination or growth inhibitors. Some plants are sensitive to juglone and will not survive growing in close proximity to black walnut trees. Reducing exposure of juglone to sensitive plants can be achieved by: collecting fallen leaves and fruit thereby reducing accumulation and decomposition into the soil, adding organic matter, aerating the soil and raising garden beds beneath the canopy of black walnut trees.

There are also many native species of trees, shrubs and perennial options that are tolerant of juglone. The Ontario Ministry of Agriculture, Food and Rural Affairs website provides helpful information for gardening under walnut trees.

Many of the tree species that grow in Toronto's urban forest produce fruit that some residents consider a nuisance. If black walnut trees are exempt from protection due to falling walnuts or the production of a natural allelopathic chemical, a case could be made to exempt other tree species based on their falling fruit or other similar characteristics. Every large growing tree has some degree of maintenance associated with it including removal of leaves, flowers, fruit, twigs and small branches. The benefits

that trees afford to a community far outweigh the maintenance inconvenience associated with falling debris.

Currently, an applicant may apply for permission to remove a black walnut tree under the provisions of the City's tree bylaws. If authority within bylaw provisions to issue a permit for tree removal is not possible, the applicant may appeal to the appropriate Community Council. This practice allows the applicant the opportunity to address their specific concerns and provides an opportunity for debate and a reasonable decision as to the merits of a specific application. If there is a perceived danger associated with nuts falling from a specific black walnut tree, or other concerns with the tree, it can be dealt with at Community Council and it is recommended that this process remain in place. There are always exceptions, and the tree bylaws in their current form have provisions to deal with those exceptions.

The intention of the City's various tree protection bylaws is to prevent the unnecessary removal of healthy trees. However, in an urban environment, there are instances where tree removal is required. The bylaws have delegated provisions included to deal with many of these situations, however, there are always exceptions or unforeseen circumstances that are not specifically addressed. These situations are dealt with through the bylaw appeal process in which members of City Council consider the unique circumstances of a particular situation and determine whether or not tree removal is necessary.

The black walnut is a large-growing, long-lived native tree that is resistant to insect pests and disease in Toronto's urban forest. Providing a species specific exemption would have a detrimental effect on the City's ability to preserve, protect and grow the urban forest and tree canopy. The existing bylaw provisions allow for an appeal of a decision by staff denying removal of a healthy tree. This appeal process to Community Council is an effective means of addressing situations where residents express a community safety concern related to a healthy black walnut tree.

CONTACT

Jason Doyle, Director, Urban Forestry, Tel: 416-392-1894, Email: Jason.Doyle@toronto.ca

Daniel Boven, Manager, Forest Policy and Planning, Urban Forestry
Tel: 416-392-6478, Email: Daniel.Boven@toronto.ca

SIGNATURE

Janie Romoff
General Manager, Parks, Forestry and Recreation



MEMORANDUM

To: Mayor and Members of Council

From: Claudia Storto, City Solicitor and Director of Human Resources

Prepared by: Francesco Santaguida, Assistant City Solicitor

Date: November 26, 2019

Re: Recission of By-law 2019-114 – Zoning By-law for 5440 16th Avenue, Markham (Andrin Investments Limited)

RECOMMENDATION:

1. THAT Council rescind By-law 2019-114.

BACKGROUND:

At its meeting on November 13, 2019, Council considered Item 13.3 “A By-law to amend By-law 177-96, as amended, to facilitate the development of common element condominium development” and confidential item 14.2.1, “LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD - ANDRIN INVESTMENTS LIMITED, 5440 16TH AVENUE (WARD 4) (8.0) [Section 239 (2) (e)]”.

The Zoning By-law Amendment application has been appealed to the Local Planning Appeal Tribunal (“LPAT”) for a lack of decision, and as a result, approval authority for the zoning by-law amendment rests with the LPAT and not with the City. Inadvertantly, the zoning by-law was included on the Council agenda and was passed by Council at its November 13, 2019 meeting.

As Council is not the approval authority, the by-law is inoperative. In order to avoid administrative confusion at the City, and confusion at the LPAT hearing of this matter, staff recommend that By-law 2019-114 be rescinded.



By-law 2019-xx

TO AMEND STOP BY-LAW 106-71
65R-28526, Part 5

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

1. By adding to Schedule 12 - Compulsory Stops - at the following named intersections:

COLUMN 1	COLUMN 2	COLUMN 3
<u>INTERSECTION</u>	<u>FACING TRAFFIC</u>	<u>LOCATION OF STOP SIGN</u>
Riverlands Avenue at William Forster Road	Eastbound on Riverlands Avenue	South side on Riverlands Avenue, on the west side of William Forster Road
Riverlands Avenue at Cornell Centre Boulevard	Westbound on Riverlands Avenue	North side on Riverlands Avenue, on the east side of Cornell Centre Boulevard

2. 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 signs have been erected.

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

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



By-law 2019-xx

TO AMEND PARKING BY-LAW 2005-188
65R-28526, PART 5

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT PARKING BY-LAW 2005-188 BE, AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule C of Parking By-Law 2005-188 pertaining to "Prohibited Parking" be amended by adding the following:

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<u>LOCATION</u>	<u>SIDE(S)</u>	<u>BETWEEN</u>	<u>PROHIBITED TIME OR DAYS</u>
Riverlands Avenue	North	Cornell Centre Boulevard to a point 35m east at parking bay	Any Time
Riverlands Avenue	North	William Forster Road to a point 30m west at parking bay.	Any Time
Riverlands Avenue	North	A point 70m east of Cornell Centre Boulevard to a point 80m east of Cornell Centre Boulevard between parking bays.	Any Time
Riverlands Avenue	South	Cornell Centre Boulevard to a point 35m east at parking bay.	Any Time
Riverlands Avenue	South	William Forster Road to a point 30m west at parking bay.	Any Time

2. The By-Law shall come into force and effect upon receiving the third reading by the Council of the Town of Markham and also when authorized signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2019

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



By-law 2019-xx

TO AMEND BY-LAW 106-71
65M-4526

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

1. By adding to Schedule 12 - Compulsory Stops - at the following named intersections:

COLUMN 1	COLUMN 2	COLUMN 3
<u>INTERSECTION</u>	<u>FACING TRAFFIC</u>	<u>LOCATION OF STOP SIGN</u>
Arthur Bonner Avenue at Bur Oak Avenue	Westbound Arthur Bonner Avenue	North side on Arthur Bonner Avenue, East side of Bur Oak Avenue
Arthur Bonner Avenue at Cornell Centre Boulevard	Eastbound Arthur Bonner Avenue	South side on Arthur Bonner Avenue, west side of Cornell Centre Boulevard
Lane 5 at Adam Sellers Street	Westbound Lane 5	North side on Lane 5, East side of Adam Sellers Street
Lane 5 at Lane 4	Eastbound Lane 5	South side on Lane 5, west side of Lane 4.
Frederick Wilson Avenue at Adam Sellers Street	Westbound Frederick Wilson Avenue	North side on Frederick Wilson Avenue, East side of Adam Sellers Street
Frederick Wilson Avenue at Cornell Centre Boulevard	Eastbound Frederick Wilson Avenue	South side on Frederick Wilson Avenue, west side of Cornell Centre Boulevard
George Patton Avenue at Adam Sellers Street	Westbound George Patton Avenue	North side on George Patton Avenue, east side of Adam Sellers Street
George Patton Avenue at Lane 2	Eastbound George Patton Avenue	South side on George Patton Avenue, west side of Lane 2
Lane 1 at Adam Sellers Street	Westbound Lane 1	North side on Lane 1, east side of Adam Sellers Street
Lane 1 at Lane 2	Eastbound Lane 1	South side on Lane 1, west side of Lane 2
Rustle Woods Avenue at Bur Oak Avenue	Westbound Rustle Woods Avenue	North side on Rustle Woods Avenue, east side of Bur Oak Avenue
Rustle Woods Avenue at Cornell Centre Boulevard	Eastbound Rustle Woods Avenue	South side on Rustle Woods Avenue, west side of Cornell Centre Boulevard

Rustle Woods Avenue at Cornell Centre Boulevard	Westbound Rustle Woods Avenue	North side on Rustle Woods Avenue, east side of Cornell Centre Boulevard
Lane 4 at Arthur Bonner Avenue	Southbound Lane 4	West side on Lane 4, north side of Arthur Bonner Avenue
Lane 4 at Frederick Wilson Avenue	Northbound Lane 4	East side on Lane 4, south side of Frederick Wilson Avenue
Lane 3 at Frederick Wilson Avenue	Southbound Lane 3	West side on Lane 3, north side of Frederick Wilson Avenue
Lane 2 at Rustle Woods Avenue	Northbound Lane 2	East side of Lane 2, south side of Rustle Woods Avenue
Adam Sellers Street at Rustle Woods Avenue	Northbound Adam Sellers Street	East side on Adam Sellers Street, south side of Rustle Woods Avenue
Adam Sellers Street at Arthur Bonner Avenue	Southbound Adam Sellers Street	West side on Adam Sellers Street, north side of Arthur Bonner Avenue
Lane 7 at Frederick Wilson Avenue	Southbound Lane 7	West side on Lane 7, north side of Frederick Wilson Avenue
Lane 7 at George Patton Avenue	Northbound Lane 7	East side on Lane 7, south side of George Patton Avenue
Edward Lennox Street at Frederick Wilson Avenue	Southbound Edward Lennox Street	West side on Edward Lennox Street, north side of Frederick Wilson Avenue
Edward Lennox Street at George Patton Avenue	Northbound Edward Lennox Street	East side on Edward Lennox Street, south side of George Patton Avenue
Thomas Swanson Street at George Patton Avenue	Northbound Thomas Swanson Street	East side on Thomas Swanson Street, south side of George Patton Avenue
Lane 6 at Frederick Wilson Avenue	Southbound Lane 6	West side on Lane 6, north side of Frederick Wilson Avenue
Lane 6 at George Patton Avenue	Northbound Lane 6	East side on Lane 6, south side of George Patton Avenue

2. 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 signs have been erected.

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

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



By-law 2019-xx

TO AMEND BY-LAW 106-71
65M-4354

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

1. By adding to Schedule 12 - Compulsory Stops - at the following named intersections:

COLUMN 1	COLUMN 2	COLUMN 3
<u>INTERSECTION</u>	<u>FACING TRAFFIC</u>	<u>LOCATION OF STOP SIGN</u>
William Forster Road and Cornell Rouge Boulevard	Westbound on William Forster Road	North side on William Forster Road, east side of Cornell Rouge Road
Pearl Lake Road and William Forster Road	Northbound on Pearl Lake Road	East side on Pearl Lake Road, south side of William Forster Road
Jack Leaf Road and William Forster Road	Northbound on Jack Leaf Road	East side on Jack Leaf Road, south side of William Forster Road
Webb Street and William Forster Road	Northbound on Webb Street	East side on Webb Street, south side of William Forster Road
Webb Street and William Forster Road	Southbound on Webb Street	West side on Webb Street, north side of William Forster Road
Lane JJ and William Forster Road	Northbound of Lane JJ	East side on Lane JJ, south side of William Forster Road
Lane AA and Lane JJ	Westbound on Lane AA	North side on Land AA, east side of Lane JJ
Lane AA and Jack Leaf Road	Eastbound on Lane AA	South side on Lane AA, west side of Jack Leaf Road
Lane AA and Jack Leaf Road	Westbound on Lane AA	North side on Lane AA, east side of Jack Leaf Road
Lane AA and Sunnyside Hill Road	Southbound on Lane AA	West side on Lane AA, north side of Sunnyside Hill Road
Lane JJ and Sunnyside Hill Road	Southbound on Lane JJ	West side on Lane JJ, north side of Sunnyside Hill Road
Webb Street and Sunnyside Hill Road	Southbound on Webb Street	West side on Webb Street, north side of Sunnyside Hill Road,
Sunnyside Hill Road and Jack Leaf Road	Eastbound on Sunnyside Hill Road	South side on Sunnyside Hill Road, west side of Jack Leaf Road
Sunnyside Hill Road and Jack Leaf Road	Westbound on Sunnyside Hill Road	North side on Sunnyside Hill Road, east side of Jack Leaf Road
Lane BB and Jack Leaf Road	Eastbound on Lane BB	South side on Lane BB, west side of Jack Leaf Road

Lane BB and Jack Leaf Road	Westbound on Lane BB	North side on Lane BB, East side of Jack Leaf Road
Windyton Avenue and Jack Leaf Road	Eastbound on Windyton Avenue	South side on Windyton Avenue, West side of Jack Leaf Road
Windyton Avenue and Jack Leaf Road	Westbound on Windyton Avenue	North side on Windyton Avenue, East side of Jack Leaf Road
Lane CC and Jack Leaf Road	Eastbound on Lane CC	South side on Lane CC, West side of Jack Leaf Road
Lane CC and Jack Leaf Road	Westbound on Lane CC	North side on Lane CC, East side of Jack Leaf Road
Jack Leaf Road and Pearl Lake Road	Southbound on Jack Leaf Road	West side on Jack Leaf Road, north side on Pearl Lake Road,
Cornerwalk Path and Sunnyside Hill Road	Northbound on Cornerwalk Path	East side on Cornerwalk Path, south side of Sunnyside Hill Road
Lane BB and Cornerwalk Path	Eastbound on Lane BB	South side on Lane BB, west side of Cornerwalk Path
Lane BB and Cornerwalk Path	Westbound on Lane BB	North side on Lane BB, east side of Cornerwalk Path
Windyton Avenue and Cornerwalk Path	Eastbound on Windyton Avenue	South side on Windyton Avenue, west side of Cornerwalk Path
Windyton Avenue and Cornerwalk Path	Westbound on Windyton Avenue	North side on Windyton Avenue, east side of Cornerwalk Path
Lane CC and Cornerwalk Path	Eastbound on Lane CC	South side on Lane CC, west side of Cornerwalk Path
Lane CC and Cornerwalk Path	Westbound on Lane CC	North side on Lane CC, east side of Cornerwalk Path
Cornerwalk Path and Pearl Lake Road	Southbound on Cornerwalk Path	West side on Cornerwalk Path, north side of Pearl Lake Road
Pearl Lake Road and Marbles Lane	Eastbound on Pearl Lake Road	South side on Pearl Lake Road, west side of Marbles Lane
Lane GG and Marbles Lane	Eastbound on Lane GG	South side on Lane GG, west side of Marbles Lane
Marbles Lane and Starry Sky Avenue	Southbound on Marbles Lane	West side on Marbles Lane, north side of Starry Sky Avenue
Lane GG and Lane II	Westbound on Lane GG	North side on Lane GG, east side of Lane II
Lane II and Starry Sky Avenue	Southbound on Lane II	West side on Lane II, north side of Starry Sky Avenue
Lane II and Pearl Lake Road	Northbound on Lane II	East side on Lane II, south side of Pearl Lake Road
Stackstone Road and Pearl Lake Road	Northbound on Stackstone Road	East side on Stackstone Road, south side of Pearl Lake Road

Starry Sky Avenue and Stackstone Road	Westbound on Starry Sky Avenue	North side on Starry Sky Avenue, east side of Stackstone Road
Lane II and Starry Sky Avenue	Northbound on Lane II	East side on Lane II, south side of Starry Sky Avenue
Lane HH and Lane II	Westbound on Lane HH	North side on Lane HH, east side of Lane II
Lane II and Riverlands Avenue	Southbound on Lane II	West side on Lane II, north side of Riverlands Avenue
Stackstone Road and Riverlands Avenue	Southbound on Stackstone Avenue	West side on Stackstone Road, north side of Riverlands Avenue
Lane CC and Lane JJ	Westbound on Lane CC	North side on Lane CC, east side of Lane JJ
Lane JJ and Pearl Lake Road	Southbound on Lane JJ	West side on Lane JJ, north side of Pearl Lake Road
Lane JJ and Windyton Avenue	Northbound on Lane JJ	East side on Lane JJ, south side of Windyton Avenue,
Lane JJ and Windyton Avenue	Southbound on Lane JJ	West side on Lane JJ, north side of Windyton Avenue
Lane BB and Lane JJ	Westbound on Lane BB	North side on Lane BB, east side of Lane JJ
Lane JJ and Sunnyside Hill Road	Northbound on Lane JJ	East side on Lane JJ, south side of Sunnyside Hill Road
Sunnyside Hill Road and Pearl Lake Road	Westbound on Sunnyside Hill Road	North side on Sunnyside Hill Road, east side of Pearl Lake Road
Windyton Avenue and Pearl Lake Road	Westbound on Windyton Avenue	North side on Windyton Avenue, east side of Pearl Lake Road

2. 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 signs have been erected.

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

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



By-law 2019-xx

TO AMEND PARKING BY-LAW 2005-188 65M-4354

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT PARKING BY-LAW 2005-188 BE, AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule C of Parking By-Law 2005-188 pertaining to "Prohibited Parking" be amended by adding the following:

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<u>LOCATION</u>	<u>SIDE(S)</u>	<u>BETWEEN</u>	<u>PROHIBITED TIME OR DAYS</u>
William Forster Road	North	Cornell Rouge Boulevard to a point 15m east of Cornell Rouge Boulevard	Anytime
William Forster Road	North	Webb Street to a point 40m west of Webb Street	Anytime
William Forster Road	South	Cornell Rouge Boulevard and Webb Street	Anytime
Sunnyside Hill Road	South	Pearl Lake Road to Webb Street	Anytime
Sunnyside Hill Road	North	Lane AA and Webb Street	Anytime
Windyton Avenue	South	Pearl Lake Road and Cornerwalk Path	Anytime
Pearl Lake Road	West	William Forster Road to a point 25m west of Lane JJ	Anytime
Pearl Lake Road	North	Stackstone Road to a point fronting 41 / 43 Pearl Lake Road	Anytime
Pearl Lake Road	South	A point 25m east of Stackstone Road to Marbles Lane	Anytime
Starry Sky Avenue	South	Stackstone Road to Lane HH	Anytime
Jack Leaf Road	West	William Forster Road to Pearl Lake Road	Anytime
Webb Street	East	William Forster Road to Sunnyside Hill Road	Anytime
Cornerwalk Path	West	Sunnyside Hill Road to Pearl Lake Road	Anytime
Stackstone Road	East	Pearl Lake Road to Riverlands Avenue	Anytime
Riverlands Avenue	North	Stackstone Road to Laneway II	Anytime

2. 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 signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2019.

KIMBERLEY KITTERINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



By-law 2019-xx

TO AMEND PARKING BY-LAW 2005-188
65M-4526

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT PARKING BY-LAW 2005-188 BE, AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule C of Parking By-Law 2005-188 pertaining to "Prohibited Parking" be amended by adding the following:

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<u>LOCATION</u>	<u>SIDE(S)</u>	<u>BETWEEN</u>	<u>PROHIBITED TIME OR DAYS</u>
Cornell Centre Boulevard	East	HWY 7 to a point 15m north of Arthur Bonner Avenue	Any Time
Cornell Centre Boulevard	East	A point 15m south of Fredrick Wilson Avenue to a point 15m north Fredrick Wilson Avenue	Any Time
Cornell Centre Boulevard	East	A point 15m south of Robert Joffre Leet Avenue to a point 15m north Robert Joffre Leet Avenue	Any Time
Cornell Centre Boulevard	East	A point 15m south of Rustle Woods Avenue to a point 15m north Rustle Woods Avenue	Any Time
Cornell Centre Boulevard	East	A point 15m south of Church Street to Church Street	Any Time
Cornell Centre Boulevard	West	HWY 7 to Church Street	Any Time
Edward Lennox Street	East	Frederick Wilson Avenue to George Patton Avenue	Any Time
Thomas Swanson Street	East	Frederick Wilson Avenue to George Patton Avenue	Any Time
Adam Sellers Street	East	Arthur Bonner Avenue to Rustle Woods Avenue	Any Time
Arthur Bonner Avenue	North	Cornell Centre Boulevard to Bur Oak Avenue	Any Time
Arthur Bonner Avenue	South	Cornell Centre Boulevard to a point 40m west of Cornell Centre Boulevard	Any Time

Arthur Bonner Avenue	South	A point 15m east of Adam Sellers Street to a point 15m west of Adam Sellers Street	Any Time
Arthur Bonner Avenue	South	Bur Oak Avenue to a point 15m east of Bur Oak Avenue	Any Time
Frederick Wilson Avenue	North	Adam Sellers Street to Cornell Centre Blvd	Any Time
George Patton Avenue	South	Adam Sellers Street to Lane 2	Any Time
Rustle Woods Avenue	North	Bur Oak Avenue to Cornell Centre Boulevard	Any Time
Rustle Woods Avenue	South	45m west of Cornell Centre Blvd to Cornell Centre Blvd	Any Time
Rustle Woods Avenue	South	Bur Oak Avenue to a point 15m east of Adam Sellers Street	Any Time

2. 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 signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2019.

KIMBERLEY KITTINGHAM
TOWN CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2019-XXX

Being a By-law to authorize the execution
of Heritage Easement Agreements

WHEREAS section 37 (1) of the *Ontario Heritage Act*, R.S.O. 1990 c.O.18 authorizes the Council of a municipality to pass by-laws providing for the entering into heritage easements with owners of real property or interests in real property for the conservation of property of cultural heritage value or interest;

AND WHEREAS it has been determined that the property identified on Schedule “A” attached to this by-law is a property of cultural heritage value or interest;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. THAT the Mayor and Clerk be authorized to execute Heritage Easement Agreements between the City of Markham and the property owners as set out on Schedule “A” attached to this by-law, for the lands described in Schedule “A”, and any other documents required to give effect thereto in a form satisfactory to the City Solicitor.

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

KIMBERLEY KITTINGHAM,
CITY CLERK

FRANK SCARPITTI, MAYOR

Schedule “A” to By-law XXXX-XXX
Being a By-law to authorize the execution
of Heritage Easement Agreements

PROPERTY OWNER	MUNICIPAL ADDRESS	LEGAL DESCRIPTION
Chakraborty Indrajit Sircar Ujjani	7739 Ninth Line	CON 9 PT LOT 5



By-law 2019-125

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:

Lots 12 to 29 (inclusive), Registered Plan 65M-4513, designated as Parts 1 to 36 (inclusive) on Reference Plan 65R-37131; 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 on -----.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



EXPLANATORY NOTE

BY-LAW NO: 2019-XXX
Part Lot Control Exemption By-law

Cornell Rouge Development Corp.
Lots 12 to 29 (inclusive) Registered Plan 65M-4513,
Designated as Parts 1 to 36 (inclusive) on Reference Plan 65R-37131

The proposed by-law applies to Lots 12 to 29 (inclusive) Registered Plan 65M-4513, designated as Parts 1 to 36 (inclusive) on Reference Plan 65R-37131. These lands are located on the east side of William Forster Road, which is west of Donald Cousens Parkway and north of Highway 7 in the Cornell community.

The purpose of this by-law is to exempt the subject lots from the part lot control provisions of the Planning Act.

The effect of this by-law is to allow a lot line adjustment to 18 lots with 8.0 metre frontages, resulting in 16 lots with 9.0 metre frontages.



By-law 2019-xx

To amend By-Law 2015-93 being a By-law to implement an Administrative Monetary Penalty System in Markham

WHEREAS the Council of the Corporation of the City of Markham considers it desirable to amend By-law 2015-93 being a By-law to implement an Administrative Monetary Penalty System, and,

WHEREAS section 102.1 of the *Municipal Act 2001, S.O. 2001, c.25*, as amended and Ontario Regulation 333/07 authorize The Corporation of the City of Markham to require a person to pay an administrative penalty for the contravention of any by-law respecting parking, standing or stopping of vehicles, and,

WHEREAS additions, deletions and changes to By-law 2015-93 are required from time to time to reflect current administrative and enforcement practices.

NOW THEREFORE the Council of the Corporation of the City of Markham enacts as follows:

That By-law 2015-93 be amended as follows:

1. By amending Section 1 (“Definitions”)

(a) by adding the Definition of “Vehicle” – includes a motor vehicle, trailer, traction engine, farm tractor, road building machine, and any vehicle drawn, propelled or driven by any kind of power including muscular power but does not include a motorized snow vehicle, the cars of electric or steam railways running only upon rails.

2. By amending Section 4, (“Review by A Screening Officer”) as follows:

(a) by adding Section 4.8(e) with the following words “It is the responsibility of the requestor to follow up on their request for a screening review by a screening officer within 3 business days of their submitted request. Failure to do so could result....)”.”

(b) by amending Section 4.8 (c) by adding the following words after “MTO fee” “for each penalty notice scheduled”.

(c) by amending Section 4.9 by renumbering that Section as 4.10.

(d) by replacing Section 4.9 with the following wording:

“A request for an extension of time for payment of the penalty must be made in writing to the Clerk. On a request for an extension of time to pay the penalty, the existence of extenuating circumstances must be substantiated by documents i.e., medical note, death certificate and or financial records”.

(e) by adding Section 4.13 with the words “Disorderly or abusive behaviour towards a Screening Officer or any City staff during the hearing process or refusal to effectively participate in the proceeding will result in full affirmation of a Penalty and furthermore is considered an abandonment of the dispute.”

3. By amending Section 5, (“Review by a Hearing Officer”) as follows:

- (a) by amending Section 5.5 (d) by adding the words after MTO fee “ for each penalty scheduled,
- (b) by adding Section 5.12 the following words “Disorderly or abusive behaviour towards a Hearing Officer or any City staff during the hearing process or refusal to effectively participate in the proceeding will result in full affirmation of a Penalty and furthermore is considered an abandonment of the dispute.”

4. By amending Section 7, “(Administration”), as follows:

- (a) by deleting the words in Section 7.10 and replacing it with the words “Once a penalty has been paid, the matter is considered closed and the penalty is no longer eligible for dispute”.
- (b) by deleting the words in Section 7.11 and replacing them with “Once a penalty has been registered in default with the MTO, the penalty is no longer eligible for dispute”.
- (c) that Section 7.12 be added with the following words: “Any schedule attached to this By-law forms part of this By-law”.

Read a first, second, and third time and passed on -----.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor



ATTACHMENT “D”

BY-LAW NUMBER _____
TO AMEND BY-LAW 106-71

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

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

COLUMN 1	COLUMN 2	COLUMN 3
<u>INTERSECTION</u>	<u>FACING TRAFFIC</u>	<u>LOCATION OF STOP SIGN</u>
George Street & Robinson Street	Southbound on George Street	North side of Robinson Street, west side of George Street

2. 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 signs have been erected.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____

DAY OF _____, 2019.

KIMBERLY KITTINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



By-law 2019-xx

To amend By-Law 2005-188 being a By-law to Govern and Control the Parking of Vehicles in the City of Markham (Amendments to Parking By-law)

WHEREAS the Council of the Corporation of the City of Markham considers it desirable to amend By-law 2005-188, a By-law to govern and control the parking of vehicles in the City of Markham, and,

WHEREAS section 102.1 of the Municipal Act 2001 and Ontario Regulation 333/07 authorizes The Corporation of the City of Markham to require a person to pay an administrative penalty for the contravention of any By-law respecting parking, standing or stopping of vehicles, and,

WHEREAS additions, deletions and changes to the said By-law are required to reflect current by-law administrative practices, and,

WHEREAS administrative amendments are required from time to time for enforcement purposes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That Parking By-law 2005-188 be amended as follows:
- (2) Delete the word “Town” and replace with “City” throughout the entire By-law.
- (3) That Section 1.0 of the Parking By-law (Definitions) be amended by adding the following to the definition of “Highway”. Add the words “and includes the area between the lateral property lines thereof; after “for the passage of vehicles”.
- (4) That Section 1.0 of the Parking By-law (Definitions) be amended by adding the following to the definition of “Residential Zone”. Add the words “zones and/or retail and mixed use zones” after “as being residential”.
- (5) Add the following to subsection 14(2) to Section 14 entitled “Parking Permit Program” as follows:
 14 (2) Parking permits are issued at the sole discretion of Parking Management. Furthermore, all City streets under consideration for permits are subject to a site review and approval by City staff.
- (6) Delete the following in subsection 14(7) to Section 14 entitled “Parking Permit Program”:
 “signs are erected along affected streets to designate Permit Parking Areas” after “shall be effective”.
- (7) Add the following to subsection 14(7) to Section 14 entitled “Parking Permit Program” as follows;
 “streets have been added to Schedule H of this By-law” after “shall be effective.”

- (8) Add the following subsection 14(13) to Section 14, entitled “Parking Permit Program”:
“The purchase of a permit does not guarantee a parking space”.

- (9) Add the following subsection to Schedule D as follows:

SCHEDULE “D”-PARKING FOR RESTRICTED PERIOD				
Column 1 Street	Column 2 Side	Column 3 Location	Column 4 Permitted Time of Day	Column 5 Maximum Time Period
Kenilworth Gate	South	Between house #1-9	8 a.m. to 4 p.m. Monday to Friday	3 Hours

- (10) Add the attached streets (in alphabetical order) to Schedule H- Streets Approved for Monthly Parking Permits.

- (11) Add the following letter to Column 4 Schedule H-Royal Feathers; A

- (12) Add the following (in alphabetical order) to Schedule I, as follows:

SCHEDULE “I”-PARKING PERMIT PROGRAM FEES & RESTRICTIONS		
Column 1 Fee table Ref	Column 2 Parking Permit Program Area	Column 3 Parking Permit Program Fees & Restrictions
A	Cornell Community	\$42.50 per month per permit (2019) \$55.00 per month per permit (2020)
B	Angus Glen Community	\$42.50 per month per permit (2019) \$55.00 per month per permit (2020)
C	Inverlochy Blvd	\$42.50 per month per permit (2019) \$55.00 per month per permit (2020)
D	Tamarack Drive	\$42.50 per month per permit (2019) \$55.00 per month per permit (2020)
E	Cathedraltown Community	\$42.50 per month per permit (2019) \$55.00 per month per permit (2020)
F	Sunrise Drive	\$42.50 per month per permit (2019) \$55.00 per month per permit (2020)

- (12) That Schedule K, “Parking Meter Control Areas” be deleted in its entirety.
- (13) That Schedule L, “Parking Meter Control Areas” be deleted in its entirety.
- (14) That Schedule M “Parking Meter Control Areas” be deleted in its entirety.

SCHEDULE “H”-PARKING PERMIT PROGRAM AREAS

Column 1 Street	Column 2 Side	Column 3 Between	Column 4 Fee Table	Column 5 Amending Bylaw
Arthur Dixon St	where signs permit		A	
Benton Dr	where signs permit		A	
Bloom St	where signs permit		A	
Cinemark Ave	where signs permit		A	
Cornell Centre Blvd	where signs permit		A	
Cross Brooks St	where signs permit		A	
Demott Ave	where signs permit		A	
Diamond Jubilee Dr	where signs permit		A	
Dimma St	where signs permit		A	
Disk Dr	where signs permit		A	
Donald Cousens Pkwy	where signs permit		A	
Duncan Rd	where signs permit		A	
Elphee Lane	where signs permit		A	
Frank Ash St	where signs permit		A	
Frank Davis St	where signs permit		A	
Garden Trail Rd	where signs permit		A	
Golden Fern St	where signs permit		A	
Gordon Landon Dr	where signs permit		A	
Greenery Rd	where signs permit		A	
Harvest Field Rd	where signs permit		A	
Honey Glen Ave	where signs permit		A	
Lawrence Pilkington Ave	where signs permit		A	
Murray Wilson Dr	where signs permit		A	
Paper Birch Dr	where signs permit		A	
Peace Lake Rd	where signs permit		A	

Pearl Walk Rd	where signs permit		A	
Peer St	where signs permit		A	
Portia St	where signs permit		A	
Raven cross Ave	where signs permit		A	
Red brick Rd	where signs permit		A	
Rexford Dr	where signs permit		A	
Rivertree St	where signs permit		A	
Rossmore Dr	where signs permit		A	
Rustle Woods Ave	where signs permit		A	
Sam Priestley Ave	where signs permit		A	
Stackstone Rd	where signs permit		A	
Starry Sky Ave	where signs permit		A	
Stockport Rd	where signs permit		A	
Stone Jug Ave	where signs permit		A	
Sugarberry Ave	where signs permit		A	
Sunnyside Hill Rd	where signs permit		A	
Terry Fox St	where signs permit		A	
Vinod Rd	where signs permit		A	
Wagon Works St	where signs permit		A	
Waterleaf Rd	where signs permit		A	
Webb St	where signs permit		A	
William Forster Rd	where signs permit		A	
Windyton Ave	where signs permit		A	
9 th line	where advised		A	
Church St	where advised		A	
Adastra Cres	where signs permit		E	
Atlas Peak Dr	where signs permit		E	
Cathedral High St	where signs permit		E	
Cecil Nichols Ave	where signs permit		E	
Corduroy Dr	where signs permit		E	
Count Crystan Ave	where signs permit		E	
Donald Buttress Blvd	where signs permit		E	

Earl Goodyear Rd	where signs permit		E	
George Heenan St	where signs permit		E	
Harry Swinger Dr	where signs permit		E	
Hazelton Ave	where signs permit		E	
Ivory Silk Dr	where signs permit		E	
Living Cres	where signs permit		E	
Murray Spiers Crt	where signs permit		E	
Pillar Rock Cres	where signs permit		E	
Pisanelli Ave	where signs permit		E	
Pope John Paul II Sq	where signs permit		E	
Princess Diana Dr	where signs permit		E	
Quinton Dr	where signs permit		E	
Robert Osprey Dr	where signs permit		E	
Russell Dawson Rd	where signs permit		E	
Sequia Grove Dr	where signs permit		E	
Sisina Ave	where signs permit		E	
Staglin Rd Crt	where signs permit		E	
Tucciarone Crt	where signs permit		E	
Victoria Square Blvd	where signs permit		E	
Vinecliff Blvd	where signs permit		E	
Winter Creek Cres	where signs permit		E	

Read a first, second, and third time and passed on -----.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor