

**TOWNSHIP OF ESSA  
CONSENT AGENDA  
WEDNESDAY, JANUARY 15, 2020**

**A – ITEMS RECEIVED AS INFORMATION**

1. Resolutions re: Nottawasaga Valley Conservation Authority (NVCA) - Conservation Authority Exit Clause:
  - p. 1 a) November 7, 2019 – Township of Ramara
  - p. 3 b) December 11, 2019 – County of Simcoe
  - p. 4 c) December 17, 2019 – Township of Huron-Kinloss
  
- p. 5 2. Resolution from the Township of Tiny dated December 9, 2019, re: Short Term Rental Accommodations.
  
3. Correspondence from the County of Simcoe:
  - p. 8 a) December 11, 2019 – Nottawasaga Valley Conservation Authority Levy (NVCA)
  - p. 11 b) December 19, 2019 – Request for Comment – County Initiated Official Plan Amendment – Waste Management Policies
  - p. 14 c) January 3, 2020 – Resolution of County Council Support, re: AMO Report "Towards a Reasonable Balance: Addressing Growing Municipality Liability and Insurance Costs"
  
- p. 33 4. Correspondence from Crime Watch Canada dated December 12, 2019 re: Request for Support – Wounded Warriors Canada.
  
- p. 36 5. NVCA Board Meeting Highlights – Meeting of December 13, 2019.
  
6. Correspondence from the Association of Municipalities (AMO) dated December 16, 2019, re: Queen's Park Update.
- p. 38
  
- p. 41 7. Correspondence from the Ministry of Children Community and Social Services dated December 16, 2019, re: Ontario's Poverty Reduction Strategy.
  
- p. 43 8. Correspondence from the Environmental Registry of Ontario dated December 23, 2019, re: Proposed Amendments to the Aggregate Resources Act.
  
- p. 48 9. Correspondence from the Township of Essa's Fire Department, re: Emergency Calls for the month of December, 2019.
  
- p. 50 10. Ontario Energy Board (OEB) Notice of Public Hearing, re: Enbridge Gas Inc. Application to Increase Gas Rates (effective April 1, 2020).

**C**

**B – ITEMS RECEIVED AND REFERRED TO SERVICE AREA FOR ACTION**

None to be presented.

**C – ITEMS RECEIVED AND REFERRED TO SERVICE AREA FOR REVIEW AND REPORT TO COUNCIL**

None to be presented.



2297 Highway 12,  
PO Box 190  
Brechin, Ontario L0K 1B0  
p. 705-484-5374  
f. 705-484-0441

November 7, 2019

Honourable Jeff Yurek  
Minister of Environment, Conservation and Parks  
College Park 5th Floor  
777 Bay St  
Toronto, ON M7A 2J3

**Re: Conservation Authority Exit Clause**

The Council of the Corporation of the Township of Ramara passed the following motion at their regular meeting held October 28, 2019, unanimously by a recorded vote:

WHEREAS the TOWNSHIP OF RAMARA has consistently expressed its view that its watershed conservation authorities are duplicative, financially unaccountable, in conflict with citizens and private property rights;

AND WHEREAS the TOWNSHIP OF RAMARA has encountered the regulatory obstacles to challenge the arbitrary, inefficient, non-transparent, and unsustainable municipal levy forced upon it annually by its watershed conservation authorities;

AND WHEREAS the TOWNSHIP OF RAMARA questions the efficacy and relevance of its watershed conservation authorities' programs and services and their performance in achieving the goals of conservation and environmental stewardship;

AND WHEREAS the TOWNSHIP OF RAMARA finds the current Conservation Authorities Act, 1990, R.S.O. 1990, c. C.27 and its proscribed regulations inconsistent and obsolete;

AND WHEREAS the Minister of Environment, Conservation, and Parks the Honourable Jeff Yurek signaled the province's intent to reconsider and update the Conservation Authorities Act, 1990, R.S.O. 1990, c. C.27 and its proscribed regulations;

THEREFORE BE IT RESOLVED THAT: the TOWNSHIP OF RAMARA support the province's determination that the existing Conservation Authorities Act, 1990, R.S.O. 1990, c. C.27 and its proscribed regulations require review;

[www.ramara.ca](http://www.ramara.ca)

A1a

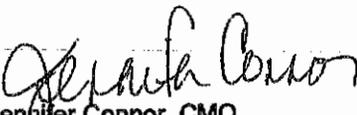
AND THAT the TOWNSHIP OF RAMARA signal to the Ministry of the Environment, Conservation, and Parks of its willingness to participate in all consultations and submissions to the same;

AND THAT further the TOWNSHIP OF RAMARA signal its express desire that an exit clause be provided in any new Conservation Authorities Act to permit municipalities that determine the objects of conservation and environmental stewardship can be provided by alternative governance, programs, and/or services to exist costly and unwarranted conservation authority(ies) jurisdiction(s);

AND THAT this resolution be forwarded the Minister of the Environment, Conservation, and Parks, the Honourable Jeff Yurek, Conservation Ontario, Ontario's thirty-six conservation authorities, and all upper and lower-tier Ontario municipalities.

I trust the above is self-explanatory however if you require further information or clarification, please contact me.

Yours truly,

  
Jennifer Connor, CMO  
Legislative Services Manager/Clerk

JC/cw

c.c. Jill Dunlop, MPP  
Conservation Ontario  
Ontario Conservation Authorities  
Ontario Municipalities



County of Simcoe  
Clerk's Department  
1110 Highway 26,  
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300  
Toll Free (888) 893-9300  
Fax (705) 725-1285  
simcoe.ca



A16

December 11, 2019

The Honourable Jeff Yurek  
Minister of Environment, Conservation and Parks  
College Park 5<sup>th</sup> Floor  
777 Bay St  
Toronto, ON M7A 2J3

**Re: Conservation Authority Exit Clause**

On behalf of Warden Cornell and County Council, I'm writing to advise that at its meeting on December 4, 2019, Simcoe County Council approved the following recommendation:

"That the resolution from the Township of Ramara regarding conservation authority exit clause, be supported."

A copy of the related correspondence from the Township of Ramara is enclosed for your information. Should you require anything further, please contact the undersigned at extension 1623.

Regards,

John Daly  
County Clerk, and  
Director of Statutory Services

Enclosure/

c.c. Jill Dunlop, MPP  
Doug Downey, MPP  
Andrea Khanjin, MPP  
Caroline Mulroney, MPP  
Jim Wilson, MPP  
Conservation Ontario  
Ontario Conservation Authorities  
Ontario Municipalities

A1c



**The Corporation of the Township of Huron-Kinloss**

P.O. Box 130  
21 Queen St.  
Ripley, Ontario  
N0G2R0

Phone: (519) 395-3735  
Fax: (519) 395-4107

E-mail: [info@huronkinloss.com](mailto:info@huronkinloss.com)  
Website: <http://www.huronkinloss.com>

The Honourable Jeff Yurek  
Minister of the Environment, Conservation, and Parks  
Conservation Ontario,  
College Park 5th Flr, 777 Bay St,  
Toronto, ON M7A 2J3

December 17, 2019

Dear Minister;

Re: Copy of Resolution #645

Please find below a copy of the resolution adopted by the Township of Huron-Kinloss Council at its December 16, 2019 session supporting the resolution brought forth by the Township of Ramara.

Motion No: 915

Moved by: Ed McGugan

Seconded by: Lillian Abbott

That the Township of Huron-Kinloss support the the Township of Ramara's request for the province to review the existing Conservation Authorities Act, 1990, R.S.O. 1990, c. C.27 and request that an exit clause be provided in any new Conservation Authorities Act to permit municipalities that determine the objects of conservation and environmental stewardship can be provided by alternative governance, programs, and/or services to costly and FURTHER directs staff to forward a copy of this resolution to the Honourable Jeff Yurek, the Minister of the Environment, Conservation, and Parks Conservation Ontario, Ontario's thirty-six conservation authorities, and all upper and lower-tier Ontario municipalities.

Carried.

Sincerely,

Emily Dance  
Clerk

c.c Conservation Ontario, Ontario Conservation Authorities, Ontario Municipalities



# Tiny

TOWNSHIP OF CANTON DE

130 BALM BEACH ROAD WEST  
TINY, ONTARIO L0L 2J0  
(705) 526-4204 1-866-939-8469  
FAX (705) 526-2372  
www.tiny.ca

December 9, 2019

Ministry of Municipal Affairs and Housing  
777 Bay Street, 17th Floor  
Toronto, ON M5G 2E5

Attention: The Honourable Steve Clark, Minister (by Email: [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca))

Dear Minister Clark:

**RE: Short Term Rental Accommodations**

Please be advised that on November 25, 2019, Council of the Corporation of the Township of Tiny approved the following recommendation:

**"THAT** correspondence from the Township of Severn regarding Short Term Rental Accommodations, be supported;

**AND THAT** staff send an appropriate letter to the Ministry of Municipal Affairs and Housing outlining our concerns regarding short term rentals including the effects on affordable housing in Ontario."

The Township of Tiny is requesting the Ministry of Municipal Affairs and Housing to provide supplementary guidance and/or policy direction to assist municipalities across Ontario currently struggling with the short term rental accommodation issue from a residential land use planning and compatibility perspective. This guidance may provide local municipalities with a collective and consistent approach to ensure these matters are similarly addressed across the Province. In addition, the Township is also requesting that the Ministry consider the above in light of the negative effect that the short term rental market has on affordable housing throughout the Province.

Sincerely,

**THE CORPORATION OF THE TOWNSHIP OF TINY**

Mayor George Cornell

CC: County of Simcoe Municipalities  
Hon. Bruce Stanton, MP, North Simcoe ([bruce.stanton@parl.gc.ca](mailto:bruce.stanton@parl.gc.ca))  
Hon. Jill Dunlop, MPP, Simcoe North ([jill.dunlopcco@pc.ola.org](mailto:jill.dunlopcco@pc.ola.org))

Enclosure: Letter from the Township of Severn

A2



# TOWNSHIP OF SEVERN

P.O. Box 159, Orillia, Ontario, L3V 6J3  
Municipal Office: 1024 Hurlwood Lane  
Telephone: (705) 325-2315 Fax: (705) 327-5818  
E-Mail: info@townshipofsevern.com  
Website: www.townshipofsevern.com

DELIVERED VIA E-MAIL

October 28, 2019

Ministry of Municipal Affairs and Housing  
777 Bay Street  
17<sup>th</sup> Floor  
Toronto, ON M5G 2E5  
[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Attention: The Honourable Steve Clark, Minister

Dear Minister Clark:

**RE: Short Term Rental Accommodations**

Section I - Requiring Discussion / Action
_____
Clerk's Office
Section II - For Information

_____
Clerk's Office

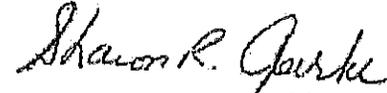
Please be advised that on October 2, 2019, Council of the Corporation of the Township of Severn adopted the following resolution of the Township's Corporate Services Committee, which is provided in part:

**MOTION CSC092519-02:** *Moved by Member Dunlop and seconded by Member Valiquette-Thompson that Planning Report No. P19-044, dated September 25, 2019, with respect to Short Term Rental Accommodations be received;  
AND FURTHER THAT staff be directed to draft a letter to the Province urging the Provincial Government to provide municipalities with guidance and/or policy direction to legislate Short Term Rental Accommodations or to regulate the issue Province wide for Council's review & circulate through County municipalities and to the Chair of AMO.*

In addition to the "The Home-Sharing Guide for Ontario Municipalities" released by the Ministry of Finance in 2018, the Township of Severn is requesting the Ministry of Municipal Affairs and Housing to provide supplementary guidance and/or policy direction to assist municipalities across Ontario currently struggling with this issue from a residential land use planning and compatibility perspective. This guidance may provide local

municipalities with a collective and consistent approach to ensure these matters are similarly addressed across the Province.

Sincerely,

  
Sharon R. Goerke, CMO, AOMC  
Clerk

c.c. County of Simcoe Municipalities  
Chair of the Association of Municipalities of Ontario (AMO)



County of Simcoe  
Clerk's Department  
1110 Highway 26,  
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300  
Toll Free (866) 893-9300  
Fax (705) 725-1285  
simcoe.ca



A3a

December 11, 2019

Nottawasaga Valley Conservation Authority  
8195 8<sup>th</sup> Line  
Utopia, ON L0M 1T0

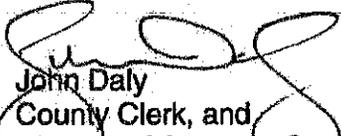
**Re: Nottawasaga Valley Conservation Authority Levy (NVCA)**

On behalf of Warden Cornell and County Council, I'm writing to advise that at its meeting on December 4, 2019, Simcoe County Council approved the following recommendation:

"That the resolution from the Township of Springwater regarding NVCA Levy be supported."

A copy of the related correspondence from the Township of Springwater is enclosed for your information. Should you require anything further, please contact the undersigned at extension 1623.

Regards,

  
John Daly  
County Clerk, and  
Director of Statutory Services

Enclosure/

c.c. Doug Ford, Premier of Ontario  
Jeff Yurek, Minister of Environment, Conservation and Parks  
Jill Dunlop, MPP  
Doug Downey, MPP  
Andrea Khanjin, MPP  
Caroline Mulroney, MPP  
Jim Wilson, MPP  
Conservation Ontario  
Ontario Conservation Authorities  
Ontario Municipalities

A3a



[www.springwater.ca](http://www.springwater.ca)  
2231 Nursery Road  
Minesing, Ontario  
L9X 1A8 Canada

October 21, 2019

Nottawasaga Valley Conservation Authority  
8195 8<sup>th</sup> Line  
Utopia ON, L0M 1T0

**RE: Nottawasaga Valley Conservation Authority Levy**

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Please be advised that at its meeting of October 16, 2019, Council of the Township of Springwater passed the following resolution:

**C457-2019**

Moved by: Coughlin  
Seconded by: Moore

Whereas the Township of Springwater, like all municipalities in Ontario must confront fiscal limitations and re-evaluate programs, services, and the financial sustainability of each;

And Whereas the Township of Springwater is a constituent municipality in portions of the watershed under the jurisdiction of the Nottawasaga Valley Conservation Authority and is compelled to remit non-negotiable levy funding to the Authority on an annual basis;

And Whereas the Township of Springwater cannot exercise line-item scrutiny of Nottawasaga Valley Conservation Authority's budget and operations nor does the Authority itself provide detailed substantiation of the same to its member municipalities like the Township of Springwater;

And Whereas the Township of Springwater must account for all taxpayer funds it expends within its operations and that it forwards to local agencies and boards;

Therefore Be It Resolved That the Township of Springwater requests that the Nottawasaga Valley Conservation Authority provide prior to passage of its 2020 budget the following:

- (1) Its interpretation and understanding of its mandated operations as found in the current Conservation Authorities Act, 1990, R.S.O. 1990, c.C.27 and its prescribed regulations;
- (2) The costs of each as determined under (1);
- (3) Detailed definitions and determinations of what can be characterized as non-mandatory programming and service(s);

(4) The costs of each as determined under (3);

(5) Detailed definitions and determinations of fee-for-service activities of the Nottawasaga Valley Conservation Authority, the revenues they generate as the activities take place within and/or requests originate from geographic area of the Township of Springwater; and

(6) The costs that arise from programs and services enabled through the Memorandum of Understanding with the Severn Sound Environmental Association.

And That this resolution be circulated to Premier Doug Ford, the Minister of the Environment, Conservation, and Parks, the Honourable Jeff Yurek, the County of Simcoe, all Ontario municipalities, the NVCA and Ontario's other 35 Conservation Authorities, and Conservation Ontario.

**Carried**

Sincerely,



Renée Chaperon  
Clerk  
/cp

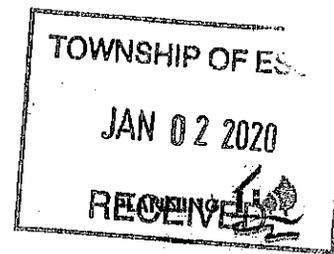
cc. Doug Ford, Premier of Ontario  
Jeff Yurek, Minister of Environment, Conservation and Parks  
The County of Simcoe  
Conservation Ontario  
Ontario municipalities  
Ontario Conservation Authorities

A36



County of Simcoe  
Planning Department  
1110 Highway 26,  
Midhurst, Ontario L9X 1N6

Main Line (705) 726-9300  
Toll Free (866) 893-9300  
Fax (705) 727-4276  
simcoe.ca



**CIRCULATION**

**TO:** Ministry of Municipal Affairs and Housing and Partner Ministries through One-Window Consultation  
Ministry of the Environment, Conservation and Parks (Midhurst Office)

**LOCAL MUNICIPALITIES**

Township of Adjala-Tosorontio, Town of Bradford West Gwillimbury, Township of Clearview, Town of Collingwood, Township of Essa, Town of Innisfil, Town of Midland, Township of Oro-Medonte, Town of New Tecumseth, Town of Penetanguishene, Township of Ramara, Township of Severn, Township of Springwater, Township of Tay, Township of Tiny, Town of Wasaga Beach

**ADJACENT MUNICIPALITIES (LOCAL AND REGIONAL)**

City of Barrie, City of Orillia, City of Kawartha Lakes, County of Dufferin, County of Grey, District Municipality of Muskoka, Regional Municipality of Durham, Regional Municipality of Peel, Regional Municipality of York, Town of Blue Mountains, Township of Brock, Town of Caledon, Town of East Gwillimbury, Township of Georgian Bay, Town of Gravenhurst, Township of King, Township of Melancthon, Town of Mono, Township of Mulmur, Township of Muskoka Lakes

**CONSERVATION AUTHORITIES**

Nottawasaga Valley Conservation Authority, Lake Simcoe Region Conservation Authority, Toronto Region Conservation Authority, Grey Sauble Conservation Authority, Severn Sound Environmental Association

**SCHOOL BOARDS**

Simcoe-Muskoka Catholic District School Board, Simcoe County District School Board, Conseil scolaire de district catholique Centre-Sud, Conseil scolaire publique de district due Centre-Sud-Ouest

Niagara Escarpment Commission, Simcoe Muskoka District Health Unit

**INDIGENOUS COMMUNITIES**

Alderville First Nation, Beausoleil First Nation, Chippewas of Georgina Island, Chippewas of Rama First Nation, Huron-Wendat Nation, Curve Lake First Nation, Hiawatha First Nation, Mississaugas of Scugog Island First Nation, Huron-Wendat Nation, Saugeen Ojibway Nation, Williams Treaty First Nations Claims Coordinator, Metis Nation of Ontario, Mississaugas of the Credit First Nation, Wahta Mokawks

**FEDERAL AGENCIES**

Canada Post, Department of Fisheries and Oceans, Canadian National Railway Properties Inc., Canadian Pacific Railway, Transport Canada, TransCanada Pipelines Limited, Crown-Indigenous and Northern Affairs Canada

**UTILITIES**

Hydro One Networks Inc., Ontario Power Generation, Enbridge Gas Inc., Bell Canada, Rogers Communications

**FROM:** Tiffany Thompson, Senior Policy Advisor, Planning Department

**DATE:** December 19, 2019

**FILE NO.:** SC-OPA-1901

**RE:** Request for Comment  
County Initiated Official Plan Amendment – Waste Management Policies

PROPOSAL

The County of Simcoe adopted a Solid Waste Management Strategy in 2010 that provides the framework for the County's waste disposal options and diversion programs. Guided by the Strategy, the County is working to further these options and programs by approaching waste management as a "system" comprised of landfilling (i.e. permanent storage of waste) and non-landfilling activities (i.e. transfer stations, recycling facilities and organics processing facilities).

Currently, to facilitate the establishment or expansion of a waste management site for non-landfilling activities, a County official plan amendment along with amendments to the local municipal official plan and zoning by-law would be required.

To alleviate the burden of undertaking an official plan amendment at the upper and lower tier for non-landfilling activities, the County is proposing policy amendments to Section 4.9 Waste Management of the County Official Plan. The proposed modifications will introduce a systems approach to waste management in the County, differentiate landfilling and non-landfilling activities, clarify language associated with D-4 Assessment Areas and D-4 studies, and update associated map schedules.

The proposed amendment to the County of Simcoe Official Plan includes:

1. Adding new policies 4.9.4, 4.9.9 and 4.9.17 along with additional clarifying text to existing policies within Section 4.9 Waste Management and renumbering the section accordingly;
2. Adding a new definition:
  - a. Waste Management System
3. Modifying the following definitions:
  - a. Buffer Area
  - b. Guideline D-4
  - c. Infrastructure
  - d. Waste
  - e. Waste Disposal Site
4. Modifying Schedule 5.6.1:
  - a. Renaming Schedule 5.6.1 "County Waste Disposal Sites" to Schedule 5.6.1 "County Waste Management System"
  - b. Adding a new legend to identify sites by the following description:
    - i. Open Landfill – Operational Facility
    - ii. Open Landfill – Non-Operational Facility
    - iii. Closed Landfill – Operational Facility
    - iv. Closed Landfill – Non-Operational Facility
  - c. Removing Site 25 (Creemore), Site 65 (Tiny Stump Dump) and Site 56 (Lefroy-Belle Ewart) which have been remediated with approved Records of Site Condition issued by Ministry of the Environment, Conservation and Parks.
  - d. Changing Site 13 (Tioga) from 'Open Landfill' to 'Closed Landfill – Operational Facility'
5. Modifying Schedule 5.6.2:
  - a. Relocating private ownership sites following recent site investigations and correspondence with Ministry of the Environment, Conservation and Parks:
    - i. Site 514 located at 3445 14<sup>th</sup> Line in Town of Innisfil, now shown on Lot 7, Concession 14 in the Town of Innisfil (Ministry No. X4163)
    - ii. Site 547 located at crossroads of Gratix Road and Becketts Sideroad in the Township of Tay is now shown on 1967 Gratix Road, Township of Tay (Ministry No. X4168)
  - b. Adding previously unreported landfills in consultation with the Ministry of the Environment, Conservation and Parks:
    - i. 2472 Newton Street, Township of Tay (shown as County Number 583)
    - ii. 7697 Riverleigh Drive, Township of Ramara (shown as County Number 584)

The following report has been prepared in support of the application:

1. Planning Justification Report prepared by Skelton Brumwell dated December 2019 including:

- a. Proposed modifications to Section 4.9 Waste Management policies and associated definitions shown in track changes;
- b. Draft County Official Plan Amendment including amended Schedules 5.6.1 and 5.6.2

The above-noted materials are available on the County's website [www.simcoe.ca/dpt/pln/](http://www.simcoe.ca/dpt/pln/) under Amendments and Current Applications. The County has tailored the circulation packages including hard copies of the application materials to the individual recipient. If you require additional copies of the supporting documentation, please do not hesitate to contact the undersigned.

The County is circulating the supporting materials in accordance with Section 17(15) of the *Planning Act*.

Please note that the County of Simcoe will hold an open house and a statutory public meeting on a date to be determined and that further notice of these meetings will be provided in accordance with the *Planning Act, R.S.O. 1990, c.P. 13*.

Your comments on this proposal as it relates to your agency's interests are requested by **February 7, 2020**. If your agency or community has no interest in this application, please consider this circulation for information purposes only and no response is required. If you require more time for review or require additional information or materials, please do not hesitate to contact the undersigned at Ext. 1185 or [tiffany.thompson@simcoe.ca](mailto:tiffany.thompson@simcoe.ca) or Adrianna Spinosa, Planner III at Ext. 1912 or [adrianna.spinosa@simcoe.ca](mailto:adrianna.spinosa@simcoe.ca).

When responding to the County, please be sure to quote **County File No. SC-OPA-1901**. This will speed communications and assist in timely decisions being made.

Sincerely,

**The Corporation of the County of Simcoe**



Tiffany Thompson, MCIP RPP  
Senior Policy Advisor, Planning Department

cc: David Parks, MCIP RPP, Director of Planning, Economic Development and Transit



County of Simcoe  
Clerk's Department  
1110 Highway 26,  
Midhurst, Ontario L9X 1N6

Main Line (705) 728-9300  
Toll Free (866) 893-9300  
Fax (705) 725-1285  
simcoe.ca



A3c

January 3, 2020

attorneygeneral@ontario.ca

The Honourable Doug Downey  
Attorney General  
Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay Street, 11th Floor  
Toronto, ON  
M7A 2S9

Dear Minister:

On behalf of Warden Cornell and County Council, further to a recent Council meeting please be advised that the following resolution was adopted:

That the County of Simcoe supports the Association of Municipalities of Ontario's (AMO) report "Towards a Reasonable Balance: Addressing growing municipality liability and insurance costs dated October 1, 2019; and that the Attorney General of Ontario be so advised; and

That the recommendation be circulated to all lower tier municipalities in Simcoe County.

Should you have any questions regarding this correspondence please contact the undersigned at extension 1623 or john.daly@simcoe.ca.

Yours very truly,



John Daly  
County Clerk

cc: Lower Tier Municipalities



# Towards a Reasonable Balance:

Addressing growing municipal liability and insurance costs

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Submission to the Attorney General of Ontario

October 1, 2019

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Sent via email to: [doug.downeyco@pc.ola.org](mailto:doug.downeyco@pc.ola.org)  
[magpolicy@ontario.ca](mailto:magpolicy@ontario.ca)

October 1, 2019

The Honourable Doug Downey  
Attorney General of Ontario  
McMurtry-Scott Building, 11th Floor  
720 Bay Street  
Toronto, Ontario  
M7A 2S9

Dear Attorney General Downey,

Municipal governments accept the responsibility to pay their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.

But what is a challenge for municipalities and property taxpayers alike, is being asked to assume someone else's responsibility for someone else's mistake. Municipal governments should not be the insurer of last resort. For municipalities in Ontario, however, the principle of joint and several liability ensures that they are just that.

Joint and several liability means higher insurance costs. It diverts property tax dollars from delivering public services. It has transformed municipalities into litigation targets while others escape responsibility. It forces municipal government to settle out-of-court for excessive amounts when responsibility is as low as 1%.

There must be a better way. There must be a better way to help ensure those who suffer losses are made whole again without asking municipalities to bear that burden alone. There must be a better way to be fair, reasonable, and responsible.

AMO welcomes the government's commitment to review joint and several liability. It is a complex issue that has many dimensions. Issues of fairness, legal principles, "liability chill", insurance failures and high insurance costs are all intertwined. Many other jurisdictions have offered additional protection for municipalities and AMO calls on the Ontario government to do the same.

What follows is a starting point for that discussion. Our paper reasserts key issues from AMO's 2010 paper, AMO's 2011 insurance cost survey, provides more recent examples, and details some possible solutions of which there are many options.

Municipalities are in the business of delivering public services. Municipal governments exist to connect people and to advance the development of a community. It is time to find a reasonable balance to prevent the further scaling back of public services owing to joint and several liability, "liability chill", or excessive insurance costs.



A3c

Together with the provincial government, I am confident we can find a better way.

Sincerely,

A handwritten signature in black ink, appearing to read 'JM', with a horizontal line extending to the right across the signature.

Jamie McGarvey  
AMO President

## Executive Summary

AMO's advocacy efforts on joint and several liability in no way intends for aggrieved parties to be denied justice or damages through the courts. Rather, municipal governments seek to highlight the inequity of how much "deep pocket" defendants like municipalities are forced to pay, for both in and out of court settlements.

It is entirely unfair to ask property taxpayers to carry the lion's share of a damage award when a municipality is found at minimal fault or to assume responsibility for someone else's mistake.

Municipal governments cannot afford to be the insurer of last resort. The principle of joint and several liability is costing municipalities and taxpayers dearly, in the form of rising insurance premiums, service reductions and fewer choices. The *Negligence Act* was never intended to place the burden of insurer of last resort on municipalities.

As public organizations with taxation power and "deep pockets," municipalities have become focal points for litigation when other defendants do not have the means to pay. At the same time, catastrophic claim awards in Ontario have increased considerably. In part, joint and several liability is fueling exorbitant increases in municipal insurance premiums.

The heavy insurance burden and legal environment is unsustainable for Ontario's communities. Despite enormous improvements to safety, including new standards for playgrounds, pool safety, and better risk management practices, municipal insurance premiums and liability claims continue to increase. All municipalities have risk management policies to one degree or another and most large municipalities now employ risk managers precisely to increase health and safety and limit liability exposure in the design of facilities, programs, and insurance coverage. Liability is a top of mind consideration for all municipal councils.

Joint and several liability is problematic not only because of the disproportioned burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states. In total, 38 other states south of the border have adopted proportionate liability in specific circumstances to the benefit of municipalities. Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to consider various options.

There is precedence in Ontario for joint and several liability reform. The car leasing lobby highlighted a particularly expensive court award made in November of 2004 against a car leasing company by the victim of a drunk driver. The August 1997 accident occurred when the car skidded off a county road near Peterborough, Ontario. It exposed the inequity of joint and several liability for car leasing companies. The leasing companies argued to the government that the settlement had put them at a competitive disadvantage to lenders. They also warned that such liability conditions would likely drive some leasing and rental companies to reduce their business in Ontario. As a result, Bill 18 amended the *Compulsory Automobile Insurance Act*, the *Highway Traffic*

*Act* and the Ontario *Insurance Act* to make renters and lessees vicariously liable for the negligence of automobile drivers and capped the maximum liability of owners of rental and leased cars at \$1 million. While Bill 18 has eliminated the owners of leased and rented cars as “deep pocket” defendants, no such restrictions have been enacted to assist municipalities.

A 2011 survey conducted by AMO reveals that since 2007, liability premiums have increased by 22.2% and are among the fastest growing municipal costs. Total 2011 Ontario municipal insurance costs were \$155.2 million. Liability premiums made up the majority of these expenses at \$85.5 million. Property taxpayers are paying this price.

These trends are continuing. In August of 2019, it was reported the Town of Bradford West Gwillimbury faces a 59% insurance cost increase for 2019. This is just one example. AMO encourages the municipal insurance industry to provide the government with more recent data and trends to support the industry’s own arguments regarding the impact joint and several has on premiums.

Insurance costs disproportionately affect small municipalities. For 2011, the per capita insurance costs for communities with populations under 10,000 were \$37.56. By comparison, per capita costs in large communities with populations over 75,000 were \$7.71. Property taxpayers in one northern community are spending more on insurance than their library. In one southern county, for every \$2 spent on snowplowing roads, another \$1 is spent on insurance.

In 2016, the Ontario Municipal Insurance Exchange (OMEX), a not-for-profit insurer, announced that it was suspending reciprocal underwriting operations. The organization cited, a “low pricing environment, combined with the impact of joint and several liability on municipal claim settlements” as reasons for the decision. Fewer choices fuels premium increases.

Learning from other jurisdictions is important for Ontario. The Province of Saskatchewan has implemented liability reforms to support its municipalities. As a municipal lawyer at the time, Neil Robertson, QC was instrumental in laying out the arguments in support of these changes. Now a Justice of the Court of Queen’s Bench for Saskatchewan, AMO was pleased to have Neil Robertson prepare a paper and address AMO conference delegates in 2013. Much of the Saskatchewan municipal experience (which led to reforms) is applicable to the Ontario and the Canadian municipal context. Summarised below and throughout this paper are some of Robertson’s key findings.

Robertson found that, regardless of the cause, over the years municipalities in Canada have experienced an accelerating rate of litigation and an increase in amounts of damage awards. He noted these developments challenge municipalities and raise financial, operational and policy issues in the provision of public services.

Robertson describes the current Canadian legal climate as having placed municipalities in the role of involuntary insurer. Courts have assigned municipal liability where liability was traditionally denied and apportioned fault to municipal defendants out of proportion to municipal involvement in the actual wrong.

This increased exposure to liability has had serious ramifications for municipalities, both as a deterrent to providing public services which may give rise to claims and in raising the cost and reducing the availability of insurance. The cost of claims has caused insurers to reconsider not only

what to charge for premiums, but whether to continue offering insurance coverage to municipal clients.

Robertson also makes the key point that it is reasonable for municipal leaders to seek appropriate statutory protections. He wrote:

“Since municipalities exist to improve the quality of life for their citizens, the possibility of causing harm to those same citizens is contrary to its fundamental mission. Careful management and wise stewardship of public resources by municipal leaders will reduce the likelihood of such harm, including adherence to good risk management practices in municipal operations. But wise stewardship also involves avoiding the risk of unwarranted costs arising from inevitable claims.”

And, of course, a key consideration is the reality that insurance premiums, self-insurance costs, and legal fees divert municipal funds from other essential municipal services and responsibilities.

It is in this context that AMO appreciated the commitments made by the Premier and the Attorney General to review the principle of joint and several liability, the impact it has on insurance costs, and the influence “liability chill” has on the delivery of public services. Now is the time to deliver provincial public policy solutions which address these issues.

## Recommendations

AMO recommends the following measures to address these issues:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

## Insurance Cost Examples

The government has requested detailed information from municipalities regarding their insurance costs, coverage, deductibles, claims history, and out-of-court settlements. Municipalities have been busy responding to a long list of provincial consultations on a wide range of topics. Some of the information being sought is more easily supplied by the insurance industry. AMO's 2011 survey of insurance costs produced a sample size of 122 municipalities and assessed insurance cost increases over a five-year period. The survey revealed an average premium increase which exceeded 20% over that period.

All of the same forces remain at play in 2019 just as they were in 2011. Below are some key examples.

**Ear Falls** - The Township of Ear Falls reports that its insurance premiums have increased 30% over five years to \$81,686. With a population of only 995 residents (2016), this represents a per capita cost of \$82.09. This amount is a significant increase from AMO's 2011 Insurance Survey result. At that time, the average per capita insurance cost for a community with a population under 10,000 was \$37.56. While the Township has not been the subject of a liability claim, a claim in a community of this size could have significant and long-lasting financial and service implications. The Township has also had to impose stricter insurance requirements on groups that rent municipal facilities. This has had a negative impact on the clubs and volunteers' groups and as a consequence, many have cut back on the service these groups provide to the community.

**Central Huron** - For many years the municipality of Central Huron had a deductible of \$5,000. In 2014, the deductible was increased to \$15,000 to help reduce insurance costs. The municipality also increased its liability coverage in 2014 and added cyber security coverage in 2018. The combined impact of these changes represents a premium cost of \$224,774 in 2019, up from \$141,331 in 2010. Per capita costs for insurance alone are now \$29.67.

**Huntsville** - Since 2010, the Town of Huntsville reports an insurance premium increase of 67%. In 2019 this represented about 3.75% of the town's property tax levy. At the same time, Huntsville's deductible has increased from \$10,000 to \$25,000. The town also reports a reluctance to hold its own events for fear of any claims which may affect its main policy. Additional coverage is purchased for these events and these costs are not included above.

**Ottawa** - In August 2018, the City began working with its insurance broker, Aon Risk Solutions ("Aon"), to prepare for the anticipated renewal of the Integrated Insurance Program in April 2019. As the cost of the City's insurance premiums had risen by approximately 25% between 2017 and 2018, this early work was intended to ensure that any further increase could be properly accounted for through the 2019 budget process. Early indications of a possible further 10% premium increase prompted the City and Aon in late 2018 to explore options for a revised Program, and to approach alternative markets for the supply of insurance.

On January 11, 2019, an OC Transpo bus collided with a section of the Westboro Station transit shelter, resulting in three fatalities and numerous serious injuries. This was the second major incident involving the City's bus fleet, following approximately five years after the OC Transpo - VIA train collision in September 2013.

The January 2019 incident prompted insurance providers to re-evaluate their willingness to participate in the City Program. Despite Aon's work to secure an alternative provider, only Frank Cowan Company ("Cowan"), the City's existing insurer, was prepared to offer the City an Integrated Insurance Program. Cowan's offer to renew the City's Program was conditional on revised terms and limits and at a significant premium increase of approximately 84%, or nearly \$2.1 million per year. According to Cowan, these changes and increases were attributable to seven principle factors, including Joint and Several Liability:

1. Escalating Costs of Natural Global Disasters;
2. Joint and Several Liability;
3. Claims Trends (in the municipal sector);
4. Increasing Damage Awards;
5. Class Action Lawsuits;
6. New and/or Adverse Claims Development; and,
7. Transit Exposure.

Cowan also indicated that the primary policy limits for the 2019-2020 renewal would be lowered from \$25 million to \$10 million per occurrence, thereby raising the likelihood of increased costs for the City's excess liability policies.

## Joint and Several in Action - Recent Examples

The following examples highlight joint and several in action. The following examples have occurred in recent years.

**GTA Municipality** – A homeowner rented out three separate apartments in a home despite being zoned as a single-family dwelling. After a complaint was received, bylaw inspectors and Fire Prevention Officers visited the property. The landlord was cautioned to undertake renovations to restore the building into a single-family dwelling. After several months of non-compliance, charges under the fire code were laid. The owner was convicted and fined. A subsequent visit by Fire Prevention Officers noted that the required renovations had not taken place. Tragically, a fire occurred which resulted in three fatalities. Despite having undertaken corrective action against the homeowner, joint and several liability loomed large. It compelled the municipality to make a payment of \$504,000 given the 1% rule.

**City of Ottawa** - A serious motor vehicle accident occurred between one of the City's buses and an SUV. The collision occurred at an intersection when the inebriated driver of the SUV failed to stop at a red light and was struck by the City bus. This collision resulted in the deaths of the SUV driver and two other occupants, and also seriously injured the primary Plaintiff, the third passenger in the SUV. The secondary action was brought by the family of one of the deceased passengers.

The Court ultimately concluded that the City was 20% liable for the collision, while the SUV driver was 80% at fault. Despite the 80/20 allocation of fault, the City was required to pay all of the approximately \$2.1 million in damages awarded in the primary case and the \$200,000 awarded in the secondary case, bringing the amount paid by the City to a total that was not proportionate to its actual liability. This was due to the application of the principle of joint and several liability, as well as the interplay between the various automobile insurance policies held by the SUV owner and

passengers, which is further explained below. Although the City appealed this case, the Ontario Court of Appeal agreed with the findings of the trial judge and dismissed it.

This case was notable for the implications of various factors on the insurance policies held by the respective parties. While most automobile insurance policies in Ontario provide for \$1 million in third party liability coverage, the insurance for the SUV was reduced to the statutory minimum of \$200,000 by virtue of the fact that the driver at the time of the collision had a blood alcohol level nearly three times the legal limit for a fully licensed driver. This was contrary to the requirements of his G2 license, which prohibit driving after the consumption of any alcohol. Further, while the Plaintiff passengers' own respective insurance provided \$1 million in coverage for underinsured motorists (as the SUV driver was at the time), this type of coverage is triggered only where no other party is in any way liable for the accident. As a result, the primary Plaintiff could only effectively recover the full \$2.1 million in damages if the Court attributed even a small measure of fault to another party with sufficient resources to pay the claim.

In determining that the City was at least partially responsible for the collision, the Court held that the speed of the bus – which according to GPS recordings was approximately 6.5 km/h over the posted limit of 60 kilometres an hour – and momentary inattention were contributing factors to the collision.

To shorten the length of the trial by approximately one week and accordingly reduce the legal costs involved, the parties had earlier reached an agreement on damages and that the findings regarding the primary Plaintiff would apply equally to the other. The amount of the agreement-upon damages took into account any contributory negligence on the part of the respective Plaintiffs, attributable to such things as not wearing a seat belt.

**City of Ottawa, 2<sup>nd</sup> example** – A Plaintiff was catastrophically injured when, after disembarking a City bus, he was struck by a third-party motor vehicle. The Plaintiff's injuries included a brain injury while his impairments included incomplete quadriplegia.

As a result of his accident, the Plaintiff brought a claim for damages for an amount in excess of \$7 million against the City and against the owner and driver of the third-party vehicle that struck him. Against the City, the Plaintiff alleged that the roadway was not properly designed and that the bus stop was placed at an unsafe location as it required passengers to cross the road mid-block and not at a controlled intersection.

Following the completion of examinations for discovery, the Plaintiff's claim against the Co-Defendant (the driver of the vehicle which struck the plaintiff) was resolved for \$1,120,000 comprising \$970,000 for damages and \$120,000 for costs. The Co-Defendant's policy limit was \$1 million. The claim against the City was in effect, a "1% rule" case where the City had been added to the case largely because the Co-Defendant's insurance was capped at \$1 million, which was well below the value of the Plaintiff's claim.

On the issue of liability, the pre-trial judge was of the view that the City was exposed to a finding of some liability against it on the theory that, because of the proximity of the bus stop to a home for adults with mental health issues, the City knew or should have known that bus passengers with cognitive and/or physical disabilities would be crossing mid-block at an unmarked crossing. This, according to the judge, could have resulted in a finding being made at trial that the City should

either have removed the bus stop or alternatively, should have installed a pedestrian crossing at this location.

The judge assessed the Plaintiff's damages at \$7,241,000 exclusive of costs and disbursements which he then reduced to \$4,602,930 exclusive of costs and disbursements after applying a reduction of 27.5% for contributory negligence and subtracting the \$970,000 payment made by the Co-Defendant's insurer.

Settlement discussions took place and the judge recommended that the matter be resolved for \$3,825,000 plus costs of \$554,750 plus HST plus disbursements.

## **Joint and Several Liability in Action - Other notable cases**

**Deering v Scugog** - A 19-year-old driver was driving at night in a hurry to make the start time of a movie. She was travelling on a Class 4 rural road that had no centerline markings. The Ontario Traffic Manual does not require this type of road to have such a marking. The driver thought that a vehicle travelling in the opposite direction was headed directly at her. She swerved, over-corrected and ended up in a rock culvert. The Court found the Township of Scugog 66.7% liable. The at-fault driver only carried a \$1M auto insurance policy.

**Ferguson v County of Brant** - An inexperienced 17-year-old male driver was speeding on a road when he failed to navigate a curve which resulted in him crossing the lane into oncoming traffic, leaving the roadway, and striking a tree. The municipality was found to have posted a winding road sign rather than a sharp curve sign. The municipality was found 55% liable.

**Safranyos et al v City of Hamilton** - The plaintiff was leaving a drive-in movie theatre with four children in her vehicle at approximately 1 AM. She approached a stop sign with the intention of turning right onto a highway. Although she saw oncoming headlights she entered the intersection where she was struck by a vehicle driven 15 km/h over the posted speed limit by a man who had just left a party and was determined by toxicologists to be impaired. The children in the plaintiff's vehicle suffered significant injuries. The City was determined to be 25% liable because a stop line had not been painted on the road at the intersection.

**Mortimer v Cameron** - Two men were engaged in horseplay on a stairway and one of them fell backward through an open door at the bottom of a landing. The other man attempted to break the first man's fall and together they fell into an exterior wall that gave way. Both men fell 10 feet onto the ground below, one of whom was left quadriplegic. The trial judge determined both men were negligent, but that their conduct did not correspond to the extent of the plaintiff's injuries. No liability was attached to either man. The building owner was determined to be 20% and the City of London was found to be 80% liable. The Court awarded the plaintiff \$5 M in damages. On appeal, the City's liability was reduced to 40% and building owner was determined to be 60% liable. The City still ended up paying 80% of the overall claim.

## **2011 Review of Joint and Several Liability - Law Commission of Ontario**

In February 2011 the Law Commission of Ontario released a report entitled, "*Joint and Several Liability Under the Ontario Business Corporations Act*". This review examined the application of

joint and several liability to corporate law and more specifically the relationship between the corporation and its directors, officers, shareholders and stakeholders.

Prior to the report's release, AMO made a submission to the Law Commission of Ontario to seek to expand its review to include municipal implications. The Law Commission did not proceed with a broader review at that time, but the context of its narrower scope remains applicable to municipalities. In fact, many of the same arguments which support reform in the realm of the *Business Corporations Act*, are the same arguments which apply to municipal governments.

Of note, the Law Commission's<sup>1</sup> report highlighted the following in favour of reforms:

**Fairness:** "it is argued that it is unfair for a defendant, whose degree of fault is minor when compared to that of other defendants, to have to fully compensate a plaintiff should the other defendants be insolvent or unavailable."

**Deep Pocket Syndrome:** "Joint and several liability encourages plaintiffs to unfairly target defendants who are known or perceived to be insured or solvent."

**Rising Costs of Litigation, Insurance, and Damage Awards:** "Opponents of the joint and several liability regime are concerned about the rising costs of litigation, insurance, and damage awards."

**Provision of Services:** "The Association of Municipalities of Ontario identifies another negative externality of joint and several liability: municipalities are having to delay or otherwise cut back services to limit exposure to liability."

The Law Commission found that the principle of joint and several liability should remain in place although it did not explicitly review the municipal situation.

## 2014 Resolution by the Ontario Legislature and Review by the Attorney General

Over 200 municipalities supported a motion introduced by Randy Pettapiece, MPP for Perth-Wellington which called for the implementation a comprehensive, long-term solution in 2014. That year, MPPs from all parties supported the Pettapiece motion calling for a reform joint and several liability.

Later that year the Ministry of the Attorney General consulted on three options of possible reform:

### 1. The Saskatchewan Model of Modified Proportionate Liability

Saskatchewan has adopted a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent. Under the Saskatchewan rule, where a plaintiff is contributorily negligent and there is an unfunded liability, the cost of the unfunded liability is split among the remaining defendants and the plaintiff in proportion to their fault.

<sup>1</sup> Law Commission of Ontario. "Joint and Several Liability Under the Ontario *Business Corporations Act*." Final Report, February 2011 Pages 22-25.

## **2. Peripheral Wrongdoer Rule for Road Authorities**

Under this rule, a municipality would never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages.

## **3. A combination of both of the above**

Ultimately, the government decided not to pursue any of the incremental policy options ostensibly because of uncertainty that insurance cost reductions would result. This was a disappointing result for municipalities.

While these reviews did not produce results in Ontario, many other common law jurisdictions have enacted protections for municipalities. What follows are some of the options for a different legal framework.

## **Options for Reform – The Legal Framework**

To gain a full appreciation of the various liability frameworks that could be considered, for comparison, below is a description of the current joint and several liability framework here in Ontario. This description will help to reader to understand the further options which follow.

This description and the alternatives that follow are taken from the Law Commission of Ontario's February 2011 Report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"* as referenced above.<sup>2</sup>

### **Understanding the Status Quo and Comparing it to the Alternatives**

Where three different defendants are found to have caused a plaintiff's loss, the plaintiff is entitled to seek full payment (100%) from any one of the defendants. The defendant who fully satisfies the judgment has a right of contribution from the other liable parties based on the extent of their responsibility for the plaintiff's loss.

For example, a court may find defendants 1 (D1), 2 (D2) and 3 (D3) responsible for 70%, 20%, and 10% of the plaintiff's \$100,000 loss, respectively. The plaintiff may seek to recover 100% of the loss from D2, who may then seek contribution from D1 and D3 for their 70% and 10% shares of the loss. If D1 and/or D3 is unable to compensate D2 for the amount each owes for whatever reason, such as insolvency or unavailability, D2 will bear the full \$100,000 loss. The plaintiff will be fully compensated for \$100,000, and it is the responsibility of the defendants to apportion the loss fairly between them.

The descriptions that follow are abridged from pages 9-11 of the Law Commission of Ontario's report. These are some of the key alternatives to the status quo.

<sup>2</sup> Ibid. Page 7.

## 1. Proportionate Liability

### a) Full Proportionate Liability

A system of full proportionate liability limits the liability of each co-defendant to the proportion of the loss for which he or she was found to be responsible. Per the above example, (in which Defendant 1 (D1) is responsible for 70% of loss, Defendant 2 (D2) for 20% and Defendant 3 (D3) for 10%), under this system, D2 will only be responsible for \$20,000 of the \$100,000 total judgement: equal to 20% of their share of the liability. Likewise, D1 and D3 will be responsible for \$70,000 and \$10,000. If D1 and D3 are unable to pay, the plaintiff will only recover \$20,000 from D2.

### b) Proportionate Liability where Plaintiff is Contributorily Negligent

This option retains joint and several liability when a blameless plaintiff is involved. This option would cancel or adjust the rule where the plaintiff contributed to their loss. As in the first example, suppose the plaintiff (P) contributed to 20% of their \$100,000 loss. D1, D2 and D3 were responsible for 50%, 20% and 10% of the \$100,000. If D1 and D3 are unavailable, P and D2 will each be responsible for their \$20,000 shares. The plaintiff will remain responsible for the \$60,000 shortfall as a result of the absent co-defendants' non-payment (D1 and D3).

### c) Proportionate Liability where Plaintiff is Contributorily Negligent with a Proportionate Reallocation of an Insolvent, Financially Limited or Unavailable Defendant's Share

In this option of proportionate liability, the plaintiff and remaining co-defendants share the risk of a defendant's non-payment. The plaintiff (P) and co-defendants are responsible for any shortfall in proportion to their respective degrees of fault.

Using the above example of the \$100,000 total judgement, with a shortfall payment of \$50,000 from D1 and a shortfall payment \$10,000 from D3, P and D2 must pay for the missing \$60,000. P and D2 have equally-apportioned liability, which causes them to be responsible for half of each shortfall - \$25,000 and \$5,000 from each non-paying defendant. The burden is shared between the plaintiff (if determined to be responsible) and the remaining defendants.

### d) Proportionate Liability with a Peripheral Wrongdoer

Under this option, a defendant will be proportionately liable only if their share of the liability falls below a specified percentage, meaning that liability would be joint and several. Using the above example, if the threshold amount of liability is set at 25%, D2 and D3 would only be responsible for 20% and 10%, regardless of whether they are the only available or named defendants. However, D1 may be liable for 100% if it is the only available or named defendant. This system tends to favour defendants responsible for a small portion of the loss, but the determination of the threshold amount between joint and several liability and proportionate liability is arbitrary.

### e) Proportionate Liability with a Reallocation of Some or All of an Insolvent or Unavailable Defendant's Share

This option reallocates the liability of a non-paying defendant among the remaining defendants in proportion to their respective degrees of fault. The plaintiff's contributory negligence does not

impact the application of this reallocation. Joint and several liability would continue to apply in cases of fraud or where laws were knowingly violated.

**f) Court Discretion**

Similar to the fraud exception in the option above, this option includes giving the courts discretion to apply different forms of liability depending on the case.

For example, if a particular co-defendant's share of the fault was relatively minor the court would have discretion to limit that defendant's liability to an appropriate portion.

**2. Legislative Cap on Liability**

Liability concerns could be addressed by introducing a cap on the amount of damages available for claims for economic loss.

**3. Hybrid**

A number of jurisdictions provide a hybrid system of proportionate liability and caps on damages. Co-defendants are liable for their portion of the damages, but the maximum total amount payable by each co-defendant is capped to a certain limit.

**The Saskatchewan Experience**

As referenced earlier in this paper, the Province of Saskatchewan responded with a variety of legislative actions to assist municipalities in the early 2000s. Some of those key developments are listed below which are abridged from *"A Question of Balance: Legislative Responses to Judicial Expansion of Municipal Liability – the Saskatchewan Experience."* The paper was written by Neil Robertson, QC and was presented to the annual conference of the Association of Municipalities of Ontario in 2013. Two key reforms are noted below.

**1. Reforming joint and several liability by introducing modified proportionate liability: "The Contributory Negligence Act" amendments**

The *Contributory Negligence Act* retained joint and several liability, but made adjustments in cases where one or more of the defendants is unable to pay its share of the total amount (judgement). Each of the parties at fault, including the plaintiff if contributorily negligent, will still have to pay a share of the judgement based on their degree of fault. However, if one of the defendants is unable to pay, the other defendants who are able to pay are required to pay only their original share and an additional equivalent share of the defaulting party's share.

The change in law allows municipalities to reach out-of-court settlements, based on an estimate of their degree of fault. This allows municipalities to avoid the cost of protracted litigation.

Neil Robertson provided the following example to illustrate how this works in practise:

"...If the owner of a house sues the builder for negligent construction and the municipality, as building authority, for negligent inspection, and all three are found equally at fault, they would each be apportioned 1/3 or 33.3%. Assume the damages are \$100,000. If the builder has no funds, then the municipality would pay only its share (\$33,333) and a 1/3 share of the builder's defaulting share

(1/3 of \$33,333 or \$11,111) for a total of \$44,444 (\$33,333 + \$11,111), instead of the \$66,666 (\$33,333 + \$33,333) it would pay under pure joint and several liability.”

This model will be familiar to municipal leaders in Ontario. In 2014, Ontario’s Attorney General presented this option (called the Saskatchewan Model of Modified Proportionate Liability) for consideration. At the time, over 200 municipal councils supported the adoption of this option along with the “Peripheral Wrongdoer Rule for Road Authorities” which would have seen a municipality never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages. These two measures, if enacted, would have represented a significant incremental step to address the impact of joint and several to Ontario municipalities.

## **2. Providing for uniform limitation periods while maintaining a separate limitation period for municipalities: “The Limitations Act”**

This act established uniform limitation periods replacing many of the pre-existing limitation periods that had different time periods. The Municipal Acts in Saskatchewan provide a uniform one-year limitation period “from time when the damages were sustained” in absolute terms without a discovery principle which can prolong this period. This helps municipalities to resist “legacy” claims from many years beforehand. This act exempts municipalities from the uniform two-year discoverability limitation period.

Limitation periods set deadlines after which claims cannot be brought as lawsuits in the courts. The legislation intends to balance the opportunity for potential claimants to identify their claims and, if possible, negotiate a settlement out of court before starting legal action with the need for potential defendants to “close the books” on claims from the past.

The reasoning behind these limitations is that public authorities, including municipalities, should not to be punished by the passage of time. Timely notice will promote the timely investigation and disposition of claims in the public interest. After the expiry of a limitation period, municipalities can consider themselves free of the threat of legal action, and continue with financial planning without hurting “the public taxpayer purse”. Municipalities are mandated to balance their budgets and must be able to plan accordingly. Thus, legacy claims can have a very adverse affect on municipal operations.

Here in Ontario, there is a uniform limitations period of two years. Municipalities also benefit from a 10-day notice period which is required for slip and fall cases. More recently, the applicability of this limitation deadline has become variable and subject to judicial discretion. Robertson’s paper notes that in Saskatchewan, courts have accepted the one-year limitations period. A further examination of limitations in Ontario may yield additional benefits and could include the one-year example in Saskatchewan and/or the applicability of the 10-day notice period for slip and fall cases.

### **Other Saskatchewan reforms**

Saskatchewan has also implemented other reforms which include greater protections for building inspections, good faith immunity, duty of repair, no fault insurance, permitting class actions, and limiting nuisance actions. Some of these reforms are specific to Saskatchewan and some of these currently apply in Ontario.

## Insurance Related Reforms

### Government Regulated Insurance Limits

The April 2019 provincial budget included a commitment to increase the catastrophic impairment default benefit limit to \$2 million. Public consultations were led by the Ministry of Finance in September 2019. AMO wrote to the Ministry in support of increasing the limit to \$2 million to ensure more adequate support those who suffer catastrophic impairment.

In 2016, the government lowered this limit as well as third-party liability coverage to \$200,000 from \$1 million. This minimum should also be also be increased to \$2 million to reflect current actual costs. This significant deficiency needs to be addressed.

### Insurance Industry Changes

In 1989 the Ontario Municipal Insurance Exchange (OMEX) was established as a non-profit reciprocal insurance provider for Ontario's municipalities. It ceased operations in 2016 citing, "[a] low pricing environment, combined with the impact of joint & several liability on municipal claim settlements has made it difficult to offer sustainable pricing while still addressing the municipalities' concern about retro assessments."<sup>3</sup> (Retro assessments meant paying additional premiums for retroactive coverage for "long-tail claims" which made municipal budgeting more challenging.)

The demise of OMEX has changed the municipal insurance landscape in Ontario. That joint and several liability is one of the key reasons listed for the collapse of a key municipal insurer should be a cause for significant concern. Fewer choices fuels cost. While there are other successful municipal insurance pools in Ontario, the bulk of the insurance market is dominated by for-profit insurance companies.

Reciprocal non-profit insurers are well represented in other areas across Canada. Municipalities in Saskatchewan, Alberta, British Columbia are all insured by non-profit reciprocals.

The questions for policy makers in Ontario:

Are there any provincial requirements or regulations which could better support the non-profit reciprocal municipal insurance market?

What actions could be taken to better protect municipalities in Ontario in sourcing their insurance needs?

How can we drive down insurance costs to better serve the needs of municipal property taxpayers?

<sup>3</sup> Canadian Underwriter, August 11, 2016 <https://www.canadianunderwriter.ca/insurance/ontario-municipal-insurance-exchange-suspends-underwriting-operations-1004098148/>

## **Conclusion**

This AMO paper has endeavoured to refresh municipal arguments on the need to find a balance to the issues and challenges presented by joint and several liability. It has endeavoured to illustrate that options exist and offer the reassurance that they can be successfully implemented as other jurisdictions have done.

Finding solutions that work will require provincial and municipal commitment. Working together, we can find a better way that is fair, reasonable, and responsible. It is time to find a reasonable balance.

**From:** Tony [<mailto:tony@crimewatchcanada.com>]  
**Sent:** December 12, 2019 5:54 PM  
**To:** Lisa Lehr <[lehr@essatowship.on.ca](mailto:lehr@essatowship.on.ca)>  
**Subject:** re: Wounded Warriors E-Magazine

Further to the call from Dave K:

We are proud to have partnered with Wounded Warriors Canada on this specific fundraising endeavor so to further assist in supporting the work this wonderful charity provides to our frontline personnel.

We respectfully ask for your assistance as a Sponsor and help to support the work, we strive to achieve so to honour and support Canada's ill and injured Canadian Armed Forces members, Veterans, First Responders and their Families. We are hoping, we may advertise your Organization as a much valued sponsor for the programs and services provided by this worthwhile charity within the Wounded Warriors E-Magazine which, we distribute all across Canada on a quarterly basis. Most importantly the dollars risen (after costs) through this initiative go towards the many program and services they provide to our frontline personnel and their families.

Attached is some more information regarding Wounded Warriors Canada along with sponsorship pricing for the digital publication.

Regards,

Tony Russo  
National Accounts Manager  
780-995-2855 (Direct line)  
1-877-443-4453 (Office line)  
1-877-443-4467 (Facsimile)  
[www.crimewatchcanada.webs.com](http://www.crimewatchcanada.webs.com)

The content of this email is the confidential property of Crime Watch Canada and should not be copied, modified, re-transmitted, or used for any purpose except with written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

*To honour and support Canada's ill and injured Canadian Armed Forces members, Veterans, First Responders and their families.*

CRA# 82808-2727-RR0001



Since our humble beginnings in 2006, Wounded Warriors Canada has grown to become one of the leading military support organizations in Canada. From one small program providing care packages to our injured military members in the NATO Hospital in Germany, we have grown to include 15 separate innovative and pioneering programs aimed at supporting our nations heroes and their families overcome the challenges associated with Post Traumatic Stress Disorder or PTSD.

With the war in Afghanistan over, it is often easy to forget that over 45,000 Canadians served during the war in that desert. Prior to this conflict, thousands more served in countries like Rwanda, Cambodia, Cyprus, Haiti and Bosnia. From these conflict zones, many of our soldiers, sailors and airmen have been injured both physically and mentally. Not all injuries are visible – many have mental scars related to their service and these people often face enormous challenges when transitioning back home to Canada.



Wounded Warriors Canada recognized the gap in the support of those suffering from mental health injuries and it has become our mission to make sure no veteran, first responder or their families goes without support. Since its inception in September 2006, it has become the beneficiary of the nation's empathy towards Canadian soldiers and new in 2016, our nations local heroes – our First Responders. The outpouring of support from individual Canadians and Canadian businesses has been overwhelming. Wounded Warriors Canada is a success story borne out of a horrible

tragedy that continues to support those in need.

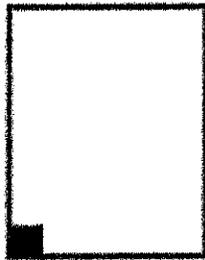
Today, we continue our legacy of care and compassion as the nation's leading, wholly independent, Veteran's charity focusing on mental health. Our innovative and wide-ranging direct programming, which exceeded \$1,500,000 in 2015, is changing the lives of Veterans, First Responders and their families. This is only made possible as a result of the compassionate trust and support of individual Canadians and Canadian businesses, enabling us to carry forward our guiding ethos: Honour the Fallen, Help the Living.

AF

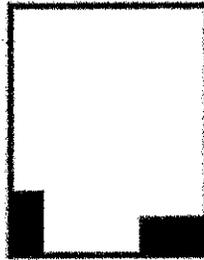


# Honour the Fallen, Help the Living

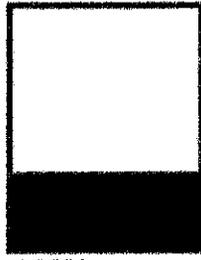
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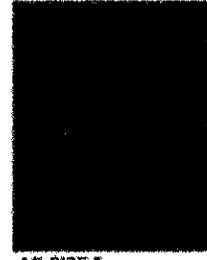
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## NVCA Board Meeting Highlights December 13, 2019

Next Meeting: January 24, 2020, Tiffin Centre for Conservation, Utopia

For the full meeting agenda including documents and reports, visit [nvca.on.ca/about/boardofdirectors](http://nvca.on.ca/about/boardofdirectors)

### NVCA 2020 Budget Approved

The Board of Directors overwhelmingly voted to approve NVCA's 2020 budget at \$5,004,264 million in revenue as compared to the 2019 approved budget of \$4,924,948. Of this increase, \$66,027.73 is coming from an increase to the municipal levy (shared among all 18 member municipalities), with the remainder coming from grants, fees for services, and other sources. Funds from municipal levy represent 50% of NVCA's revenues.

### Employee Handbook Update

NVCA's employee handbook was updated and approved by the Board of Directors. Significant updates include:

#### Pay Equity

NVCA is in compliance with Ontario's Pay Equity Act and has adopted this policy to ensure that all compensation for permanent full-time staff is equitable and that equal pay is provided for equal work. The value of positions will be assessed under the four factors used by the Pay Equity Commission: skills, effort, responsibility, and working conditions.

Each position within the NVCA will be evaluated regularly or when significant changes occur or a new job is introduced. The jobs will be evaluated using a gender-neutral factor comparison system that uses the four factors identified by the Pay Equity Commission.

### Prescription Medications including Medical Marijuana

Employees who are required to use medical marijuana are no longer required to provide a copy of the possession license.

NVCA asks that, where possible, employees who require medical marijuana use a method other than smoking.

Employees who choose to smoke medical marijuana are not permitted to smoke in the presence of other NVCA employees or on NVCA property, except for an identified location provided to the employee by the NVCA. Senior Management Team is currently looking at suitable areas.

For a copy of the updated Employee handbook, please contact Sheryl Flannagan, Director of Corporate Services.

### NVCA Conservation Area Road Side Signage

In the past, through support of the Board of Directors, NVCA has erected signs on the sides of provincial, county and municipal roads. These signs gave directional and distance information to conservation areas such as Tiffin, Minesing Wetlands and Nottawasaga Bluffs.

Recently, the Tourism Ontario Directional Signage has decided to double their annual rates (from \$4000/year to \$8000/year) for NVCA to advertise on Ontario's highways, prompting staff to review signage needs as well as alternative opportunities.

As GPS technology is much more advanced as it once was, road signage has become less significant. As well, social media now drives traffic to our conservation areas in a way that road signs never could.

**Strategic Plan and Business Plan**

In 2019, NVCA’s management team has started the process of developing the 2020 – 2025 strategic plan, which builds on the integrated watershed management approach and is complimented through the NVCA vision, mission, and value statements.

NVCA Staff will work with the NVCA Board of Directors to finalize the strategic plan and business plan in 2020.

Staff will give updates to Board of Directors at each monthly meeting beginning in February until the two documents are complete.

**December 9 Meeting at Conservation Ontario**

On December 9, 2019, NVCA Chair Watson and CAO Doug Hevenor attended a meeting at Conservation Ontario, along with representatives from all 36 conservation authorities.

MNRF Staff provided a presentation about Ontario’s flood management approach as reviewed by Doug McNeil, Ontario’s Special Advisor on flooding.

His report mentioned conservation authorities 82 times and commended them on Ontario’s current flood prevention network. [Click here for the full report.](#)

At the meeting the Deputy Minister of the Ministry of Environment Conservation and Parks reiterated that conservation authorities can continue to provide non-core mandated undertake activities with self-generated funds. However, if conservation authorities want to use municipal levy for non-core mandate activities, an MOU agreement must be established with impacted municipalities.

**Upcoming events**

**Winter Camp Tiffin**

Date: Thursday, January 2, 2020 9:00 AM - 4:30 PM

Location: Tiffin Centre for Conservation, 8195 8th Line, Utopia

**Christmas Bird Count for Kids**

Date: Friday, January 3, 2020 9:00 AM - 12:00 PM

Location: Tiffin Centre for Conservation, 8195 8th Line, Utopia

**Winter Camp Tiffin**

Date: Friday, January 3, 2020 9:00 AM - 4:00 PM

Location: Tiffin Centre for Conservation, 8195 8th Line, Utopia

**NVCA Annual General Meeting**

Date: Friday, January 24, 2020 9:00 AM - 12:00 PM

Location: Tiffin Centre for Conservation, 8195 8th Line, Utopia

**Family Nature Day - Winter Survival**

Date: Friday, January 24, 2020 10:00 AM - 3:00 PM

Location: Tiffin Centre for Conservation

**From:** AMO Communications [<mailto:Communicate@amo.on.ca>]  
**Sent:** December 16, 2019 11:17 AM  
**To:** Lisa Lehr <[llehr@essatownship.on.ca](mailto:llehr@essatownship.on.ca)>  
**Subject:** Queen's Park Update - December 16, 2019

AMO Update not displaying correctly? [View the online version](#) | [Send to a friend](#)  
Add [Communicate@amo.on.ca](mailto:Communicate@amo.on.ca) to your safe list



December 16, 2019

## Queen's Park Update

### Cannabis

On December 12<sup>th</sup>, the government amended Ontario Regulation 478/18 under the *Cannabis License Act, 2018*. This opens Ontario's cannabis retail market in 2020. Retail applications begin on January 6, 2020 and the new changes in the regulation include:

- Ceasing the lottery for retail licenses
- Eliminating pre-qualification requirements for retailers
- Allowing licensed producers to open retail store connected to a production facility

On March 2, 2020, the restrictions on the total number of store authorizations permitted in the province will be revoked. Licensed operators will be allowed to have up to 10 stores until September 2020, up to 30 stores until September 2021 and up to 75 stores afterwards. Store applications will only be eligible in municipalities that have opted-in to sell cannabis.

For more information, visit [www.agco.ca](http://www.agco.ca).

### End of the Fall Legislative Session

The Legislative Assembly of Ontario ended its 2019 legislative session on December 12<sup>th</sup> and is adjourned until February 18, 2020. Here are some short summaries of Bills of municipal interest that have received Royal Assent.

Ab

**Bill 132, *Better for People, Smarter for Business Act, 2019*** – Received Royal Assent on Dec. 10<sup>th</sup>.

The legislative changes in Bill 132 of most municipal concern are to the *Aggregates Act*. While it is an improvement that a change will require an application process for below water table extraction, rather than just an amendment to a licence, it still allows the province to issue licences for below water table extraction while the *Safe Drinking Water Act*, Section 19 stipulates that owners of municipal drinking water sources are guilty of an offence if they fail to exercise care over a drinking water system, like a well. As aquifers are connected, a decision of the province to allow below water table extraction could lead to contamination of municipal drinking water sources.

Given the conflict between these two Acts, AMO had asked for a concurrent amendment to the *Safe Drinking Water Act* to indemnify Council members for decisions on *Aggregates Act* applications that the province makes. This amendment was not made to the legislation that now has Royal Assent. We believe this will result in municipal councils appealing all provincial decisions on below water table extraction to the Local Planning Appeal Tribunal (LPAT) to show appropriate due diligence.

As well through Bill 132, the *Highway Traffic Act* was amended to allow municipal governments to pass by-laws that will allow some off-road vehicles to be driven on municipal highways.

For more information on this omnibus bill, please refer to AMO's [Bill 132 submission](#).

**Bill 138, *Plan to Build Ontario Together Act, 2019*** – Received Royal Assent on December 10<sup>th</sup>.

This omnibus Bill accompanied the 2019 Fall Economic Statement and affected 40 statutes. This included:

- Section 26.1 of the *Development Charges Act* is amended and will remove industrial development and commercial development from eligible development types that can be charged.
- Subsection 329 (2) of the *Municipal Act, 2001* and section 291 (2) of the *City of Toronto Act, 2006* has been amended regarding calculating property taxes when the permitted uses of land change.
- The *Supply Chain Management Act* specifies how the broader public sector may carry out supply chain management and procurement. AMO has confirmed that these provisions will not apply to municipalities.
- Section 37 of the *Planning Act* has been amended to set out a process for a person or public body to appeal a community benefits charge by-law to the Local Planning Appeal Tribunal.

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- Section 40 (1) of the *Liquor Licence and Control Act* permits municipal councils to designate a recreational area under its jurisdiction to prohibit the possession of liquor.

**Bill 136, Provincial Animal Welfare Services Act, 2019** – Received Royal Assent on December 5<sup>th</sup>.

This bill creates an animal welfare framework. Under the Act, in the event of a conflict between a municipal by-law and the *Provincial Animal Welfare Services Act*, the provision that affords the greater protection to animals will prevail. The legislation requires an implementation of a full provincial government-based animal welfare enforcement model.

The province has confirmed that all enforcement mechanisms will be performed by them.

**Bill 124, Protecting a Sustainable Public Sector for Future Generations Act, 2019** – Received Royal Assent on November 7<sup>th</sup>.

Under Bill 124, broader public sector employee salary increases will be limited to 1% for the next three years. AMO has been assured that this Act does not apply to employers that are a municipality, a local board as defined in the *Municipal Act*, and persons and organizations that are appointed or chosen under the authority of a municipality.

**AMO Contact:**

You can contact AMO's Policy Team at [policy@amo.on.ca](mailto:policy@amo.on.ca) or 416-971-9856.

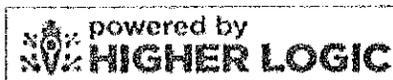
\*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.



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**Ministry of Children,  
Community and Social  
Services**

**Ministère des Services à  
l'enfance et des Services  
sociaux et communautaires**



Minister's Office

Bureau du Ministre

438 University Avenue  
7<sup>th</sup> Floor  
Toronto, Ontario  
M7A 1N3

438, avenue University  
7<sup>e</sup> étage  
Toronto, Ontario  
M7A 1N3

Tel.: (416) 325-5225  
Fax: (416) 325-5240

Tél. : (416) 325-5225  
Télééc. : (416) 325-5240

127-2019-9359

December 16, 2019

Dear Municipal Partner:

I am writing to let you know that the Ministry of Children, Community and Social Services, in collaboration with other ministries across government, is currently assessing Ontario's Poverty Reduction Strategy and is launching consultations to inform the development of a new five-year strategy, in accordance with the Poverty Reduction Act, 2009.

Our government believes that the people of Ontario are the province's greatest asset, and when they succeed, our economy and province succeed. However, we know that one in seven Ontario residents live in poverty.

Empowering people and supporting them during challenging times is a priority for our government. We also know that we cannot do this work alone. We are committed to listening and working with individuals, communities, organizations, businesses, Indigenous partners and all levels of government. It is our shared responsibility to create the conditions for success. To do so, we need organizations across the province to share their ideas and feedback about how we can work together to tackle poverty.

Our goal is to drive progress and identify solutions to reduce poverty. To inform our new Poverty Reduction Strategy, we will be asking Ontario residents how we can encourage job creation and connect people to employment opportunities; provide people with the right supports and services; and lower the cost of living and make life more affordable.

An online survey will be posted in January 2020 for a period of approximately 60 days. I hope that you will respond to the survey and encourage members of your community, including those who have experience living in poverty, to participate. We will share more information about the survey in the new year.

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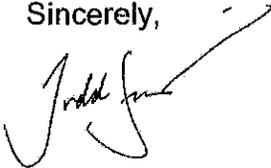
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-2-

We are also accepting written submissions and any recommendations for the next strategy as well as feedback on the previous 2014-19 Poverty Reduction Strategy, by e-mail at [prso@ontario.ca](mailto:prso@ontario.ca) or by mail at Poverty Reduction Strategy, 3rd Floor, 315 Front Street West, Toronto ON, M7A 0B8. If there are any questions on how identifying information included with a submission will be used, please contact: Manager, Strategic Policy Unit, MCCSS by e-mail at [prso@ontario.ca](mailto:prso@ontario.ca) or by telephone at (647) 308-9963.

I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Smith", with a long, sweeping horizontal stroke extending to the right.

Todd Smith  
Minister

42

# Proposed amendments to the Aggregate Resources Act | Environmental Registry of Ontario

## Update Announcement

We have updated the notice with a link to the proposed Bill 132.

December 23, 2019

This consultation was open from:  
September 20, 2019  
to November 4, 2019

## Decision summary

Changes have been made to the *Aggregate Resources Act* to reduce burdens for business while maintaining strong protection for the environment and managing impacts to communities.

## Decision details

A decision was made to proceed with proposed changes to the *Aggregate Resources Act*, subject to the change described below.

The *Better for People, Smarter for Business Act, 2019 (Bill 132)* was passed by the Ontario Legislature and received Royal Assent on December 10, 2019. Schedule 15 (previously schedule 16) of the final *Better for People, Smarter for Business Act, 2019* amended the *Aggregate Resources Act*.

The *Aggregate Resource Act* provisions of Schedule 15 related to haul routes were amended by the Standing Committee on General Government to clarify that costs associated with the on-going wear and tear resulting from aggregate haulage over the lifetime of the licence is not to be considered when making a decision about the issuance or refusal of a licence.

No decision has been made regarding changes to regulations under the *Aggregate Resources Act*. Regulatory changes continue to be considered. The Ministry is committed to consulting on details of the regulations in the near future.

## Effects of consultation

Comments and submissions were received by members of the public, municipalities and a range of interested stakeholders, including community groups, industry, and non-governmental organizations. Presentations and submissions made to the Standing Committee on General Government were also considered as well as comments received through other Environmental Registry proposals related to the Bill

(see related Environmental Registry Ontario links below).

Comments received included both support for the proposal as well as concerns. Supporters agreed with changes that reduce duplication across provincial and municipal jurisdiction. In general, concerns related to the impacts of aggregate extraction on local communities and the environment. While some comments supported a more rigorous application process for sites going from above the water table to below, some felt that municipal zoning for depth of extraction should continue to be allowed.

We received a mixed response to the proposal related to haul route considerations. In response to concerns, the Standing Committee made a change to the legislation to make things clearer. This change will ensure that initial road upgrades or improvements can continue to be considered when making a decision about a new site.

Many of the comments received related to details that are being considered in regulations under the *Aggregate Resources Act*. These comments continue to be considered. There will be additional opportunities to provide input as we consult on our detailed regulatory proposals in the near future.

## Supporting materials

### View materials in person

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

Natural Resources Conservation Policy Branch

## Connect with us

### Sign up for notifications

We will send you email notifications with any updates related to this consultation. You can change your notification preferences anytime by visiting settings in your profile page.

[Follow this notice](#)

## Proposal details

### *Aggregate Resources Act*

The Ministry of Natural Resources and Forestry (MNRF) is responsible for managing Ontario's aggregate resources, regulated under the *Aggregate Resources Act* (ARA). Aggregate resources are non-renewable resources like sand, gravel and rock that are needed for infrastructure that supports the quality of life that Ontarians enjoy today. They are used to construct the buildings we live and work in, the roads, the airports and subways we use to get from place to place, and for many other necessary services

like sewers and power generating stations. Most of the aggregate produced in Ontario comes from private land in the southern region of the province where most Ontarians live.

Ontario requires a continued supply of aggregate resources. Approximately 160 million tonnes of aggregate are needed in Ontario each year. Yet, it is equally important to manage and minimize the impact extraction operations may have on the environment and on the communities that surround them. These operations are located across our diverse province, and the regulatory framework that manages them must be fair and predictable and flexible enough to be effective.

In March of 2019, the Ministry hosted an Aggregates Summit. The Summit was an opportunity for industry, municipal and Indigenous leaders to share their ideas for cutting red tape, creating jobs and promoting environmental stewardship and economic growth within the aggregate industry. We also gathered further input through an online survey, ending May 31.

### **Key themes heard:**

- reducing duplication, inefficiency, and inconsistency in application and approval processes
- improving access to aggregate resources
- protecting agricultural lands and water resources
- enhancing rehabilitation
- continue public engagement and outreach on any proposed changes to the ARA framework.

As a result of this input, the Ministry is proposing changes to the aggregate resources framework to reduce burdens for business while also ensuring the environment is protected and Ontarians continue to have an opportunity to participate in processes that may impact them.

### **Summary of proposed changes**

**We are proposing to make amendments to the *Aggregate Resources Act*, while continuing to ensure operators are meeting high standards for aggregate extraction, that would:**

- strengthen protection of water resources by creating a more robust application process for existing operators that want to expand to extract aggregate within the water table, allowing for increased public engagement on applications that may impact water resources. This would allow municipalities and others to officially object to an application and provide the opportunity to have their concerns heard by the Local Planning Appeal Tribunal.
- clarify that depth of extraction of pits and quarries is managed under the *Aggregate Resources Act* and that duplicative municipal zoning by-laws relating to the depth of aggregate extraction would not apply
- clarify the application of municipal zoning on Crown land does not apply to aggregate extraction
- clarify how haul routes are considered under the *Aggregate Resources Act* so that the Local Planning Appeal Tribunal and the Minister, when making a decision about issuing or refusing a licence, cannot impose conditions requiring agreements between municipalities and aggregate producers regarding

aggregate haulage. This change is proposed to apply to all applications in progress where a decision by the Local Planning Appeal Tribunal or the Minister has not yet been made. Municipalities and aggregate producers may continue to enter into agreements on a voluntary basis.

- improve access to aggregates in adjacent municipal road allowances through a simpler application process (i.e. amendment vs a new application) for an existing license holder, if supported by the municipality
- provide more flexibility for regulations to permit self-filing of routine site plan amendments, as long as regulatory conditions are met.

**We are also considering some regulatory changes, including:**

- enhanced reporting on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken.
- allowing operators to self-file changes to existing site plans for some routine activities, subject to conditions set out in regulation. For example, re-location of some structures or fencing, as long as setbacks are respected
- allowing some low-risk activities to occur without a licence if conditions specified in regulation are followed. For example, extraction of small amounts of aggregate if material is for personal use and does not leave the property
- clarifying requirements for site plan amendment applications
- streamlining compliance reporting requirements, while maintaining the annual requirement
- reviewing application requirements for new sites, including notification and consultation requirements

While no changes to aggregate fees are being proposed at this time, the Ministry is also interested in hearing your feedback on this matter.

We are committed to consult further on more specific details related to the regulatory proposals, including any proposed changes to aggregate fees at a later date.

**Public consultation opportunities**

**Ontario Government's Summit on Aggregate Reform (March 2019):**

- provided an opportunity for industry, municipal and Indigenous leaders to share their ideas for cutting red tape, creating jobs and promoting economic growth within the aggregate industry
- input was also received via email and through an online survey, which closed May 31, 2019. A total of 378 aggregate reform comments were received from the following groups:
  - Members of the public
  - Industry, industry associations, consultants
  - Municipalities, municipal associations
  - Non-governmental organizations (NGOs)
  - Academia, and
  - Indigenous communities

**Supporting materials**

**View materials in person**

Some supporting materials may not be available online. If this is the case, you can request to view the materials in person.

Get in touch with the office listed below to find out if materials are available.

Natural Resources Conservation Policy Branch



A9

**TOWNSHIP OF ESSA FIRE DEPARTMENT  
STATION NUMBER ONE  
Month of December 2019**

<u>Emergency Calls for the Month</u>	
Structure Fires -	0
Vehicle Fires -	0
Overheat Condition -	0
Grass/Bush/Rubbish Fires -	0
Vehicle Accidents - 456, 469, 470, 481	4
Vehicle Extrications -	0
Tiered Medicals- 485, 466, 465, 457, 487	5
Rescues -	0
Burning Complaints -	0
False Alarms -	0
CO Calls -	0
Other Responses (List) -	0
<b>Sub-total of Emergency Calls</b>	<b>9</b>
Assist Stn #2 - 476, 471, 468	3
Mutual Aid Responses -	0
<b>Total Emergency calls</b>	<b>12</b>
<u>Training and Activities for the Month</u>	
<b>Regular Training and Special Training</b> - Dec. 12 - Chief's Pick, Dec. 04 - Recruit training	2
<b>Theory Training</b> - Dec. 05 - WHIMIS	1
<b>Work Details (List)</b> - Dec. 13 - Hall Clean up, Dec. 17 - Truck Checks, Dec. 13 - Gear Pick up, Dec. 02 - Gear drop off, Dec. 04 - BKC all check valves	5
<b>Public Education</b> -	0
<b>Inspections/Prevention</b> - Dec. 09 - Fire Safety Plan Review, Dec. 05 - Plan Review - Site, Dec. 09 - Inspection - Vulnerable Occupancy, Dec. 09 - Correspondence - phone,	4
<b>Special Activities (List)</b> -	0
<b>Officer Meeting</b> -	0
<b>Total Training and Activities for the Month</b>	<b>12</b>

Reviewed By: *Gmt*

**48**

AA



**TOWNSHIP OF ESSA FIRE DEPARTMENT  
STATION NUMBER TWO  
Month of December 2019**

<u>Emergency Calls for the Month</u>	
<b>Structure Fires -</b>	0
<b>Vehicle Fires -</b>	0
<b>Overheat Condition – 476</b>	1
<b>Grass/Bush/Rubbish Fires –</b>	0
<b>Vehicle Accidents – 458, 464, 467, 471, 478, 484(VSA)</b>	6
<b>Vehicle Extrications –</b>	0
<b>Tiered Medicals- 459, 461, 462, 463, 473, 475, 477, 479, 480, 483</b>	10
<b>Rescues –</b>	0
<b>Burning Complaints -</b>	0
<b>False Alarms –</b>	0
<b>CO Calls – 472</b>	1
<b>Other Responses (List) - 460- Water problem, 468 – Gas Leak, 474 – Water problem, 482 – Perceived emergency, 486 – Wires down</b>	5
<b>Sub-total of Emergency Calls</b>	<b>23</b>
<b>Assist Stn #1 – 456, 457, 470, 481</b>	<b>4</b>
<b>Mutual Aid Responses –</b>	<b>0</b>
<b>Total Emergency Calls</b>	<b>27</b>
<u>Training and Activities for the Month</u>	
<b>Regular Training and Special Training – Dec 03 – Driver Training, Dec. 04 – Recruit/Traffic Control, Dec. 12 – Recruit/Rural Water, Dec. 12 – Chief's pick</b>	4
<b>Theory Training - Dec. 03 – WHIMIS, Dec. 05 – WHIMIS – Stn 1</b>	2
<b>Work Details (List) – Dec. 13 – Hall Clean up, Dec. 16 – Innotex Balaclavas, Dec. 19 – Pick up C1, Dec. 16 – Truck Checks</b>	5
<b>Public Education –</b>	0
<b>Inspections/Prevention – Dec. 11 - Plan Review – Structural, Dec. 12 – Inspection – General , Dec. 12 – Correspondence – email, Dec. 12 – Consultation – Site</b>	4
<b>Special Activities (List) - Dec. 07 – Food drive, Dec. 15 – Pancake Breakfast</b>	2
<b>Officer Meeting –</b>	0
<b>Total Training and Activities for the Month</b>	<b>17</b>

Reviewed By: \_\_\_\_\_

*Cynte*

ONTARIO ENERGY BOARD NOTICE  
TO CUSTOMERS OF ENBRIDGE GAS INC.

A10

**Enbridge Gas Inc. has applied to raise its natural gas rates effective April 1, 2020, to recover costs associated with the federal government's *Greenhouse Gas Pollution Pricing Act*, and to recover certain related account balances.**

**Learn more. Have your say.**

Enbridge Gas Inc. (Enbridge Gas) has applied to the Ontario Energy Board for approval to increase its rates effective April 1, 2020, to recover the costs associated with meeting its obligations under the federal government's *Greenhouse Gas Pollution Pricing Act*. Enbridge Gas has also applied to recover from customers the balances in the related deferral and variance accounts.

The *Greenhouse Gas Pollution Pricing Act* establishes a carbon pricing program under which a natural gas utility in Ontario, such as Enbridge Gas, is required to pay a carbon charge for the natural gas that it delivers to its customers. The carbon charge came into effect on April 1, 2019, and will increase on April 1, 2020. The costs related to emissions from the operation of Enbridge Gas' natural gas distribution system are also increasing.

Enbridge Gas says that if its application is approved as filed, it will have the following bill impacts:

- A typical residential customer in the EGD rate zone (former customers of Enbridge Gas Distribution Inc.) will see a bill increase of \$68.75. This is composed of a \$47.16 yearly bill increase arising from the 2020 carbon charges, plus a one-time charge of \$21.59, to recover the balances in the related deferral and variance accounts.
- A typical residential customer in the Union South rate zone (former customers of Union Gas Limited), will see a bill increase of \$61.32. This is composed of a \$43.15 yearly bill increase from the 2020 carbon charges, plus a one-time charge of \$18.17, to recover the balances in the related deferral and variance accounts.
- A typical residential customer in the Union North rate zone (former customers of Union Gas Limited), will see a bill increase of \$61.97. This is composed of a \$43.15 yearly bill increase arising from the 2020 carbon charges, plus a one-time charge of \$18.82, to recover the balances in the related deferral and variance accounts.

**Other customers, including businesses, will also be affected. It is important to review the application carefully to determine whether you will be affected by the changes.**

#### THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider the application filed by Enbridge Gas. During the hearing, the OEB will question Enbridge Gas on its application and will hear questions and arguments from participants (called intervenors) that have registered to actively participate in the hearing.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

#### BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Enbridge Gas on the OEB's website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can become an active participant (called an intervenor). As an intervenor, you can ask questions and make arguments about Enbridge Gas' application. Apply by **January 27, 2020** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, you can review the OEB's decision and its reasons on our website.

#### LEARN MORE

Our file number for this case is **EB-2019-0247**. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please enter the file number **EB-2019-0247** on the OEB website: [www.oeb.ca/notice](http://www.oeb.ca/notice). You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

#### ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. Enbridge Gas has applied for a written hearing. The OEB is considering this request. If you think an oral hearing is needed, you can write to the OEB to explain why by **January 27, 2020**.

#### PRIVACY

If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and e-mail address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This rate hearing will be held under section 36 of the Ontario Energy Board Act, S.O. 1998 c.15 (Schedule 8).

