

**THE CORPORATION OF THE TOWNSHIP OF ESSA
VIRTUAL COMMITTEE OF THE WHOLE MEETING
WEDNESDAY, APRIL 6, 2022
6:00 p.m.**

To view our live stream, please visit the Township of [Essa's YouTube Channel](#)

AGENDA

- 1. OPENING OF MEETING BY THE MAYOR**
- 2. DISCLOSURE OF PECUNIARY INTEREST**
- 3. DELEGATIONS / PRESENTATIONS / PUBLIC MEETINGS**

STAFF REPORTS

4. PLANNING AND DEVELOPMENT

- p. 1 **a. Staff Report PD008-22 submitted by the Manager of Planning and Development, re: 28 Brentwood Road – Zoning By-law Amendment Z2-21.**

Recommendation: Be it resolved that Staff Report PD008-22 be received: and That Council pass a Zoning By-law Amendment (ZBA) to re-zone 28 Brentwood Road, otherwise described as Part of Lot 20, Concession 1, Lots 14 and 15 of Registered Plan 1425 in the former Township of Sunnidale, for the development of four (4) new semi-detached residential units.

- p. 11 **b. Staff Report PD010-22 submitted by the Manager of Planning and Development and Wes Crown from MHBC Planning, re: Zoning By-law Amendment – Additional Residential Units.**

Recommendation: Be it resolved that Staff Report PD010-22 be received: and That Council direct staff to bring forward a report on Additional Residential Units with the proposed Zoning By-law Amendment and summary of the Public Comments received, for Council consideration at the April 20, 2022 Committee of the Whole meeting; and That Council direct staff to prepare the proposed Zoning By-law Amendment for Additional Residential Units in accordance with the draft by-law attached to Staff Report No. PD009-22 and as revised in accordance with Council instructions.

- 5. PARKS AND RECREATION / COMMUNITY SERVICES**
- 6. FIRE AND EMERGENCY SERVICES**

7. PUBLIC WORKS

8. FINANCE

9. CLERKS / BY-LAW ENFORCEMENT / IT

- p. 16 a. **Staff Report C007-22 submitted by the Manager of Legislative Services, re: Election Policy C08-2010 “Corporate Resources Use During Elections”.**

Recommendation: *Be it resolved that Staff Report C007-22 be received: and That Council approve the proposed revisions to Policy C08-2010 “Corporate Resource Use During Elections”.*

10. CHIEF ADMINISTRATIVE OFFICER (C.A.O.)

11. OTHER BUSINESS

12. ADJOURNMENT

Recommendation: *Be it resolved that this meeting of Committee of the Whole of the Township of Essa adjourn at _____ p.m., to meet again on the 20th day of April, 2022 at 6:00 p.m.*



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD008-22
DATE: April 6, 2022
TO: Committee of the Whole
FROM: Aimee Powell, B.URPI., MPA, MCIP, RPP
Manager of Planning and Development
SUBJECT: 28 Brentwood Road - Zoning By-Law Amendment Z2-21

RECOMMENDATION

That Staff Report PD008-22 be received and;

That Council pass a Zoning By-law Amendment (ZBA) to re-zone 28 Brentwood Road, otherwise described as Part of Lot 20, Concession 1, Lots 14 and 15 of Registered Plan 1425 in the former Township of Sunnidale, for the development of four (4) new semi-detached residential units.

BACKGROUND

Proposal

The Township has received a *Planning Act* Application for a Zoning By-law Amendment for 28 Brentwood Road in Angus. On behalf of Bella Joya Family Trust, Innovative Planning Solutions has applied for a Zoning By-law Amendment for the property legally known as Part of Lot 20, Concession 1, Lots 14 and 15 of Registered Plan 1425 in the former Township of Sunnidale, municipally known as 28 Brentwood Road, in the Township of Essa. This Zoning By-law Amendment is being requested for the creation of four (4) new semi-detached residential units.

Requested Zoning By-law Amendment

The Township is in receipt of a submission for a proposed development at 28 Brentwood Road, in Angus. The submission, originally taken by the Township in April 2021, includes an application for a Zoning By-law Amendment, to facilitate the rezoning of the lands from 'Residential, Low-Density, Detached (R1)' as identified in Schedule 'B' of the Township of Essa's Zoning By-law 2003-50 to 'Residential, Medium Density, Townhome Exception (R3-10)' to allow the development of four (4) new semi-detached residential units and provide site-specific special provisions to allow for the development of semi-detached

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houses.

Site Description

Location

The subject lands are in Part of Lot 20, Concession 1, Lots 14 and 15 of Registered Plan 1425 in the former Township of Sunnidale. The subject lands are currently vacant with frontage to the north side of Brentwood Road. Adjacent uses include residential dwellings, agricultural lands, and an unopened right-of-way.

Site Characteristics

The subject property is 0.12 hectares in size (0.296 acres), with relatively flat and even grade and currently vacant with no buildings or structures on the subject lands.

The subject lands are regulated by the Nottawasaga Valley Conservation Authority (NVCA); therefore, a Development Permit from the NVCA will be required alongside the required planning approvals, including, but not limited to the County of Simcoe, on the matters of traffic and stormwater management. Three Consent Applications will also be required for the creation of the proposed development.

PUBLIC MEETING

A public meeting was held on February 16, 2022, to hear comments from the public, no comments were received at the public meeting in this regard. Parking requirements were discussed with Council members that resulted in the request for the proposed driveways to be widened. The applicant resubmitted an updated plan to satisfy the aforementioned parking concern.

Tim Schilling from KLM Planning Partners Inc. on behalf of Tesmar Holdings Inc., owner of neighbouring lands at 9078 McKinnon Road, provided comments to be considered in the processing of the subject application. More specifically, Tim Schilling submitted comments via email in regards to access to the lands owned by neighbour Tesmar Holdings Inc, that they are currently provided access by means of a fourteen (14) meter public right-of-way extending north from Brentwood Road directly west of the Subject Lands, to ensure adequate access to the future development of those lands. Staff continue to recommend that the application for 28 Brentwood Road proceed without having to dedicate a significant portion of their lands for the Tesmar application. The KLM request would result in the elimination of the two most westerly building units [Unit #1 and #2] of the 28 Brentwood Road application, which is not optimal.

COMMENTS AND CONSIDERATIONS

In accordance with the interrelationship between provincial, county, and municipal planning policy, in assessing the merits of a proposed amendment to the Township's Zoning By-Law, consideration must be given to the requested amendment's consistency/conformity with the planning priorities of all three levels of government. The following policy documents have been reviewed to provide further analysis on the subject application:

Upper Tier (Provincial & County):

- Planning Act,
- Provincial Policy Statement,
- Growth Plan for the Greater Golden Horseshoe,
- County of Simcoe Official Plan.

Lower Tier (Township of Essa):

- Essa Official Plan
- Essa comprehensive Zoning By-law 2003-50.

The following is a review of this application in accordance with the Provincial planning documents, the County and Township Official Plan, and the Township of Essa's Zoning By-law.

Planning Act, R.S.O. 1990

The *Planning Act*, 1990, establishes the framework within which all land use decisions are made within Ontario. The *Act*, establishes the land use planning system in Ontario, ensuring that it is a fair system, led by Provincial Policy.

Section 2 of the *Planning Act* requires that the Council of a municipality have regard for, among other matters, matters of Provincial interest such as, but not limited to, the adequate provision of a full range of housing and the promotion of a built form that is well-designed and accessible.

The proposed ZBA respects this interest, as the proposed re-zoning of the subject lands would allow for appropriate and efficient intensification for the long-term within the Settlement Area of Angus. The proposed re-zoning would be compatible with the surrounding context of Brentwood Road as the lands are in an area of residential and mixed uses. In this regard, the subject application represents good planning in accordance with the *Planning Act*.

Provincial Policy Statement (PPS), 2020

The PPS provides policy direction on matters of Provincial interest related to land use planning and development.

Section 1.1.3.1 of the (PPS) states that Settlement Areas “shall be the focus of growth and development, and their vitality and regeneration should be promoted”. Section 1.1.3.2 also states that land use patterns in Settlement Areas shall be based on densities and a mix of land uses which efficiently use land and resources, including infrastructure and public service facilities which area planned or available. Section 1.1.3.4 also states that appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form.

The proposed infill development falls within the Settlement Area of Angus, introduces growth on a compatible scale and is compatible with existing development patterns offering a sustainable approach to cost effective development patterns. It would facilitate intensification, redevelopment and compact form, in an accessible location which would more efficiently use land, infrastructure and public service facilities.

Section 1.4.3 of the PPS requires municipalities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents.

The proposed development of four (4) new semi-detached residential units would contribute to the range and mix of housing types available in the Settlement Area of Angus.

Section 1.6.6.1 promotes development in a manner that optimizes municipal sewage and water services. Section 1.6.6.2 prioritizes the use of municipal water and sewage services for Settlement Areas.

The proposed infill/redevelopment as designed will utilize existing municipal water and sewer infrastructure provided along Brentwood Road. In this regard, the subject application represents good planning in accordance with the PPS.

Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe provides a framework for implementing Ontario’s vision for building strong, prosperous communities by managing growth.

Section 2.2.1 2. d states that development shall be directed to Settlement Areas, and that growth shall be focused in delineated built up areas (2.2.1 2. c). The subject lands are within the Angus Settlement Area.

The proposed development would conform to these policies of the Growth Plan and would assist in meeting the intensification targets described in Section 2.2.2 by directing development to within a built boundary. In this regard, the subject application represents good planning in accordance with the Growth Plan.

County of Simcoe Official Plan (2016)

The County of Simcoe Official Plan provides a policy context for land use planning conducted across the County’s member municipalities. This document is designed to assist with growth management and provides a framework for coordinating planning with adjacent municipalities, agencies, and other levels of government.

The subject lands are designated “Settlement” on Schedule 5.1 of the County Official Plan, and are within the Angus Settlement Area, but outside of the delineated built boundary per Schedule 5.1 of the County of Simcoe Official Plan, and are currently vacant, therefore well suited for new residential development. In this regard, the subject application represents good planning in accordance with the County of Simcoe Official Plan.

Township of Essa Official Plan, 2001

The Township of Essa Official Plan establishes a policy framework to guide growth and development. Policy guides the physical development of the Municipality while having regard for relevant social, economic and environmental matters.

The Township Official Plan defines Development as: “the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*”.

Schedule B of the Township of Essa Official Plan designates the property “Residential”. Section 8 provides policies related to the Residential designation. Section 8.1 states that higher density housing types are best directed to the Angus Settlement Area based on its urban servicing characterises. Section 8.2 listed single detached; semi detached and duplex dwellings as permitted uses in the Residential designation area which maintain the low-density residential character of Settlement Areas. Section 8.3.1 classifies semi-detached homes as low density residential.

The proposed development of four (4) new semi-detached residential units would conform to permitted uses as per Schedule B of the Township of Essa Official Plan.

Section 24.3.3 states that where development is proposed abutting a County Road, the applicant must dedicate a portion of the lands to the County, where necessary, for future road widenings to achieve the ultimate Right of Way (ROW)width. The County of Simcoe

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entrance bylaw (By-law No. 5544), Section 2.5.2 identifies that new entrances are permitted to individual residential lots created on County Roads if they are in Settlement Areas designated in official plans. Section 26.3.1 (j) permits new residential lots from County Roads within Settlement Areas, that align with the characterises of the subject lands. Part (b) directs that access to arterial roads be carefully controlled to prevent traffic hazards.

The proposed development would retain the lands required for dedication to the County should the 7.5m widening occur. It is anticipated that should the applications be approved an application to the County for an entrance permit(s) will be submitted. In this regard, the subject application represents good planning in accordance with the Township of Essa's Official Plan.

The Township of Essa Zoning By-law 2003-50

The Township of Essa Zoning By-law 2003-50, as amended, has been established to regulate all property within the Township's boundaries. The lands subject to the proposed ZBA is zoned 'Residential, Low-Density, Detached (R1)' as identified in Schedule 'B' of the Township of Essa's Zoning By-law 2003-50. The lands are proposed to be rezoned 'Residential, Medium Density, Townhome Exception (R3-10)' to allow the development of four (4) new semi-detached residential units and provide site-specific special provisions to allow for semi-detached housing typologies. A draft of the proposed Zoning By-law Amendment text and Schedule is provided with this report as Attachment (1).

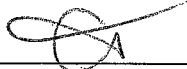
Section 11 establishes the zoning regulations for properties zoned "Residential, Medium Density, Townhome (R3)" within the Township. On 'R3' zoned properties Semi-Detached Dwelling are permitted. The result of the ZBA would allow the property to be severed, with the newly created additional lot At this time, it is proposed that the newly created lots will adhere to the required 'Minimum Lot Provisions' and 'Minimum Yard Setback Primary Permitted Use' as per the Zoning By-law. In this regard, the subject application represents good planning in accordance with the Township of Essa Zoning By-law 2003-50.

Staff have completed an analysis of relevant planning policy and reviewed the received public and agency comments relating to this ZBA. Staff have determined that the proposed amendment to the Township of Essa's Zoning By-law 2003-50 described herein is consistent with, and conforms to, relevant Provincial Policy, the Simcoe County Official Plan, the Township of Essa Official Plan, and the Township of Essa Zoning By-law 2003-50 and represents good planning. The result of this amendment and the future severance of these lands, would be respectful of the surrounding Settlement Area, would not have negative impacts on existing and adjacent residential uses, and a request for site specific exceptions to the Zoning By-law are reasonable given the housing typologies and setback relative to the future road allowance from the County.

It is noted that an application to the County for an entrance permit(s) shall be submitted following the pending approval of the subject Zoning By-law Amendment and severance approval, should the application be approved.

FINANCIAL IMPACT

All costs associated with the subject development are to be borne by the applicant.



Reviewed by the Manager of Finance

SUMMARY/OPTIONS

Council may:

1. Take no further action, in effect denying the application with reasons required to be stated as per the Planning Act.
2. Approve an amendment to the Township's Zoning By-law Amendment to re-zone 28 Brentwood Road, otherwise described as Part of Lot 20, Concession 1, Lots 14 and 15 of Registered Plan 1425 in the former Township of Sunnidale, for the development of four (4) new semi-detached residential units
3. Direct Staff to consider alternate amendments or a variation to that proposed.

CONCLUSION

Option #2 is recommended.

Prepared by:



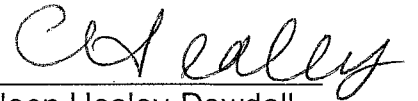
Silva Yousif MPlan, EIT, PMP, MCIP
Sr Planner

Respectfully submitted by:



Aimee Powell BURPI, MPA, MCIP, RPP
Manager of Planning &
Development

Reviewed by:



Colleen Healey-Dowdall
CAO

THE CORPORATION OF THE TOWNSHIP OF ESSA**BY-LAW NUMBER 2022 – xx****A By-law to amend the Township's Comprehensive Zoning
By-law 2003-50, as amended.**

WHEREAS pursuant to Section 34 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, the Council of the Township of Essa has passed a comprehensive Zoning By-Law No. 2003-50 for the Township of Essa; and

WHEREAS, an application to amend By-Law No. 2003-50 has been received with respect to lands known legally as Part of Lot 20, Concession 1, Lots 14 and 15, Registered Plan 1425, also described as 28 Brentwood Road, Township of Essa, County of Simcoe; and

WHEREAS the provisions of this By-law conform to the Official Plan of the Township of Essa; and

WHEREAS, Council deems it advisable and expedient to amend Zoning By-Law No. 2003-50;

NOW THEREFORE, the Council of The Corporation of the Township of Essa HEREBY ENACTS as follows:

- 1) THAT Zoning By-Law No. 2003-50, as amended, is hereby amended as follows:
 - a) That Schedule "B", as amended, is hereby further amended by changing the zoning of a portion of the subject property from the "Residential, Low Density, Detached (R1)" to 'Residential, Medium Density, Townhome Exception (R3-10)', as depicted on Schedule 1 attached hereto, forming part of this By-Law.
 - b) That Section 11: Residential, Medium Density, Townhome (R3), as amended, is hereby further amended as follows:
 - i) by the addition of a new subsection 11.4.10 entitled, "R3-10: Part of Lot 20, Concession 1, Lots 14 and 15, Registered Plan 1425 (2022- _____)",
 - ii) by numbering the existing R3-11.4 special zoning provision as subsection 11.4.10, and
 - iii) by the addition of a new subsection 11.4.10 as follows
R3-10: Part of Lot 20, Concession 1, Lots 14 and 15, Registered Plan 1425 (2022- _____)",

Notwithstanding any provisions of this Zoning By-Law No. 2003-50 to the contrary on those lands zoned "R3-10" on Schedule "A" of this By-law, residential uses on lands zoned "Residential, Medium Density, Townhome Exception (R3-10)" shall be permitted the following provisions on those lands zones "R3-10" the following special zoning regulations shall apply:

- Minimum Corner Lot Area with Full Municipal Services: 250m2
- Minimum Corner Lot Frontage with Full Municipal Services: 9.7m
- Minimum Front Yard Setback: 6.6m
- Minimum Exterior Side Yard Setback: 1.7m
- Maximum Corner Lot Coverage: 36%

- 2) That all other respective provisions of the Zoning By-law 2003-50, as amended, shall apply.
- 3) That this By-law shall come into force and take effect on the date of passing thereof, subject to the provisions of Section 34 of the *Planning Act*, R.S.O., 1990, c.P.13 as amended.

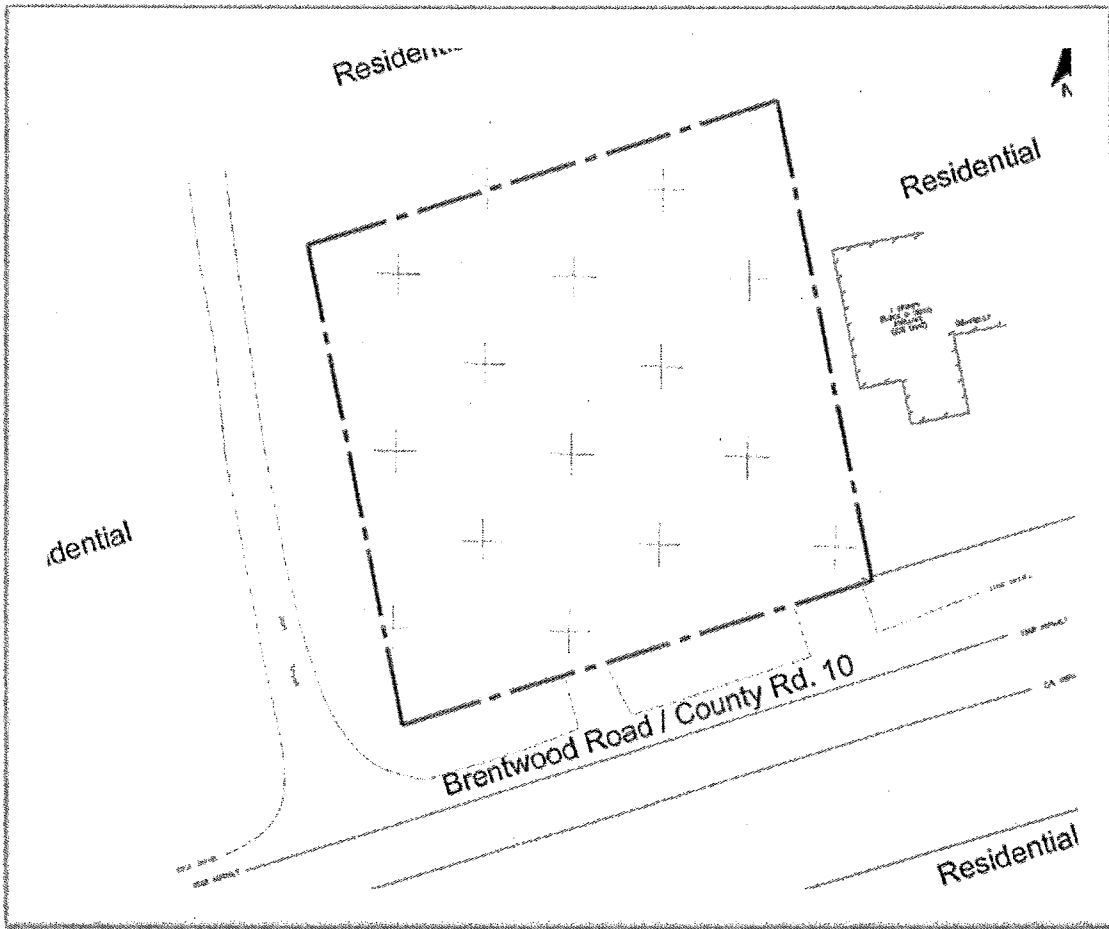
READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED on this the 6th day of April, 2022.

Mayor – Sandie Macdonald

Manager of Legislative Services – Lisa Lehr

THE CORPORATION OF THE TOWNSHIP OF ESSA

Schedule 1 to By-law 2022-____
Zoning By-law Amendment
To the Township of Essa Zoning By-law 2003-50



--- Lands to be rezoned from "Residential, Low Density, Detached (R1)" to "Residential, Medium Density, Townhome Exception (R3-X)"



TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: PD010-22

DATE: April 6th, 2022

TO: Committee of the Whole

FROM: Wes Crown, BES, RPP, MCIP
Associate | MHBC Planning

Aimee Powell, B.URPL., MPA, MCIP, RPP
Manager of Planning and

SUBJECT: Zoning By-Law Amendment - Additional Residential Units

RECOMMENDATION

That Staff Report PD010-22 be received; and

That Staff be directed to bring forward a report on Additional Residential Units with the proposed Zoning By-law Amendment and summary of the Public Comments received, for Council consideration at the April 20, 2022 Committee of the Whole meeting; and

That Staff be directed to prepare the proposed Zoning By-law Amendment for Additional Residential Units in accordance with the draft by-law attached to Staff Report No. PD009-22 and as revised in accordance with Council instructions.

BACKGROUND

Committee of the Whole considered Staff Report # PD009-22 at its March 23rd, 2022 meeting with respect to the proposed Zoning By-law Amendment for Additional Residential Units. The recommendations of Report PD009-22 were as follows:

That Staff Report PD009-22 be received; and

That Council consider adopting a Zoning By-law Amendment to amend the Township's Zoning By-law 2003-50, to permit Additional Residential Units; and

That the Planning Department and MHBC Planning, as required, immediately finalize the required implementing components of the Additional Residential Units program (i.e. Registry By-law, Fee By-law changes, application forms, FAQs,

etc.) taking into consideration public, staff and Council comments, subject to the Council's approval of the Zoning By-law Amendment.

Committee of the Whole considered the Staff Report and had discussions with respect to the changes required to the draft proposed by-law attached to Report PD009-22. Committee passed the following motion as direction and instructions to Staff with respect to the changes to the draft By-law:

Resolution No: CW041-2022

Be it resolved that Staff Report PD009-22 be received: and

That Council consider adopting a Zoning By-law Amendment to amend the Township's Zoning By-law to permit Additional Residential Units; and

That the Planning Department and MHBC Planning, as required, immediately finalize the required implementing components of the Additional Residential Units Program, taking into consideration comments received from the public, staff and Council, subject to Council's approval of the Zoning By-law Amendment.

Please be advised that Council instructed Staff to include the following in the final By-law:

- No detached ARU units are permitted in urban centres/settings.
- Detached ARU units are only permitted in agricultural and rural areas as long as they meet the criteria
 - Detached ARU units are not permitted to be built in front of a primary house or on front yards
 - Detached ARU units shall be limited to the following:
 - One storey high only
 - 4.5 metres in height,
 - a 1.2 metre walkway (to allow for emergency purposes)
 - No basements
- Secondary suites in primary dwellings are permitted
- Third suites are not permitted at this time
- All ARU units and secondary suites require a minimum of 2 outdoor parking spots per unit
 - *Tandem parking should accommodate for larger vehicles*

Additionally, Committee advised that public comments are encouraged and will be accepted until 4:30 p.m. on April 1, 2022. All comments are to be forwarded to Aimee Powell, Manager of Planning and Development, by emailing apowell@essatownship.on.ca.

Committee also directed that MHBC and Staff prepare a further report and the final By-law for Council's consideration.

GENERAL COMMENTS

MHBC Planning will prepare the final draft ARU By-law in accordance with the directions provided by Committee of the Whole of Council for Council consideration at its meeting on April 20, 2022.

The following general comments are provided for Committee and Council consideration:

- The proposed Zoning By-law Amendment, as revised by Council, will be different than the draft By-law that was presented at the April 2021 public meeting. Section 34 (17) of the *Planning Act* notes that where a change is made to a proposed by-law after the holding of the public meeting, Council shall determine whether any further notice (2nd public meeting) is to be given in respect of the revised by-law and Council's determination as to the giving of further notice is final and not subject to review by any court irrespective of the extent of the change made in the proposed by-law. Council will need to pass a motion pursuant to Section 34(17) of the Act if further notice is required prior to the passing of the revised Zoning By-law Amendment.
- The *Planning Act* provides direction that the Official Plan and Zoning must be updated to permit two Additional Residential Units with permitted single, semi, and rowhouse dwellings. Committee's direction is to restrict Additional Residential Units to one (1) unit for a total of two (2) units per residential property. In addition, Committee has directed that ARUs in detached structures shall only be permitted in the rural and agricultural zones. Council has some ability, where there are sound planning reasons and justification, to vary from the requirements of the *Planning Act* for Additional Residential Units. Council should consider enumerating the reasons and justification for the variations from the *Planning Act* requirements if it continues to direct to phase in a complete opening of an ARU program and again, should provide its reasons.
- Ontario Regulation 199/19 sets out provincial standards regarding Additional Residential Units pursuant to subsection 16(3) of the Act including that each ARU shall be provided with one (1) parking space and that the space may be a tandem parking space. Committee's direction, requiring the by-law to specify two (2) outdoor parking spaces for each ARU, and requiring tandem spaces to be larger, would exceed and not comply with the provincial standard.


To note, if Council adopts a ZBA with details contrary to provincial legislation, it runs the risk of challenges to the Land Tribunal at a cost to taxpayers (legal fees of approx. \$25,000/challenge or case).

Council has provided directions and instructions with respect to revising and refining the proposed Zoning By-law Amendment for Additional Residential Units thus far. The revised By-law, together with a summary of the Public Comments received, will be prepared for Council consideration at its April 20, 2022 Committee of the Whole meeting following review of all public comments received up until April 1.

The proposed by-law, once passed by Council, will create Zoning By-law provisions that will achieve the following housing objectives:

- One (1) Additional Residential Unit will be permitted as-of-right within all residential zones that permit a detached, semi-detached and rowhouse units.
- One (1) Additional Residential Unit will be permitted as-of-right in either the principle dwelling or in a detached structure within the Rural (RL) and Agricultural (A) zones.
- Performance standards will be created to regulate the development of Additional Residential Units, where permitted, through the building permit application process.

FINANCIAL IMPACT

This report has no direct financial or budget impact. 

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. Receive this Report for information, direct Staff to bring forward a report on Additional Residential Units with the proposed Zoning By-law Amendment and summary of the Public Comments received for Council consideration at the April 20, 2022 meeting, and direct Staff to prepare the proposed Zoning By-law Amendment for Additional Residential Units in accordance with the draft by-law attached to Staff Report No. PD009-22 and as revised in accordance with Council instructions.
3. Direct staff in another manner.

CONCLUSION

Option #2 is recommended.

Prepared by:

Wes Crown

Wes Crown, MCIP, RPP,
Associate
MHBC Planning

Respectfully submitted by:

Aimee Powell

Aimee Powell B.URPI, MPA,
MCIP, RPP
Manager of Planning &
Development

Reviewed by:

Colleen Healey-Dowdall

Colleen Healey-Dowdall
CAO



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TOWNSHIP OF ESSA STAFF REPORT

STAFF REPORT NO.: C007-22
DATE: April 6, 2022
TO: Committee of the Whole
FROM: Lisa Lehr, Manager of Legislative Services
SUBJECT: Election Policy C08-2010 "Corporate Resource Use During Elections"

RECOMMENDATION

That Staff Report C007-22 be received; and
That Council approve the proposed revisions to Policy C08-2010 "Corporate Resource Use During Elections".

BACKGROUND

Policy C08-2010 "Corporate Resource Use During Elections" was first passed by Council at its meeting of September 1, 2010. It was reviewed again in 2018 prior to the Municipal and School Board Election.

As Council is aware, it is standard practice prior to a Municipal Election for Election Policies to be reviewed by the Clerk to ensure they meet legislative requirements under the Municipal Elections Act.

COMMENTS AND CONSIDERATIONS

The author of this Report has reviewed Election Policy C08-2010 "Corporate Resource Use During Elections", and is proposing changes that are deemed to be minor in nature. Specifically the only changes being recommended are to include "third party advertisers" in the application/scope of the Election Policy.

Attachment No. 1 contains Policy C08-2010 with the recommended amendments.

FINANCIAL IMPACT

None. 

SUMMARY/OPTIONS

Council may:

1. Take no further action.
2. **Approve the proposed revisions to Policy C08-2010 "Corporate Resource Use During Elections"**.
3. Direct Staff to amend the Policy in another manner, as deemed appropriate by Council.

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CONCLUSION

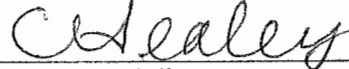
Staff recommends Option No. 2.

Respectfully Submitted:



Lisa Lehr
Clerk

Reviewed By:



Colleen Healey-Dowdall
Chief Administrative Officer

Attachments:

1. Election Policy C08-2018 "Corporate Resource Use During Election" with Proposed Revisions with Proposed Amendments.



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THE CORPORATION OF THE TOWNSHIP OF ESSA
CORPORATE RESOURCE USE DURING ELECTIONS POLICY

POLICY: Use of Corporate Resources During Elections	COUNCIL APPROVAL DATE: SEPTEMBER 1, 2010
POLICY NO: C08-2010	REVISION DATE: APRIL 2022

1. PURPOSE:

The purpose of this policy is to clarify that all election candidates and third party advertisers are required to follow the provisions of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended ("*Act*"), with regards to the use of corporate resources for election purposes, and that:

- No candidate or third party advertiser shall use Township resources for any election campaign or campaign related activities, except as permitted in this policy; and
- No candidate or third party advertiser shall undertake campaign-related activities on Township property; and
- No candidate or third party advertiser shall use the services of persons during hours in which those persons receive any compensation from the Township.

2. RATIONALE AND LEGISLATIVE AUTHORITY

These guidelines establish the appropriate use of Township resources during an election period to protect the interests of Council, the Corporation and the public. The *Municipal Elections Act, 1996*, as amended, prohibits a municipality from making contributions to candidates. It also prohibits a candidate, or someone acting on a candidate's behalf, from accepting a contribution from a person who is not entitled to make a contribution.

As a contribution may take the form of money, goods or services, any use of Township resources by a Member of Council for his or her election campaign would be considered a contribution by the municipality to the Member in violation of the *Act*.

3. APPLICATION:

This policy is applicable to all candidates, third party advertisers, members of Township Council (including members not seeking re-election, as well as those acclaimed) and members of staff.

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4. POLICY /GUIDELINES:

4.1 Definitions

Acclaimed – means a Candidate elected by acclamation pursuant to Section 37 of the Elections Act.

Act – means the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, as amended.

Campaign Activity – means any activity using campaign materials, by or on behalf of a candidate, political party, or registered third party, meant to elicit support during an election period.

Campaign Materials – means any materials used to solicit votes for a candidate(s) or question in an election including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. Campaign materials include, but are not limited to, materials in all media formats, for example print, displays, electronic radio or television, online including websites or social media.

Candidate – means a person who has filed a nomination for an office pursuant to Section 33 of the Act, and also includes a person who has filed a nomination for election to a school board pursuant to the Education Act, R.S.O. 190, c. E2, as amended.

Registered Third Party – in relation to an Election in a municipality, means an individual, corporation or trade union that is registered under Section 88.6 of the *Municipal Elections Act*, 1996, as amended.

Staff – means all full-time and part-time persons hired by the Township.

Township Resources – means real property, goods and/or services owned, controlled, leased, acquired, or operated by the Township including but not limited to: facilities, parks, materials, equipment, monetary funds, technology, Township IT systems and resources, databases, intellectual property, supplies, Township logo, Township issued email addresses, and Township issued cell phones.

4.2 General Principles

4.2.1 Township resources and funding may not be used by any candidate or third party advertiser for any campaign purpose, including money, goods and services, to any candidate, registered third party, or in support of or opposition to a question on the ballot during an election period.

4.2.2 Staff shall not canvass or actively work in support of a municipal candidate or party, or **third party advertiser** during normal working hours unless they are on a leave of absence without pay, lieu time, float day, or vacation leave.

- 4.2.3 Subject to Section 4.2 of this Policy, campaign activities, election signs or any other election-related campaign material(s) shall not be displayed in any Township-owned and/or operated facility(ies).
- 4.2.4 The Township of Essa's logo, crest, coat of arms, slogans, etc., shall not be printed or distributed on any election-related campaign materials or included on any election-related website, social media accounts, etc.
- 4.2.5 Members of Council shall not use their municipal office or any municipally-provided facilities, for any election-related purposes, which includes displaying of any campaign related signs in the window or on the premises, as well as displaying any election-related material in the office;
- 4.2.6 The following actions shall be discontinued for Members of Council from the day prior to Nomination Day in a municipal election year to Election Day:
- i. all forms of advertising, including in municipal publications; and
 - ii. all printing, high speed photocopying and distribution, including printing and general distribution of newsletters unless so directed and approved by Council
- 4.2.7 Members of Council may not deliver any unsolicited material outside their existing ward where the printing and/or distribution costs are paid by the Township. Care should be taken to ensure that the mailing of material be restricted to the member's ward only (with accommodation made for the normal spillage associated with Canada Post postal walks). This recommendation to be effective not only during an election year but at all times.
- 4.2.8 Members of Council may not:
- i. print or distribute any material paid by municipal funds that illustrates that a Member of Council or any other individual is registered in any election or where they will be running for office;
 - ii. profile (name or photograph), or make reference to, in any material paid by municipal funds, any individual who is registered as a candidate in any election; or
 - iii. print or distribute any material using municipal funds that makes reference to, or contains the names or photographs, or identifies registered candidates for municipal elections, except material distributed in the normal course of Council business (e.g. Council and Committee minutes)

4.2.9 Members of Council are responsible to ensure that the content of any communications material, including printed material such as newsletters, advertising, etc. funded by the Township, is not election-related;

4.2.10 Web sites, domain names and social media accounts (ie: Facebook, Twitter) that are funded by the Township of Essa may not include any election-related campaign material, nor can they be re-designated for campaign-related purposes, or provide a link to a campaign site or campaign activities;

4.2.11 Members of Council may not use their Township issued cell phone, or the Township's voice mail system to record any election related messages.

4.3 Campaign Activities

4.3.1 "All Candidates" Meetings

- (a) Shall be organized by Candidates
- (b) Are prohibited from being held at any municipally owned or operated facilities.

4.3.2 Campaigning shall not be permitted at any Township-owned facility(ies), or at any municipally-operated events.

5. **LIMITATION**

Nothing in this Policy shall preclude a Member of Council from performing their job as Mayor, Deputy Mayor, or Councillor, nor inhibit them from representing the interests of the constituents who elected them.

6. **IMPLEMENTATION**

This Policy shall become effective immediately upon approval by Township Council.

7. **ENFORCEMENT**

That, in accordance with the Act, the Township Clerk shall be authorized and directed to take the necessary action to give effect to this policy.