

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

*(Court Seal)*

**SANCTUARY MINISTRIES OF TORONTO, ABORIGINAL LEGAL SERVICES,  
ADVOCACY CENTRE FOR TENANTS ONTARIO,  
BLACK LEGAL ACTION CENTRE, CANADIAN CIVIL LIBERTIES ASSOCIATION,  
HIV & AIDS LEGAL CLINIC ONTARIO**

Applicants

and

**CITY OF TORONTO and  
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Respondents

APPLICATION UNDER RULE 14.05 OF THE *RULES OF CIVIL PROCEDURE*

**AFFIDAVIT OF SAHAR TALEBI**

I, SAHAR TALEBI, of the CITY OF TORONTO, **MAKE OATH AND SAY:**

1. I am a lawyer at Lenczner Slaght Royce Smith Griffin LLP, co-counsel for the Applicants.

As such, I have knowledge of the matters contained in this affidavit, to which I hereinafter depose.

Where I have been advised of any facts stated in this affidavit, I state the source of those facts, and

I believe them to be true.

2. In this affidavit I provide background information with respect to the role of the City of Toronto (the “City”) in managing and overseeing the shelter system. It also sets out the orders and directives put in place, and advice given, by the federal government, the Province of Ontario (the “Province”), the City, and their public health bodies relevant to the City of Toronto’s COVID-19

response, including in particular for people experiencing homelessness. Most of the information in this affidavit was obtained through various online searches conducted between April 17, 2020 and May 4, 2020.

### **The City of Toronto's Role in Managing Homeless Shelters**

3. Attached as Exhibit "A" is the *City of Toronto Act, 2006*, which provides the City with powers to provide services to its residents, manage its finances, and establish accountability officers for the city. Attached as Exhibit "B" is a copy of the City's Governance System webpage, indicating that homeless shelters fall in the category of the powers of the City, as defined by the *City of Toronto Act, 2006*.

4. Attached as Exhibit "C" is the *Housing Services Act, 2011*, which is Ontario's social housing legislation. A stated purpose of the *Housing Services Act, 2011* ("HSA") provided for at s. 1(a) is "to provide community-based planning and delivery of housing and homeless services with general provincial oversight and policy direction".

5. Section 4 of the *HSA* provides that for the purposes of the *HSA*, it is a matter of provincial interest that there be a system of housing and homelessness services that,

- (a) is focussed on achieving positive outcomes for individuals and families;
- (b) addresses the housing needs of individuals and families in order to help address other challenges they face; [...]
- (f) treats individuals and families with respect and dignity; and [...]
- (h) is relevant to local circumstances.

6. The City is the provincially delegated Consolidated Municipal Service Manager responsible for the administration of provincial and federal funding and the planning and management of the housing and homeless service system within the City's geographic limits. As such it is required pursuant to the *HSA* to "have a plan to address housing and homelessness" (s. 6) which, among other things, addresses the matters of provincial interest at section 4 of the *HSA*.

7. The City's website describes the Shelter, Support & Housing Administration ("SSHA") Division as the service manager for housing and homelessness services in Toronto. The City funds SSHA and oversees community agencies to deliver services and also directly operates emergency and transitional shelters and 24-hour respite programs. A copy of the SSHA's webpage is attached hereto as Exhibit "D".

#### **Toronto Homeless Shelter Locations & Occupancy**

8. Shelter locations in Toronto are listed on the City of Toronto's Website. This webpage indicates that through SSHA, the City provides more than 7,000 emergency and transitional shelter beds in 63 locations. The City oversees the operation of 53 shelters by funded community agencies and directly operates 11 shelter programs. A copy of the City's webpage containing this information is attached hereto as Exhibit "E". As part of its COVID-19 response for people experiencing homelessness, the City has also created a number of additional sites, in community centres and temporary locations, referred to as "24-hour temporary response sites", which it directly operates. A copy of the City's webpage providing information with respect to response sites is attached hereto as Exhibit "F".

9. Service details and maps showing Toronto's emergency shelter locations and the locations for other homelessness programs can be found at <https://www.toronto.ca/community-people/housing-shelter/homeless-help/>.

### **Shelter Standards**

10. Shelters operating in Toronto's shelter system are required to meet the minimum service standards as articulated in the Toronto Shelter Standards, as updated and approved by Council in 2015 (the "Shelter Standards"). A copy of the Shelter Standards, and the city council minutes adopting the approved Shelter Standards, as well as the City By-law confirming the proceedings are attached hereto as Exhibits "G", "H" and "I".

11. The Toronto Shelter Standards acknowledge at section 2.3.1. that the City is the legislated provincial Consolidated Municipal Service Manager and provide at page 8 that the SSHA is responsible for:

- (a) Directly operating some emergency and transitional shelters;
- (b) Administering and ensuring contract compliance with Operating Agreements between the City of Toronto and community-based organizations that deliver shelter and related services including emergency and transitional shelters, Housing Help programs within shelters, the Toronto Hostel Training Centre and the Out of the Cold program;
- (c) Ensuring service quality assurance by maintaining and providing funder oversight for the implementation of the TSS by shelter providers;
- (d) Developing policies that improve the shelter system's efficiency and capacity to generate positive outcomes for all stakeholders.

12. Section 5.2 of the Shelter Standards provides for Principles of Service Delivery to guide shelter providers, which include certain principles under the heading “Respect and Dignity” as follows:

Shelter service delivery is based on accepting and respecting the inherent dignity, diversity, experiences and abilities of all individuals.

(a) Shelter providers will

(i) Create and maintain an atmosphere of dignity, acceptance and respect for all individuals

(ii) Respect and balance the independence, values, knowledge, abilities and diversity of all individuals

(iii) Provide services to each client in a non-judgmental manner, free from discrimination and harassment

(iv) Protect and promote the health, safety and security of all individuals

(v) Protect the personal and health information and privacy of all individuals.

13. Chapter 9 of the Shelter Standards establishes the requirements of shelter providers with respect to Basic Needs and Services.

14. Section 9.3.1(e) of the Shelter Standards sets out the City’s requirements with respect to spacing between beds:

(e) Shelter providers will maintain a lateral separation of at least 0.75 m. (2.5 ft.) between beds (or alternative sleeping arrangements) and a vertical separation of at least 1.1 m. (3.5 ft.) between the top of a bed frame to the lowest hanging section of an overhead object (e.g., upper bunk frame, light fixture, bulkhead, air duct, plumbing, etc.)

15. Section 9.3.1(f) and (g) further provide: Section 11.1 of the Shelter Standards describes the role that the City has in ensuring that,

(a) Shelter providers will have board-approved infection control policies and management-approved procedures to prevent or reduce the risk of transmission of communicable diseases. Written policies and procedures for the prevention, screening and reporting of communicable disease cases and outbreaks will be developed in consultation with Toronto Public Health.

[...]

(h) Shelter providers will regularly monitor Toronto Public Health updates and provide educational updates or training to staff on the above topics.

### **24-Hour Respite Site Standards**

16. 24-Hour Respite Sites are also subject to the minimum service standards provided for in the 24-Hour Respite Site Standards, which were approved by the General Manager of SSHA in November 2018. A copy of the 24-Hour Respite Site Standards, and the City of Toronto webpage describing the approval process are attached hereto as Exhibits “J” and “K”.

17. According to section 1.1 of the 24-hour Respite Site Standards, the SSHA is responsible for:

(a) Directly operating some programs;

(b) Administering and ensuring contract compliance of Operating Agreements between the City of Toronto and community-based organizations that deliver 24-Hour Respite Site services;

(c) Ensuring service quality as described under section 1.3 (Quality Assurance) by maintaining and providing funder oversight for the implementation of the TRS; and

(d) Providing policies, guidelines and resources that improve positive outcomes for all 24-Hour Respite Site stakeholders.

18. Section 7.3.1(i) of 24-hour Respite Site Standards provides that,

When required by [Shelter, Support & Housing Administration], Providers will maintain a lateral separation of at least 0.75 m. (2.5 ft.) between resting spaces.

19. Section 9.1 (a) of the 24-hour Respite Site Standards provides that,

Providers will have an infection prevention and control (IPAC) program in place to prevent or reduce the likelihood of transmitting communicable diseases to clients and staff.

20. Section 9.1(g) of the 24-hour Respite Site Standards provides that,

Providers will provide program staff with training and information about communicable diseases and infection control including, but not limited to [...]

(iii) Specific diseases that are of public health significance

(iv) The 24-Hour Respite Site's response plan for individual cases or outbreaks of communicable disease.

## **Provincial and Municipal COVID-19 Pandemic Response**

### ***The Province of Ontario***

21. On March 17, 2020, due to “the outbreak of a communicable disease namely COVID-19 coronavirus disease [that] constitutes a danger of major proportions that could result in serious harm to persons”, the Province enacted an order declaring an emergency in the province of Ontario pursuant to section 7.0.1 (1) of the *Emergency Management and Civil Protection Act* (“EMCPA”).

22. On April 14, 2020, the Province extended the Declaration of Emergency for a further 28 days, until May 12, 2020. A copy of the *EMCPA* and the March 17, 2020 order declaring a provincial state of emergency, and a copy of the official report of debates (Hansard) whereby the

Legislative Assembly of Ontario extends the state of emergency are attached hereto as Exhibits “L”, “M” and “N”.

23. The Province has endorsed the concepts of “Physical Distancing”, and related measures, to mitigate the spread of COVID-19 during the declared Emergency. Its webpage entitled *COVID-19: Stop the Spread* informs Ontarians that, “COVID-19 is spread mainly from person to person through close contact, for example, in a household, workplace, or health care centre”.

24. The Province has also recommended, among other things, that ‘Physical Distancing’, ‘Stay at Home’, and ‘Avoid Contact with Others’ measures be followed to stop the spread of COVID-19:

#### **Physical Distancing**

Everyone in Ontario should practice physical distancing to reduce their exposure to other people — this means staying at least two metres away from anyone outside your household. [...]

#### **Stay at Home**

- do not use public transportation, taxis or rideshares
- do not go to work, school or other public places
- your health care provider will tell you when it is safe to leave

#### **Avoid Contact with Others**

- stay in a separate room, away from other people in your home, as much as possible and use a separate bathroom if you have one
- make sure that shared rooms have good airflow (for example, open windows)

A copy of the Stop the Spread webpage retrieved on April 30, 2020 is attached as Exhibit “O”.

25. The Province has made numerous orders pursuant to its powers under the *EMCPA* since March 17, 2020, which are summarized in part below:

- (a) On March 23, 2020, the Province issued O. Reg. 51/20, ordering the mandatory closure of all non-essential workplaces effective as of Tuesday, March 24th at 11:59 p.m. A copy of O. Reg. 51/20 is attached hereto as Exhibit “P”.
- (b) On April 3, 2020, the Province issued O. Reg. 82/20, reducing the list of businesses classified as essential and ordered more workplaces to close. The government ordered all businesses not covered by the updated Emergency Order to close effective as of Saturday, April 4, 2020 at 11:59 p.m. The list of businesses identified as essential include healthcare and social services that support the provision of food, shelter, safety or protection, and/or social services and other necessities of life to economically disadvantaged and other vulnerable individuals. Individuals working in a homeless shelter or providing services to homeless persons were identified as essential workers under Schedule A of the April 3, 2020 order. A copy of the order and the Government of Ontario webpage providing a list of the essential workplaces are attached hereto as Exhibits “Q”, and “R”.
- (c) On March 28, 2020, the Province issued O. Reg. 52/20, an emergency order under the *EMPCA* to prohibit organized public events and social gatherings of more than five people, effective immediately. A copy of O. Reg. 52/20 is attached hereto as Exhibit “S”.
- (d) On March 30, 2020, the Province issued O. Reg. 105/20, extending the Declaration of Emergency and associated emergency measures, including the closure of non-essential workplaces and restrictions on social gatherings. In addition, the Province issued O. Reg. 104/20, a new emergency order under the *EMCPA* to close all outdoor recreational amenities, such as sports fields and playgrounds effective immediately. Copies of the orders are attached hereto as Exhibits “T” and “U”.
- (e) On April 9, 2020, the Province issued O. Reg. 141/20, an order under the *EMCPA* recognizing the need to support municipalities to find alternative sleeping arrangements, including to help maintain physical distancing. The order permitted the overflow shelters (tents) to be constructed to expand emergency shelter and hospital capacity. A copy of O. Reg. 141/20 is attached hereto as Exhibit “V”.
- (f) On April 11, 2020, the Province issued O. Reg. 106/20, extending all emergency orders that had been put in place to-date under s.7.0.2 (4) of the *EMCPA* until April 23, 2020, including the closure of outdoor amenities in parks and recreational areas,

non-essential workplaces, public places and bars and restaurants, along with restrictions on social gatherings. A copy of O. Reg. 106/20 is attached hereto as Exhibit “W”.

- (g) On April 14, 2020, the Province extended the Declaration of Emergency under the *EMCPA* for a further 28 days until May 12, 2020. The extension of the provincial declaration of emergency allows the Province to continue to enforce current emergency orders, such as the closure of all non-essential workplaces, outdoor amenities such as parks and recreational areas, public places and bars and restaurants, as well as restrictions on social gatherings of more than five people. A copy of the official report of debates (Hansard) whereby the Legislative Assembly of Ontario declares that the period of the emergency is extended past the end of April 14, 2020 for a further period of 28 days is attached hereto as Exhibit “N”.
- (h) On April 24, 2020, the Province issued O. Reg. 177/20, under the *EMCPA*, providing restrictions for staff members at congregate care setting agencies who provide care in a residential setting. A copy of O. Reg. 177/20 is attached hereto as Exhibit “X”.

26. On April 23, 2020 the Province announced that it would be delivering a new COVID-19 Action Plan for Vulnerable People to better protect vulnerable populations during the outbreak of COVID-19. With respect to support for Homeless Shelters, it stated,

Municipalities and District Social Services Administration Boards oversee Ontario’s homeless shelters, as they understand their communities’ unique needs. We’ve provided \$148 million in social services relief funding to help them expand their services and supports and shared public health guidance materials. We’ve also issued emergency orders to allow staff to be redeployed to where they’re most needed and supported expanded access to emergency child care services for shelter workers. We have implemented a risk assessment survey for all sites and are creating an Ontario Shelter System Response Table with local officials, to look at additional interventions based on individual shelter needs.

A copy of the Ontario government webpage *COVID-19 Action Plan: Protecting Vulnerable Ontarians* is attached hereto as Exhibit “Y”.

27. On April 1, 2020, Ontario's Ministry of Health created a *Guidance document for Homeless Shelters*, to assist with the minimizing of COVID-19 transmissions among Ontarians experiencing homelessness and to help plan for, prevent and manage individual cases and outbreaks of COVID-19 and flu-like symptoms in shelters and facilities that support homeless individuals. This guidance is also applicable to 24-hour drop-in locations as well as 24-hour respite centres. A copy of the guidance document is attached hereto as Exhibit "Z".

28. To the knowledge of the Applicants, there has been no binding directive or Order by the Province applicable to Ontario's shelters and respite centres that requires physical distancing to be implemented.

***The Province's Response Regarding Long-term Care Homes***

29. The Province has issued a number of orders and directives with respect to the management of COVID-19 in the long-term care context. A table summarizing these efforts, including various directives, orders, and memoranda is attached hereto as Exhibit "AA". Some examples of the province's efforts are also described below.

30. As part of the Province's efforts to respond to COVID-19, the Chief Medical Officer of Health, Dr. David C. Williams issued a number of directives to protect long-term care homes from COVID-19 outbreaks. Among the directives provided, is active screening of all staff and residents, with the stated purpose of ensuring appropriate personal protective equipment, and COVID-19 preparedness of long-term care homes.

31. In the latest version of Directive # 3, which was updated on April 15, 2020, Long-term care homes were directed to immediately implement a series of precautions and procedures, including:

**Staff and Resident Cohorting.** Long-term care homes must use staff and resident cohorting to prevent the spread of COVID-19. Resident cohorting may include one or more of the following: alternative accommodation in the home to maintain physical distancing of 2 metres, resident cohorting of the well and unwell, utilizing respite and palliative care beds and rooms, or utilizing other rooms as appropriate. Staff cohorting may include: designating staff to work with either ill residents or well residents. In smaller long-term care homes or in homes where it is not possible to maintain physical distancing of staff or residents from each other, all residents or staff should be managed as if they are potentially infected, and staff should use droplet and contact precautions when in an area affected by COVID-19.

Directives #3 and #5 pertaining to long-term care homes, are attached hereto as Exhibits “BB” and “CC”.

32. The Province also issued a number of orders to address COVID-19 within long-term care homes, which are summarized below:

(a) On March 24, 2020, the Province issued O. Reg. 77/20, an order under the *EMPCA*, addressing the long-term care sector to identify staffing priorities and develop, modify and implement redeployment plans. The order prohibits Redeploying employees so that any particular employee is not providing services at more than one long-term care home operated or maintained by the health service provider. A copy of O. Reg. 77/20 is attached hereto as Exhibit “DD”.

(b) On March 27, 2020, the Province issued O. Reg. 95/20, addressing restrictions around staffing, reporting complaints, and documentation. A copy of this Order in Council is attached hereto as Exhibit “EE”.

(c) On April 15, 2020, the Province issued O. Reg. 146/20, restricting long-term care staff from working in more than one long-term care home. A copy of O. Reg. 146/20 is attached hereto as Exhibit “FF”.

(d) On April 25, 2020 the Province issued O. Reg. 77/20, allowing for the redeployment of staff, including those working in long-term care homes, to ensure they can work where they are needed most during the COVID-19 outbreak. A copy of O. Reg. 77/20 is attached hereto as Exhibit “GG”.

33. Furthermore, the Province has provided a number of memoranda to health system organizations and providers, delivering specific guidelines to protect the residents of long-term care homes across Ontario. The memoranda provided details regarding Testing, Screening, and Surveillance, Managing Outbreaks and Spread of COVID-19.

34. The memoranda pertaining to the Province's response regarding long-term care homes, dated April 15, April 15, April 17, April 21 and April 26, 2020 are attached hereto as Exhibits "HH", "II", "JJ", "KK" and "LL".

35. The Province provided a copy of its COVID-19 action plan for long-term care homes as of April 15, 2020, on Ontario's webpage. The plan describes steps and actions taken to that date, as well as next actions expected. As part of the measures implemented, the Province discusses its efforts with respect to aggressive testing, screening, and surveillance. A copy of the webpage retrieved on May 2, 2020 is attached hereto as Exhibit "MM".

***City of Toronto***

36. The *Health Protection and Promotion Act* ("HPPA") authorizes Medical Officers of Health to make certain orders to address the public health risks presented by communicable disease (s. 22). A copy of the *HPPA* is attached hereto as Exhibit "NN".

37. On April 1, 2020 Toronto's Medical Officer of Health, Dr. Eileen de Villa, issued a class order made pursuant to Section 22(5.0.1) of the *HPPA*. The class order provides as follows:

All persons residing in or present in the City of Toronto who:

(a) are identified as a person diagnosed with COVID-19;

(b) have the signs and symptoms of COVID-19, have been tested for COVID-19 and are awaiting the results of their test;

(c) otherwise have reasonable grounds to believe they have symptoms of COVID-19; or

(d) are a close contact of a person identified in (a), (b) or (c).

Are ordered to take the following actions effective 10:00 am on April 1, 2020:

1) Isolate yourself without delay in accordance with instructions provided by Toronto Public Health. This includes remaining in your home or isolation facility. Do not go outside, unless on to a private balcony or enclosed yard where you can avoid close contact with others. You must not have any visitors into your home except as permitted by Toronto Public Health.

2) Remain in isolation until the expiry of a 14-day period that begins on the day on which you first show symptoms, are tested, or are diagnosed with COVID-19, whichever is earliest, or on the last day of close contact, unless otherwise instructed by Toronto Public Health in accordance with the current Ministry of Health guidelines as amended:  
[http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_testing\\_clearing\\_cases\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_testing_clearing_cases_guidance.pdf).

3) During the self-isolation period, conduct yourself in such a manner as not to expose another person to infection or potential infection from COVID-19 by following infection control instructions on the Toronto Public Health website, located at: <https://www.toronto.ca/home/covid-19/covid-19-health-advice/>, or given to you by Toronto Public Health or any other staff of a healthcare facility to which you may seek or receive treatment.

4) Keep away from vulnerable persons.

A copy of Dr. de Villa's April 1, 2020 class order is attached hereto as Exhibit "OO".

38. On April 2 and April 3, 2020, Mayor John Tory signed an Emergency Order No. 1 (April 2) and Emergency Order No. 2 (April 3) regulating physical distancing in City parks and public squares. Copies of both orders are attached hereto as Exhibits "PP" and "QQ".

39. On April 2, 2020, the City passed a by-law to amend Municipal Code Chapters 608 and 636 to impose emergency physical distancing regulations with respect to Parks, and Public Squares. The by-law requires any two people who do not live together to keep two metres of distance between them in a park or public square. A copy of the by-law is attached as Exhibit “RR”.

40. On April 30, 2020 Mayor John Tory signed an Emergency Order, and the City council adopted the following resolutions with respect to the City’s response and ongoing management of emergency City business during the COVID-19 pandemic:

10. City Council request the Province of Ontario to continue to support Toronto’s COVID-19 homelessness and supportive housing response by providing proactive testing in all shelters and respites, additional Personal Protection Equipment for frontline shelter staff, the establishment of a regional Greater Toronto Area plan for isolation and recovery spaces for those in the shelter and supportive housing system, and to provide additional funding for the provision of permanent supportive and affordable housing opportunities.

[...]

14. City Council direct the Executive Director, Social Development, Finance and Administration, and the General Manager, Shelter, Support and Housing Administration, in consultation with the Medical Officer of Health, to provide, similar to the Daily Shelter and Overnight Service Usage, regular updates on progress made on the action plan to rapidly house and place in hotel accommodations many in the shelter system including:

- a. updated on the deployment of temporary sanitation and washing stations in priority areas;
- b. updates on the number of those living in shelters and encampments who have been rehoused in housing or hotel accommodations;
- c. any efforts to acquire additional hotels or housing units; and
- d. updates on the number of wellness checks being completed by staff in encampments to ensure people are able to access testing.

A copy of the City Council's motion to adopt is attached hereto as Exhibit "SS".

### **The City of Toronto's Response to COVID-19 in Homeless Shelters & 24-Hour Respite**

41. The City's response to COVID-19 in respect of the shelter and respite network has been the subject of a number of public statements and interim guidelines by City staff at SSHA, Toronto Public Health ("TPH"), Mayor Tory, Dr. de Villa, and other City Counsellors through news releases, daily briefings and other public statements including at press conferences. A table containing the dates and summarizing the contents of these statements and guidelines is attached hereto as Exhibit "TT", and are also described below. Unofficial partial transcripts of the relevant statements at each of the press conferences are appended as individual exhibits.<sup>1</sup>

42. On March 9, 2020, TPH prepared two Fact Sheets providing interim guidance for homelessness service settings providers to help reduce the risk of exposure. Copies of the Fact Sheets are attached hereto as Exhibit "UU".

43. On March 10, 2020, the SSHA prepared a memorandum complimenting the information provided by TPH and providing further updates on plans to assist. In addressing issues related to isolation and quarantine, the document stated that,

SSHA has acquired additional motel space in Toronto and will have some limited ability to isolate persons under investigation or diagnosed with COVID-19. More information will be available shortly on how to access this space and on the health services and support available at the location.

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<sup>1</sup> Each unofficial partial transcript has been prepared based on the automatic transcription feature of [www.youtube.com](http://www.youtube.com), which has been revised and edited as necessary to ensure their accuracy to best of the counsel's abilities.

A copy of the memorandum is attached hereto as Exhibit “VV”.

44. On March 16, 2020, the SSHA released an update to all shelter, 24-hour respite and 24-hour drop-in service providers. With respect to social distancing guidelines, it stated,

we continue to work closely with our partners at Inner City Health Associates (ICHA) who are in the process of developing social distancing guidelines. As these are being developed, we encourage you to consider the feasibility of implementing any of the following best practices at your sites:

- Increase spacing between beds where possible
- Arrange beds so that individuals lay head-to-toe (or toe-to-toe)
- Use neutral barriers (foot lockers, curtains) to create barriers between beds
- Stagger mealtimes to reduce crowding in shared eating facilities
- Stagger the schedule for use of common/shared kitchens
- Create a staggered bathing schedule to reduce the amount of people using the facilities at the same time
- Create a schedule for using common spaces

A copy of the update is attached hereto as Exhibit “WW”.

45. In a news release on March 17, 2020, Mary-Anne Bédard, General Manager of the SSHA, announced that the City was strengthening prevention and response to COVID-19 in the emergency shelter system. Ms. Bédard stated that SSHA was responding to COVID-19 with a three-tier approach:

- (a) First, it is creating the ability for additional social distancing spacing within the existing shelter system through creation of new programs.
- (b) Second, the City is creating additional isolation spaces for people identified through screening and assessment processes that are awaiting test results.

- (c) On the third tier, the City is working with its provincial partners to identify an appropriate service for people who have tested positive for COVID-19.

A copy of the March 17, 2020 news release is attached hereto as Exhibit “XX”.

46. On March 20, 2020 at a City news conference, Ms. Bédard stated that in response to COVID-19, the city has opened 5 new facilities in order to facilitate effective social distancing as recommended by TPH and has secured one additional site to shelter those who require 14 day self-isolation as a result of travel. A copy of the news conference transcript is attached hereto as Exhibit “YY”.

47. On March 21, 2020, at a City news conference providing an update, Ms. Bédard stated that in response to the first positive case of COVID-19, the City has taken every precaution based on public health standards and the advice of Dr. de Villa. A copy of the news conference transcript is attached hereto as Exhibit “ZZ”.

48. On March 24, 2020, at a City news conference providing further updates, Ms. Bédard, confirmed two positive cases of COVID-19 amongst the City’s homeless clients, one in a shelter and one in a respite program. She also stated that the City has developed a comprehensive three tiered approach, and has opened 9 facilities in 7 days. In response to media questions pertaining to whether individuals at shelters are able to stay 6 feet apart from each other, Ms. Bédard responded,

the 24 hour respite standards require less than 6 feet between sleeping. But the shelter standard is 6 feet already so within shelters we are trying to reduce the capacity in those programs. There are already opportunities in place to create the social distancing that is required.

A copy of the news conference transcript is attached hereto as Exhibit “AAA”.

49. On March 26, 2020, the SSHA prepared and released a Q+A document regarding the City’s COVID-19 response. A copy of the Q+A document is attached hereto as Exhibit “BBB”.

With respect to how the City is increasing physical distancing in shelters, the document stated,

The City has opened ten new facilities since March 16 to support the following new programs:

- Eight programs to provide extra space for physical distancing
- One program for people requiring self-isolation due to travel
- One program for people who are waiting for test results

[...]

The City has opened eight new facilities with more than 350 spaces to create more opportunity for physical distancing for clients from shelters, 24-respites and 24-hour drop-ins.

[...]

In addition, there are ten other facilities that are ready to be activated as needed.

[...]

Please note – these sites are **not** creating additional capacity in shelters, but will allow the City to move people within existing programs, particularly 24-hour respite sites and 24-hour drop-ins to create more opportunity for physical distancing.

50. On March 26, at a City news conference providing further updates, Dr. de Villa expressed her concern regarding the population of people living with homelessness, stating “I am concerned. We are certainly concerned. We know that people in our shelter system are vulnerable. Many of them have chronic and existing health conditions that make them vulnerable to COVID-19 infection.” At this news conference Mayor Tory added that the City has been using

hotels as a part of its response to COVID-19 and will continue to make further arrangements to do so. A copy of the news conference transcript is attached hereto as Exhibit “CCC”.

51. On March 27, 2020, the SSHA prepared and released a Q+A document with respect to housing, income and program support. The City stated that it “ is working with Toronto Community Housing (TCH) on a Rapid Housing initiative to identify vacant units that can be made available immediately to particularly vulnerable populations that are currently shelter clients on the waiting list for housing.” A copy of the Q+A document is attached hereto as Exhibit “DDD”.

52. On March 27, 2020, at a City news conference, Ms. Bédard acknowledged that the current spacing between beds in shelters was less than what the City's Medical Officer of Health, Dr. de Villa had recommended. A copy of the news conference transcript is attached hereto as Exhibit “EEE”.

53. On March 30, 2020, at a City news conference providing daily briefings, Mayor John Tory provided an update with respect to the City’s response to the outbreak in homeless shelters, noting that the City had contracted with five hotels for a total of up to 650 rooms to help the City’s homeless population. A further five hotels with up to 500 rooms were said to be in the process of being secured. A copy of the press conference transcript is attached hereto as Exhibit “FFF”.

54. On March 30, 2020, TPH updated its Fact Sheets providing infection prevention and control tips for homelessness service providers as a well as interim guidance for homelessness service settings providers. With respect to physical distancing, the Fact Sheet stated,

Physical distancing means limiting close contact with others.  
Physical distancing strategies include:

- Remind everyone at your site to maintain a 2 metre distance from other people as much as possible
- Cancel group activities that exceed 5 people; try to support telephone or on-line activities where possible
- Do not have visitors at the site; limit to participants and clients
- Reduce face to face staff meetings; promote phone or on-line meetings and cancel any larger in person meetings
- Use furniture layout to promote physical distancing (e.g., removing chairs around a table to promote 2 metre distance between others for seating).
- Place mats/cots/beds at least 2 metres apart. If not possible, consider staggering sleeping arrangements to increase the physical distance between client/participant faces as much as possible while sleeping.

A copy of each Fact Sheet is attached hereto as Exhibit “GGG”.

55. On March 30, 2020, the SSHA prepared a Frequently Asked Questions document to answer questions that homeless service providers may have about COVID-19 and the SSHA’s response.

With respect to added space for physical distancing, the document stated,

Since March 16, 2020, SSHA has opened eight new facilities to better allow for physical distancing between clients. The focus has been to create more than 350 spaces as quickly as possible within City facilities to create additional physical distancing within our current programs, particularly our 24-hour respite sites and 24-hour drop-ins.

[...]

We have also opened a dedicated site through a hotel program available for people who have entered the country within the past 14 days, providing them with the ability to self-isolate, as recommended by TPH.

[...]

We have already contracted with 5 hotel sites with a total of up to 650 rooms. Two of the sites are already in use and we are in the process of identifying required supports and activating the others this week. A further 5 hotels with up to 500 rooms are in the process of being secured.

A copy of the Frequently Asked Questions document is attached hereto as Exhibit “HHH”.

56. On March 31, 2020, at a City news conference providing an update on its response to the COVID-19 outbreak, Ms. Bédard stated that the City was moving to the second phase of its action plan which is about mitigation and “to rapidly increase the number of shelter hotel beds available to increase physical distancing in the shelter system.” Ms. Bédard also stated,

In addition to the initial isolation site for people which had the capacity of between 30 and or 40, there was now a second site added for people to have isolation during the period while they are being tested. The city is starting to work on the larger facility that will be strictly for people who have COVID-19, and it is anticipated that this space would be available in the coming weeks.

A copy of the news conference transcript is attached hereto as Exhibit “III”.

57. On April 1, 2020, City Councillor Joe Cressy provided an update on his webpage, regarding the City’s homelessness COVID-19 efforts. He stated “[w]e know that some people are at greater risk of becoming seriously ill from COVID-19 than others. This includes seniors, people experiencing homelessness, residents in long-term care homes, people who have compromised immune systems, and front-line workers.” A copy of Councillor Cressy’s statement on his webpage, retrieved April 30, 2020 is attached hereto as Exhibit “JJJ”.

58. On April 1, 2020, at a City press conference providing daily briefings, in response to a media question “why is a single homeless person still sleeping within six feet of another homeless person in the city shelter as of last night?” Dr. de Villa stated “ we are very cognizant of the fact that those experiencing homelessness in our community are at high risk of negative impact associated with COVID-19... our colleagues are working as expeditiously as they can to remedy the situation.” A copy of the news conference transcript is attached hereto as Exhibit “KKK”.

59. In an email dated April 2, 2020, Ms. Bédard responded to an email from representatives of the Applicant Sanctuary Ministries of Toronto asking about any physical distancing in shelters, 24 hr respites and overnight drop-ins. In response to the question whether there has been a TPH directive to SSHA for all sites to separate beds, cots, mats 6' or 2m, Ms. Bédard responded “[n]o, TPH has not issued a directive or order. Advice continues to be to take appropriate steps to create and promote physical distancing.” In response to whether there had been an order to discontinue top bunk bed use, she responded “[t]here has been no order. SSHA has conducted a comprehensive space analysis to determine how much capacity has to be reduced, on a site-by-site basis, to achieve 6ft of physical distancing. Based on that, we are rapidly expanding our hotel capacity and working with ICHA and shelter providers to identify clients at highest risk so they can be prioritized for relocation.” A copy of the email dated April 2, 2020 is attached hereto as Exhibit “LLL”.

60. In an email to Noa Mendelsohn Aviv dated April 3, 2020, Brent Gilliard, the Chief of Staff at the Office of Councillor Joe Cressy, stated that “[a]s an interim and immediate measure, the City opened new locations to relocate hundreds of existing shelter and respite beds in order to facilitate physical distancing, using spaces including closed City facilities.” He added “we have about 650 hotel beds secured and another 500 in the final stages of confirmation. We are in the middle of transitioning clients into the hotel rooms, with some rooms occupied now but many more people and families to move over the next few days.” A copy of the email dated April 3, 2020 is attached hereto as Exhibit “MMM”.

61. On April 7, 2020, at a City news conference, Chief Pegg announced “to date, we have secured 1,200 hotel rooms in 12 hotels. Furthermore, 313 people had been moved into hotels. An additional 15 locations are being considered.” A copy of the news conference transcript is attached hereto as Exhibit “NNN”.

62. On April 8, 2020 the City held a news conference to provide an update with respect to the response to COVID-19 and responded to media questions regarding the steps taken to that point in time. In response to a positive COVID case in the Seaton House men's shelter, Chief Pegg stated,

over the last two weeks, the capacity at Seaton House has been decreased by 40 beds as clients have been discharged [...] By the end of this week, 100 clients will have been moved to hotel or additional community center locations to provide for appropriate physical distancing inside Seaton House.

63. In response to questions from the media regarding the speed with which individuals are being moved out and into hotels, Ms. Bédard stated that “we are moving people as quickly as we can and that it is an ongoing priority for the City.”

64. In response to whether TPH would be issuing an order to ensure that there is physical distancing inside the shelter system, Dr. de Villa stated,

at this stage there doesn't appear to be any merit or need for an Order to be given, and as you've heard us say from this table many times that effective public health measures are best done on a voluntary basis.

A copy of the news conference transcript is attached hereto as Exhibit “OOO”.

65. On April 8, 2020, TPH prepared a COVID-19 Fact Sheet to provide interim guidance for Homelessness Service Settings. A copy of the Fact Sheet is attached hereto as Exhibit “PPP”. TPH also created a Fact Sheet for COVID-19 infection prevention and control tips for homelessness service settings. With respect to physical distancing, among other things, the Fact Sheet states,

Physical distancing means limiting close contact with others. Physical distancing strategies include:

[...]

- Remind everyone at your setting to maintain a two metre/six foot distance from others as much as possible.

- [...]
- Place mats/cots/beds at least two metres/six feet apart for all clients at the settings, and do not use bunk beds.
- [...]
- Use furniture layout to promote physical distancing (e.g. removing chairs around tables to promote two metre/six feet distance between others for seating).

A copy of the Fact Sheet is attached hereto as Exhibit “QQQ”.

66. On April 11, 2020, the SSHA issued a memorandum to homeless services providers, providing an update on the response to COVID-19. The memorandum indicated that TPH has confirmed a total of 17 positive cases of COVID-19 to date for clients who have been in the shelter system. A copy of the memorandum is attached hereto as Exhibit “RRR”.

67. On April 13, 2020 at a City held news conference, Ms. Bédard provide an update with respect to the response to COVID-19. She also responded to media questions regarding a letter sent to the City signed by over 300 physicians and nurse practitioners calling for a faster response to ensure physical distancing is happening in shelters. Ms. Bédard confirmed that there were 25 confirmed cases of COVID-19 within the shelter system. She also stated that the City has “been successful in moving over 1,000 people so far, which is a significant amount of movement to create in the shelter system.” A copy of the news conference transcript is attached hereto as Exhibit “SSS”.

68. On April 14, 2020, Dr. de Villa, Ms. Bédard, University Health Network Executive Director of Health and Social Policy, Dr. Andrew Boozary, and Inner City Health Associates (ICHA) Medical Director, Dr. Andrew J. Bond, provided an update on existing and forthcoming actions taken to protect individuals experiencing homelessness from COVID-19. As of April 14, 2020, there were 30 confirmed client cases of COVID-19 in the City’s shelter system with

additional cases expected with three ongoing investigations at the Willowdale Welcome Centre, Dixon Hall on Lakeshore, and Seaton House. Dr. de Villa specifically stated her “concern about the devastating impacts of COVID-19 on the City's most vulnerable community – those experiencing homelessness.” A copy of the news release, a transcript from the news conference, and Dr. de Villa’s statement are attached hereto as Exhibits “TTT”, “UUU” and “VVV”.

69. On April 15, 2020, at a City held news conference providing updates regarding the City’s response to COVID-19, Ms. Bédard stated “[w]e have been able to move more than a thousand people in just a matter of a few weeks. In addition to a number of other actions that are going on in the background to increase safety within the shelter system.” A copy of the news conference transcript is attached hereto as Exhibit “WWW”.

70. On April 17, 2020, at a City news conference providing daily briefings, Dr. de Villa stated that TPH and the City would be providing aggregate data regarding shelters, with more detailed analysis coming on the following Monday, April 20, 2020. A copy of the news conference transcript is attached hereto as Exhibit “XXX”.

71. On April 20, 2020, at a City news conference, Ms. Bédard stated that the city is “actively partnering with those who actually have purview over testing hospitals and their assessment centers and the shelters in order to facilitate more testing in these settings, similar to that which is happening within the context of long-term care for exactly the same reasons.” A copy of the news conference transcript is attached hereto as Exhibit “YYY”.

72. On April 21, 2020 Dr. de Villa provided an update on the COVID-19 outbreak at the Willowdale Welcome Centre, stating that there were now approximately 110 positive COVID-19 cases, up from the 74 positive cases reported at that location a day earlier on April 20, 2020. Copies

of the TPH statements made by Dr. de Villa on April 20 and April 21, 2020 are attached hereto as Exhibits “ZZZ” and “AAAA”.

73. On April 21, 2020, at a City held news conference providing updates about COVID-19 efforts, Ms. Bédard stated “more than 1200 people have been moved in the last few weeks to create physical distancing.” She added that “we've worked closely with our community organisations as well to create almost, almost 1,300 spaces for physical distancing and we will continue to do that until we reach our goal of 2,000 by the end of the month.” A copy of the news conference transcript is attached hereto as Exhibit “BBBB”.

74. On April 22, 2020, TPH prepared an information sheet for Homelessness service providers on what to expect when a client tests positive for COVID-19. With respect to distancing and prevention of further transmission, the document states,

- Remind everyone at your site to maintain a two metre/six foot distance from others as much as possible
- Ensure clients are following physical distancing guidelines in all common areas. Provide visual cues such as taping 2m distances in seating areas and where clients line up for services.
- If multiple floors use a shared dining room or common area, establish a schedule to reduce contact between clients on different floors.
- Reinforce the importance of physical distancing for staff working in all areas of the shelter/respice.

A copy of the information sheet is attached hereto as Exhibit “CCCC”.

75. On April 23, 2020, at a City held news conference, Ms. Bédard stated that the City is continuing its efforts to look for additional space. She added,

we have learned over the last few weeks at the interim site that we're currently running is that we have a model that works really well. It works really well for the clients who are recovering from COVID-

19. It provides them with an environment of dignity and privacy in which to recover from COVID-19. And it works well for both the shelter support and staff housing shelter support and housing staff that are there as well as our health partners.

A copy of the news conference transcript is attached hereto as Exhibit “DDDD”.

76. In a letter sent to Ms. Jessica Orkin dated April 23, 2020, explaining the measures taken by the City to deal with COVID-19 and the outbreaks in Toronto’s Shelter System, the City stated that at the outset of the pandemic, SSHA conducted an impact assessment to determine the greatest areas of risk so that the City could prioritize its actions. The letter’s contents are summarized as follows:

- (a) The initial objective was prevention and this work included providing guidance, training and resources to all service providers on Infection Prevention and Control measures required to protect staff and clients.
- (b) Steps have been taken to increase physical distancing measures on site, where possible, including reducing or eliminating the use of bunk beds. However, given the varying sizes and layouts of Toronto shelters, creating adequate physical distancing at many of sites has been a significant challenge.
- (c) Where the City has been unable to ensure that a site is able to meet physical distancing guidelines, it has focused on reducing the site's capacity and relocating people to other sites.
- (d) To date, the city has opened 11 new facilities and secured 1200 hotel rooms. It has also identified 15 additional locations for future use.

- (e) 770 people have been moved to hotel rooms and 492 people to community space. The City has moved over 1000 residents to new spaces and expects to move another 1000 residents into new spaces by April 30, 2020.
- (f) With respect to efforts to mitigate the impact, the city has opened an interim 200-bed recovery facility for people experiencing homelessness who have tested positive for COVID-19 in partnership with Inner City Health Associates (ICHA) and other community health providers.

A copy of the April 23, 2020 letter from the City regarding COVID-19 and the outbreaks in Toronto's Shelter System is attached hereto as Exhibit "EEEE".

77. On April 24, 2020, at a City news conference providing updates regarding the City's response to COVID-19, Ms. Bédard stated that "the 200 bed facility that we currently have active has 130 people up there currently as of this morning so we continue to have space at that site.. we are actively engaged with our community health partners on an expanded site and working very closely with the province to ensure that that site gets opened very quickly." A copy of the news conference transcript is attached hereto as Exhibit "FFFF".

78. On April 27, 2020, at a City news conference, Mayor Tory discussed the City's efforts so far, stating the City has been there to provide support and assistance especially to the most vulnerable. A copy of the news conference transcript is attached hereto as Exhibit "GGGG".

79. On April 28, 2020, at the City's daily briefings, Mayor Tory stated that "Rogers is donating free Wi-Fi for three months to four permanent City of Toronto shelter locations and has also installed free Wi-Fi in five temporary shelter locations, to help facilitate physical distancing during

the pandemic period.” A copy of the news conference transcript is attached hereto as Exhibit “HHHH”.

80. On April 27, and April 29, and April 30, 2020 the Applicants wrote to the City with requests for disclosure of certain information pertaining to the City’s efforts in response to COVID-19 in Homeless Shelters & 24-Hour Respite. Copies of the Applicants’ letters to the City dated April 27, 2020 and April 29, 2020, and April 30, 2020 are attached hereto as Exhibits “III”, “JJJ” and “KKK”.

81. On April 29, 2020, at the daily briefings, Mayor Tory stated that the SSHA announced a new program to provide interim housing for up to six months and other supports for people experiencing homelessness. Mayor Tory also stated that access to the units will be prioritized for people in encampment sites that present health and safety concerns and are identified as higher risk to COVID-19 related harms. A copy of the news conference transcript is attached hereto as Exhibit “LLL”.

82. On April 29, 2020, the SSHA delivered a memorandum to homelessness service providers providing an update on the City’s response to COVID-19. The memorandum states that “[m]ore than 1,400 people have been moved to achieve physical distancing in our shelter system to date, including in temporary community centre programs, hotels, and into housing.” The memorandum also includes a number of attachments including an infographic that highlights key data points and actions undertaken to implement our three-tier COVID-19 response, screening tools, bed deactivation policies, and a FAQ document. A copy of the memorandum with attachments is attached hereto as Exhibit “MMM”.

83. On April 29, 2020, City Councillor Kristyn Wong-Tam provided an update on her web page, regarding the City's homelessness COVID-19 efforts. She stated,

The City's response has been to move shelter clients into new locations that can meet the two-metre distancing guidelines. City staff estimate that out of a population of 8,000 people accessing the shelter system, there is a need to relocate between 2,000 and 3,000 people. As we have indicated before, Shelter, Support and Housing Administration (SSHA) staff have created some additional spaces through a combination of hotels, community spaces and vacant apartments. To date, 11 new facilities have opened (including seven community centres) with 492 spaces. In addition, 1,020 hotel rooms, across 11 hotels, have been secured. The City has identified 15 additional locations for future use. As of April 27, two days ago, 1,355 clients have been safely relocated. Additional clients will be moved over the next week.

[...]

That still leaves approximately 5,000 to 6,000 homeless individuals in congregate living conditions who are at risk as they are unable to self-isolate.

A copy of Councillor Kristyn Wong-Tam's statement on her webpage, retrieved on April 30, 2020 is attached hereto as Exhibit "NNNN".

84. On May 1, 2020, at a City news conference providing updates with respect to COVID-19, Dr. de Villa stated "TPH learned that we did not conduct contact tracing for 52 positive COVID-19 lab reports received between March 31st and April 6th." At this news conference, Chief Pegg announced that Toronto Fire Services responded to a fire under the bridge on Glen Road near South Drive and upon arrival crews confirmed that the fire originated in a makeshift homeless encampment and one occupant of the encampment was involved in the fire was pronounced deceased. Chief Pegg added,

The investigation into the origin cause and circumstances of this fire is ongoing with Toronto Fire Services, Toronto Police the Office of

the Chief Coroner and the Ontario Office of the Fire Marshal who are all working together to determine how this loss of life occurred. This is the seventh fatal homeless encampment fire in Toronto since 2010 and the first since April of 2018. This is also the 33rd fire involving a homeless encampment this year and the 190<sup>th</sup> of such fire since 2017. Since the onset of COVID-19, the City of Toronto has monitored encampment sites and removed dangerous materials such as propane tanks. Well, there has been a moratorium on clearing encampments during COVID-19. The city's streets to homes outreach team have also continually been out checking on people living outside and offering services such as housing options.

...

There have been 190 fires in homeless encampments in Toronto since 2017 seven of which have resulted in people losing their lives as a result. We are working hard to remove the risks and dangers that homeless encampments pose.

85. Chief Pegg also stated that the City has announced a new program that is “immediately housing people living outside with the availability of 125 units in two apartment buildings in Midtown Toronto. As of yesterday, 47 people have moved into units with 24/7 staff support security and case management”. Mayor Tory added that the City is “looking at a wide range of options plus the use of hotel rooms to make sure that people who are homeless are in healthy proper conditions as best we possibly can.” A copy of the news conference transcript is attached hereto as Exhibit “OOOO”.

86. On May 1, 2020, the City released a report containing a summary of all currently active outbreaks of COVID-19 in Toronto shelters, with confirmed cases, hospitalizations, and deaths. As of this date, the number of confirmed cases, extending across 7 shelters was 223. A copy of the Active COVID-19 outbreaks in Toronto Shelters as of May 1, 2020 is attached hereto as Exhibit “PPPP”.

87. On May 1, and May 2, 2020, the City responded to the Applicants' letters regarding information request. Copies of the City's letters to the Applicants dated May 1, 2020 and May 2, 2020 are attached hereto as Exhibits "QQQQ" and "RRRR".

### **Shelter Capacity and Occupancy since March 17, 2020**

88. On April 30, 2020, the City Manager did a Presentation to Council on the City's Response and Ongoing Management of Emergency City Business during the COVID-19 Pandemic. The presentation highlighted that to date, close to 1,700 people have been moved to achieve physical distancing in the shelter system, including in temporary community centre programs, hotels, and into housing. A copy of the presentation is attached hereto as Exhibit "SSSS".

89. Toronto Open Data, provides daily shelter occupancy information, listing of all the active shelters serving the City of Toronto area. Included in the dataset is the name of the shelter, program name, sector served (i.e. men, women, youth, families) addresses, the space capacity (i.e. beds or cots available) and the number of people that occupied those spaces at 4:00 AM the following morning.<sup>2</sup> Attached as Exhibit "TTTT" is the latest version of the Excel Spreadsheet available to the Applicants, retrieved April 28, 2020. Subsequent attempts to download a more up to date version were not successful as the data was no longer available at this site as of the date and time this affidavit was sworn.

90. Occupancy data for respites and 24/7 drop-ins from City of Toronto's website are provided to reflect the activity across the shelter system. Attached hereto as Exhibits UUUU, VVVV, WWWW, XXXX and YYYY are Daily & Overnight Service Usage information for these

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<sup>2</sup> This data is generally made available at <https://open.toronto.ca/dataset/daily-shelter-occupancy/>

locations going back to January 14, February 25, March 16, April 19, and April 26, 2020 made available through the City's webpage.

91. I have prepared this Affidavit to provide relevant background information to this Application, and for no other or improper purpose.

**AFFIRMED BEFORE ME**, via video conference, at the City of Toronto, in the Province of Ontario on May 4, 2020.



\_\_\_\_\_  
Commissioner for Taking Affidavits  
(or as may be)

}



\_\_\_\_\_  
(Signature of deponent)

LSO #: 76930H

This is Exhibit "A" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal stroke that tapers to the right.

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*Commissioner for Taking Affidavits (or as may be)*



Français

**City of Toronto Act, 2006**

S.O. 2006, CHAPTER 11

SCHEDULE A

**Consolidation Period:** From March 19, 2020 to the e-Laws currency date.

Last amendment: 2020, c. 4, s. 3.

Legislative History: [ + ]

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**Preamble**

The Assembly recognizes that the City of Toronto, as Ontario's capital city, is an economic engine of Ontario and of Canada. The Assembly recognizes that the City plays an important role in creating and supporting economic prosperity and a high quality of life for the people of Ontario.

The Assembly recognizes that the success of the City requires the active participation of governments working together in a partnership based on respect, consultation and co-operation.

The Assembly recognizes the importance of providing the City with a legislative framework within which the City can build a strong, vibrant and sustainable city that is capable of thriving in the global economy. The Assembly recognizes that the City is a government that is capable of exercising its powers in a responsible and accountable fashion.

The Assembly recognizes that it is in the interests of the Province that the City be given these powers.

**PART I  
INTERPRETATION**

**Governing principles**

**1** (1) The City of Toronto exists for the purpose of providing good government with respect to matters within its jurisdiction, and the city council is a democratically elected government which is responsible and accountable. 2006, c. 11, Sched. A, s. 1 (1).

**Relationship with the Province**

(2) The Province of Ontario endorses the principle that it is in the best interests of the Province and the City to work together in a relationship based on mutual respect, consultation and co-operation. 2006, c. 11, Sched. A, s. 1 (2).

#### **Consultation**

(3) For the purposes of maintaining such a relationship, it is in the best interests of the Province and the City to engage in ongoing consultations with each other about matters of mutual interest and to do so in accordance with an agreement between the Province and the City. 2006, c. 11, Sched. A, s. 1 (3).

#### **Agreements with the federal government**

(4) The Province acknowledges that the City has the authority to enter into agreements with the Crown in right of Canada with respect to matters within the City's jurisdiction. 2006, c. 11, Sched. A, s. 1 (4).

#### **Purposes of this Act**

**2** The purpose of this Act is to create a framework of broad powers for the City which balances the interests of the Province and the City and which recognizes that the City must be able to do the following things in order to provide good government:

1. Determine what is in the public interest for the City.
2. Respond to the needs of the City.
3. Determine the appropriate structure for governing the City other than with respect to the composition of city council and the division of the City into wards.
4. Ensure that the City is accountable to the public and that the process for making decisions is transparent.
5. Determine the appropriate mechanisms for delivering municipal services in the City.
6. Determine the appropriate levels of municipal spending and municipal taxation for the City.
7. Use fiscal tools to support the activities of the City. 2006, c. 11, Sched. A, s. 2; 2018, c. 11, Sched. 1, s. 1.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Interpretation**

##### **Definitions**

**3** (1) In this Act,

“animal” means any member of the animal kingdom, other than a human; (“animal”)

“assessment corporation” means the Municipal Property Assessment Corporation; (“société d'évaluation foncière”)

“city board” means a city board established or deemed to be established by the City under this Act, but does not include a corporation incorporated by the City in accordance with section 148 or an appeal body established under section 115 for local land use planning matters; (“commission municipale”)

“group home” means a residence licensed or funded under a federal or provincial statute for the accommodation of three to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being; (“foyer de groupe”)

“First Nation” means a band as defined in the *Indian Act* (Canada); (“Première Nation”)

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway; (“voie publique”)

“land” includes buildings; (“bien-fonds”)

“licence”, in relation to a licence issued under this Act, includes a permit, an approval, a registration and any other type of permission, and “licensing” has a corresponding meaning; (“permis”)

“local board” means a city board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority; (“conseil local”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in subsection 3 (1) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (1))**

“local municipality” means a single-tier municipality or a lower-tier municipality; (“municipalité locale”)

“lower-tier municipality” means a municipality that forms part of an upper-tier municipality for municipal purposes; (“municipalité de palier inférieur”)

“municipality” means a geographic area whose inhabitants are incorporated; (“municipalité”)

“old *Municipal Act*” means the *Municipal Act*, being chapter M.45 of the Revised Statutes of Ontario, 1990, as it read on December 31, 2002; (“ancienne *Loi sur les municipalités*”)

“person” includes a municipality unless the context otherwise requires; (“personne”)

“power”, in relation to the authority of the City or other body, includes capacity, rights, powers and privileges; (“pouvoir”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“public utility” means,

(a) a system that is used to provide any of the following services or things for the public:

- (i) water,
- (ii) sewage,
- (iii) fuel, including natural and artificial gas,
- (iv) energy, excluding electricity,
- (v) heating and cooling, and
- (vi) telephone, and

(b) the service or thing that is provided; (“service public”)

“rateable property” means land that is subject to taxation under Part XI (Traditional Municipal Taxes) for municipal and school purposes; (“bien imposable”)

“record” means information however recorded or stored, whether in printed form, on film, by electronic means or otherwise, and includes documents, financial statements, minutes, accounts, correspondence, memoranda, plans, maps, drawings, photographs and films; (“document”)

“regional municipality” means an upper-tier municipality that was a regional or district municipality or the County of Oxford on December 31, 2002; (“municipalité régionale”)

“regular election” means the regular election referred to in subsection 4 (1) of the *Municipal Elections Act, 1996*; (“élections ordinaires”)

“sewage” includes,

- (a) storm water and other drainage from land, and
- (b) commercial wastes and industrial wastes that are disposed of in a sewage system; (“eaux d’égout”)

“single-tier municipality” means a municipality, other than an upper-tier municipality, that does not form part of an upper-tier municipality for municipal purposes; (“municipalité à palier unique”)

“spouse” means a person,

(a) to whom the person is married, or

(b) with whom the person is living outside marriage in a conjugal relationship, if the two persons,

(i) have cohabited for at least one year,

(ii) are together the parents of a child, or

(iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*; (“conjoint”)

“system” means one or more programs or facilities (including real and personal property) of a person used to provide services and things to the person or to any other person and includes administration related to the programs, facilities, services and things; (“réseau”, “système”)

“trailer” means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed; (“roulotte”)

“transportation system” includes harbours, ports and transportation terminals; (“réseau de transport”)

“TTC” means the Toronto Transit Commission; (“CTT”)

“unorganized territory” means a geographic area without municipal organization; (“territoire non érigé en municipalité”)

“upper-tier municipality” means a municipality of which two or more lower-tier municipalities form part for municipal purposes. (“municipalité de palier supérieur”) 2006, c. 11, Sched. A, s. 3 (1); 2006, c. 32, Sched. B, s. 1.

#### **Municipality**

(2) In this Act, a reference to a municipality is a reference to its geographical area or to the municipal corporation, as the context requires. 2006, c. 11, Sched. A, s. 3 (2).

#### **Local board of the City**

(3) In this Act, a reference to a local board of the City includes a local board which is a local board of the City and one or more other municipalities. 2006, c. 11, Sched. A, s. 3 (3).

#### **Application to other Acts**

(4) This section applies to all other Acts or provisions of Acts affecting or relating to matters of the City and its local boards unless the context otherwise requires. 2006, c. 11, Sched. A, s. 3 (4).

#### **Amount added to tax roll**

(5) If, under this or any other Act, an amount payable to the City is given priority lien status, the City may add the amount to the tax roll for the City against the property in respect of which the amount was imposed or against any other property in respect of which the amount was authorized to be added by this or any other Act. 2006, c. 11, Sched. A, s. 3 (5).

#### **Amounts imposed by local board, etc.**

(6) The city treasurer shall, upon the request of a local board or school board whose area of jurisdiction includes any part of the City, add to the tax roll for the City under subsection (5) any amounts imposed by the local board or school board, respectively. 2006, c. 11, Sched. A, s. 3 (6).

#### **Priority lien status**

(7) If an amount is added to the tax roll in respect of a property under subsection (5) or (6), that amount, including interest,

(a) may be collected in the same manner as real property taxes levied on the property under Part XI (Traditional Municipal Taxes);

- (b) may be recovered with costs as a debt due to the City from the assessed owner of the property at the time the fee or charge was added to the tax roll and from any subsequent owner of the property or any part of it;
- (c) is a special lien on the property in the same manner as are real property taxes under subsection 314 (3); and
- (d) may be included in the cancellation price under Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)) in the same manner as are real property taxes. 2006, c. 11, Sched. A, s. 3 (7).

#### **Taxes of the City**

(8) In this Act, except in Part X (Power to Impose Taxes), a reference to a tax of the City or any other expression meaning a tax of the City does not include a tax imposed under Part X, unless the context requires otherwise. 2006, c. 11, Sched. A, s. 3 (8).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Special Acts**

**4** (1) In this section,

“special Act” means an Act, other than this Act, relating to the City in particular. 2006, c. 11, Sched. A, s. 4 (1).

#### **Relationship between this Act and special Acts**

(2) Except where otherwise expressly or by necessary implication provided,

- (a) this Act does not limit or restrict the powers of the City under a special Act; and
- (b) a special Act does not limit or restrict the powers of the City under this Act. 2006, c. 11, Sched. A, s. 4 (2).

#### **Override power**

(3) Despite subsection (2), the City may exercise its powers with respect to any of the following matters to override a special Act, even if the special Act is more specific and is enacted more recently:

1. Changing the name of the City.
- 2., 3. REPEALED: 2018, c. 11, Sched. 1, s. 2.
4. Dissolving or changing local boards.
5. Any other matter dealt with by a provision of an Act which provides, expressly or by necessary implication, that the provision or the exercise of power under the provision prevails over the special Act. 2006, c. 11, Sched. A, s. 4 (3); 2018, c. 11, Sched. 1, s. 2.

#### **Exclusion**

(4) Subsection (3) does not apply if the special Act expressly or by necessary implication precludes the exercise of the power. 2006, c. 11, Sched. A, s. 4 (4).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Review of this Act**

**5** The Minister of Municipal Affairs and Housing shall initiate a review of this Act two years after section 125 comes into force and thereafter within five years after the end of the previous review. 2006, c. 11, Sched. A, s. 5.

## **PART II GENERAL POWERS OF THE CITY**

### **POWERS**

#### **Scope of powers**

**6** (1) The powers of the City under this or any other Act shall be interpreted broadly so as to confer broad authority on the City to enable the City to govern its affairs as it considers appropriate and to enhance the City’s ability to respond to municipal issues. 2006, c. 11, Sched. A, s. 6 (1); 2006, c. 32, Sched. B, s. 2.

#### **Ambiguity**

(2) In the event of ambiguity in whether or not the City has the authority under this or any other Act to pass a by-law or to take any other action, the ambiguity shall be resolved so as to include, rather than exclude, powers the City had on the day before this section came into force. 2006, c. 11, Sched. A, s. 6 (2).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Powers of a natural person**

**7** The City has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c. 11, Sched. A, s. 7.

#### **Broad authority**

**8 (1)** The City may provide any service or thing that the City considers necessary or desirable for the public. 2006, c. 11, Sched. A, s. 8 (1).

#### **City by-laws**

(2) The City may pass by-laws respecting the following matters:

1. Governance structure of the City and its local boards (restricted definition) other than with respect to the composition of city council and the division of the City into wards.
2. Accountability and transparency of the City and its operations and of its local boards (restricted definition) and their operations.
3. Financial management of the City and its local boards (restricted definition).
4. Public assets of the City acquired for the purpose of exercising its authority under this or any other Act.
5. Economic, social and environmental well-being of the City, including respecting climate change.
6. Health, safety and well-being of persons.
7. Services and things that the City is authorized to provide under subsection (1).
8. Protection of persons and property, including consumer protection.
9. Animals.
10. Structures, including fences and signs.
11. Business licensing. 2006, c. 11, Sched. A, s. 8 (2); 2006, c. 32, Sched. B, s. 3 (1, 2); 2017, c. 10, Sched. 2, s. 1; 2018, c. 11, Sched. 1, s. 3.

#### **Scope of by-law making power**

(3) Without limiting the generality of section 6, a by-law under this section respecting a matter may,

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter. 2006, c. 11, Sched. A, s. 8 (3).

#### **One power not affecting another**

(4) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2). 2006, c. 11, Sched. A, s. 8 (4).

#### **Services or things provided by others**

(5) The power to pass a by-law respecting the matter set out in paragraph 7 of subsection (2) does not include the power to pass a by-law respecting services or things provided by a person other than the City or a city board. 2006, c. 11, Sched. A, s. 8 (5).

#### **Exception**

(5.1) Nothing in subsection (5) prevents the City passing a by-law with respect to services or things provided by any person to the extent necessary,

- (a) to ensure that the physical operation of a system of the City or of a city board is not impaired; or
- (b) to ensure that the City, a city board or a system of the City or city board meets any provincial standards or regulations that apply to it. 2006, c. 32, Sched. B, s. 3 (3).

#### Definition

(6) In this section,

“local board (restricted definition)” means a local board other than,

- (a) a society as defined in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*,
- (b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*,
- (c) a committee of management established under the *Long-Term Care Homes Act, 2007*,
- (d) a police services board established under the *Police Services Act*,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (d) of the definition of “local board (restricted definition)” in subsection 8 (6) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 10 (2))**

- (d) a police service board established under the *Community Safety and Policing Act, 2019*,
- (e) a board as defined in section 1 of the *Public Libraries Act*, or
- (f) a corporation established in accordance with section 148. 2006, c. 11, Sched. A, s. 8 (6); 2007, c. 8, s. 198 (1); 2017, c. 14, Sched. 4, s. 6 (1).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Expropriation

**9** (1) The power of the City to acquire land under this or any other Act includes the power to expropriate land in accordance with the *Expropriations Act*. 2006, c. 11, Sched. A, s. 9 (1).

##### Extended power

(2) The City, a local board of the City that has the authority to expropriate land and a school board that has jurisdiction in any part of the City and has the authority to expropriate land may, with the approval of the Local Planning Appeal Tribunal, exercise the authority to expropriate land with respect to land or an interest in land owned by another municipality, local board or school board that has the authority to expropriate land. 2006, c. 11, Sched. A, s. 9 (2); 2017, c. 23, Sched. 5, s. 8.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Scope of by-laws generally

**10** (1) Without limiting the generality of section 6 and except as otherwise provided, a by-law under this Act may be general or specific in its application and may differentiate in any way and on any basis the City considers appropriate. 2006, c. 11, Sched. A, s. 10 (1).

##### Exceptions

(2) Subsection (1) does not apply with respect to a by-law made under Part VII (Financial Administration), VIII (Finances), XI (Traditional Municipal Taxes), XII (Limits on Traditional Municipal Taxes), XIII (Collection of Traditional Municipal Taxes) or XIV (Sale of Land for Tax Arrears (Real Property Taxes)). 2006, c. 11, Sched. A, s. 10 (2).

##### Conflict with legislation, etc.

**11** (1) A city by-law is without effect to the extent of any conflict with,

- (a) a provincial or federal Act or a regulation made under such an Act; or
- (b) an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or a provincial or federal regulation. 2006, c. 11, Sched. A, s. 11 (1).

**Same**

(2) Without restricting the generality of subsection (1), there is a conflict between a city by-law and an Act, regulation or instrument described in that subsection if the by-law frustrates the purpose of the Act, regulation or instrument. 2006, c. 11, Sched. A, s. 11 (2).

**GENERAL RESTRICTIONS****Specific power, by-laws under general powers**

**12** (1) If the City has the power to pass a by-law under section 7 or 8 and also under a specific provision of this or any other Act, the power conferred by section 7 or 8 is subject to any procedural requirements, including conditions, approvals and appeals, that apply to the power and any limits on the power contained in the specific provision. 2006, c. 11, Sched. A, s. 12 (1).

**Interpretation**

(1.1) For the purpose of subsection (1) and, unless the context otherwise requires, the fact that a specific provision is silent on whether or not the City has a particular power shall not be interpreted as a limit on the power contained in the specific provision. 2006, c. 32, Sched. B, s. 4 (1).

**Application to new and existing provisions**

(2) Subsection (1) applies whether the specific provision was enacted before or after,

- (a) the day this section comes into force; or
- (b) the day a by-law passed under section 7 or 8 comes into force. 2006, c. 11, Sched. A, s. 12 (2).

**No retroactive effect**

(3) Nothing in this section invalidates a by-law which was passed in accordance with the procedural requirements in force at the time the by-law was passed. 2006, c. 11, Sched. A, s. 12 (3).

**Limitation**

(4) Subsection (1) applies to limit the powers of the City despite the inclusion of the words “without limiting sections 7 and 8” or any similar form of words in the specific provision. 2006, c. 32, Sched. B, s. 4 (2).

**Non-application of section**

(5) This section does not apply to a by-law under section 7 or 8,

- (a) respecting fences and signs;
- (b) requiring persons to clear away and remove snow and ice from land;
- (c) requiring persons to remove debris from land they own or occupy or from other private or public land;
- (d) requiring persons to cut and remove long grass and weeds, as defined in the by-law, from land they own or occupy or from highways abutting the land;
- (e) prescribing standards to protect against entry into vacant buildings, as defined in the *Building Code Act, 1992*, or to detect and signal the presence of a person in a vacant building;
- (f) authorizing front yard parking;
- (g) requiring owners or persons in charge of any premises to remove decayed, damaged or dangerous trees or branches that pose a danger to persons or property;
- (h) providing for any project or undertaking designed to provide housing accommodation in the City, including any public space or recreational, institutional, commercial or industrial facilities or buildings that, in the opinion of the City, may be reasonably necessary for that purpose; or
- (i) respecting such other matters as may be prescribed by the Minister of Municipal Affairs and Housing. 2006, c. 32, Sched. B, s. 4 (2).

**Exception**

(6) Clause (5) (h) does not apply so as to exempt the by-law described in that clause from the application of the *Planning Act*, 2006, c. 32, Sched. B, s. 4 (2).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Restrictions, corporate and financial matters**

**13** Sections 7 and 8 do not authorize the City to do any of the following:

1. Impose any type of tax, including taxes under any Part of this Act.
2. Make a grant or loan.
3. Become a bankrupt under the *Bankruptcy and Insolvency Act* (Canada).
4. As an insolvent person, make an assignment for the general benefit of creditors under section 49 of the *Bankruptcy and Insolvency Act* (Canada) or make a proposal under section 50 of that Act. 2006, c. 11, Sched. A, s. 13.

#### **Restriction re monopolies**

**14** The City shall not confer on any person the exclusive right to carry on any business, trade or occupation unless the City is specifically authorized to do so under this or any other Act. 2006, c. 11, Sched. A, s. 14.

#### **Restriction re geography**

**15** (1) City by-laws and resolutions apply only within the boundaries of the City, except as otherwise provided in subsection (2) or in any other provisions of this or any other Act. 2006, c. 11, Sched. A, s. 15 (1).

#### **Exception, services**

(2) The City may exercise its powers to provide a municipal system for the provision of a service or thing in an area in another municipality or in unorganized territory if one of the purposes for so acting is for its own purposes and if one of the following conditions applies:

1. The service or thing is provided only to inhabitants of the City.
2. The other municipality is a single-tier municipality and the service or thing is provided with its consent.
3. The other municipality is a lower-tier municipality and the service or thing is provided with the consent of,
  - i. the lower-tier municipality, if it has jurisdiction to provide the service or thing in the area,
  - ii. its upper-tier municipality, if it has that jurisdiction, or
  - iii. both the lower-tier municipality and its upper-tier municipality, if they both have that jurisdiction.
4. The service or thing is provided in unorganized territory,
  - i. with the consent of a local body that has jurisdiction to provide the service or thing in the area, or
  - ii. with the consent of the person who receives the service or thing, if no local body has jurisdiction. 2006, c. 11, Sched. A, s. 15 (2).

#### **Same**

(3) Despite subsection (2), the City cannot exercise its power to impose taxes under any Part of this Act for a purpose described in that subsection. 2006, c. 11, Sched. A, s. 15 (3).

#### **Terms**

(4) A consent under subsection (2) may be given subject to such conditions and limits on the powers to which the consent relates as may be agreed upon. 2006, c. 11, Sched. A, s. 15 (4).

**Definition**

(5) In subsection (2),

“local body” means a local services board, local roads board, statute labour board, school board, district social services administration board, board of health and any other board, commission, body or local authority exercising any power with respect to municipal affairs or purposes in unorganized territory. 2006, c. 11, Sched. A, s. 15 (5); 2019, c. 14, Sched. 7, s. 1.

**Note: On July 1, 2021, the definition of “local body” in subsection 15 (5) of the Act is amended by striking out “statute labour board”. (See: 2019, c. 14, Sched. 14, s. 7)**

**Section Amendments with date in force (d/m/y) [ + ]****AGREEMENTS****Agreement for joint undertaking**

**16** (1) The City may enter into an agreement with one or more municipalities or local bodies, as defined in subsection 15 (5), or a combination of both, to jointly provide, for their joint benefit, any matter which all of them have the power to provide within their own boundaries. 2006, c. 11, Sched. A, s. 16 (1).

**Extraterritorial effect**

(2) The City may provide the matter in accordance with the agreement anywhere that any of the municipalities or local bodies have the power to provide the matter. 2006, c. 11, Sched. A, s. 16 (2).

**Agreement with First Nation**

**17** (1) The City may enter into an agreement with a First Nation to provide a municipal system within the limits of the reserve occupied by the First Nation, whether or not the reserve is within the City. 2006, c. 11, Sched. A, s. 17 (1).

**Extraterritorial effect**

(2) The City may provide the system outside its boundaries in accordance with the agreement. 2006, c. 11, Sched. A, s. 17 (2).

**Agreements with Crown**

**18** (1) The City may provide a system that it would otherwise not have power to provide within the City, if it does so in accordance with an agreement with the Crown in right of Ontario under a program established and administered by the Crown. 2006, c. 11, Sched. A, s. 18 (1).

**Extraterritorial effect**

(2) The City may provide the system outside its boundaries in accordance with the agreement. 2006, c. 11, Sched. A, s. 18 (2).

**Same**

(3) The City may provide a system that it has power to provide within the City outside its boundaries in accordance with an agreement with the Crown in right of Ontario under a program established and administered by the Crown. 2006, c. 11, Sched. A, s. 18 (3).

**Agreements re private services**

**19** The City may enter into an agreement with any person to construct, maintain and operate a private road or a private water or sewage works, including fire hydrants. 2006, c. 11, Sched. A, s. 19.

**DELEGATION OF POWERS AND DUTIES****General power to delegate**

**20** (1) Without limiting sections 7 and 8, those sections authorize the City to delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in this Part. 2006, c. 11, Sched. A, s. 20 (1).

**Scope of power**

(2) The following rules apply to a by-law delegating any of the City’s powers or duties:

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the City's power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the council which made the delegation.
3. A delegation may provide that only the delegate can exercise the delegated power or that both the City and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the City and the delegate.
5. A delegation may be made subject to such conditions and limits as City council considers appropriate.
6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power. 2006, c. 11, Sched. A, s. 20 (2).

**Same**

(3) The conditions and limits referred to in paragraph 5 of subsection (2) may include such matters as the following:

1. A requirement that the delegate act by by-law, resolution or otherwise, despite subsection 132 (3).
2. Procedures that the delegate is required to follow.
3. The accountability of the delegate and the transparency of the delegate's actions and decisions. 2006, c. 11, Sched. A, s. 20 (3).

**Restriction re: delegation of legislative and quasi-judicial powers**

**21** (1) Sections 7 and 8 do not authorize the City to delegate legislative and quasi-judicial powers under any Act except those listed in subsection (2) and the legislative and quasi-judicial powers under the listed Acts may be delegated only to,

- (a) one or more members of city council or a council committee;
- (b) a body having at least two members of whom at least 50 per cent are,
  - (i) members of city council,
  - (ii) individuals appointed by city council,
  - (iii) a combination of individuals described in subclauses (i) and (ii); or
- (c) an individual who is an officer, employee or agent of the City. 2006, c. 11, Sched. A, s. 21 (1); 2006, c. 32, Sched. B, s. 5 (1).

**Listed Acts**

(2) For the purpose of subsection (1), the listed Acts are this Act, the *Planning Act*, a private Act relating to the City and such other Acts as may be prescribed. 2006, c. 32, Sched. B, s. 5 (2).

**Restriction re certain corporations**

(3) Despite clause (1) (b), no delegation of a legislative or quasi-judicial power shall be made to a corporation incorporated in accordance with section 148. 2006, c. 11, Sched. A, s. 21 (3).

**Restriction re officers, employees, etc.**

(4) No delegation of a legislative power shall be made to an individual described in clause (1) (c) unless, in the opinion of city council, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, city council, in addition to any other factors council wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power. 2006, c. 11, Sched. A, s. 21 (4).

**Same**

(5) Without limiting subsection (4), the following are examples of powers considered to be of a minor nature:

1. The power to close a highway temporarily.
2. The power to issue and impose conditions on a licence.
3. The powers of city council that are described in the following provisions of the old *Municipal Act*, as those provisions read on December 31, 2002:
  - i. Paragraphs 107, 108, 109 and 110 of section 210.
  - ii. Paragraph 3 of section 308.
  - iii. Subsection 312 (2) and clauses 312 (4) (a) and (b). 2006, c. 11, Sched. A, s. 21 (5); 2006, c. 32, Sched. B, s. 5 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Powers that cannot be delegated**

**22** (1) Sections 7 and 8 do not authorize the City to delegate any of the following powers and duties:

1. The power to appoint or remove from office an officer of the City whose appointment is required by this Act.
2. The power to pass a by-law under section 267 and Parts XI, XII, XII.1 and XIII.
3. The power to incorporate corporations in accordance with section 148.
4. The power to adopt an official plan or an amendment to an official plan under the *Planning Act*.
5. The power to pass a zoning by-law under the *Planning Act*.
6. The power to pass a by-law in accordance with subsections 84 (1) and (2) and 252 (3), (6) and (7).
7. The power to adopt a community improvement plan under section 28 of the *Planning Act*, if the plan includes provisions that authorize the exercise of any power under subsection 28 (6) or (7) of that Act or under section 333 of this Act.
8. The power to adopt or amend the budget of the City.
9. Any other power or duty that may be prescribed. 2006, c. 11, Sched. A, s. 22; 2006, c. 32, Sched. B, s. 6 (1, 2); 2017, c. 8, Sched. 4, s. 2.

##### **Exception**

(2) Nothing in subsection (1) prevents the City from delegating its administrative powers. 2006, c. 32, Sched. B, s. 6 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Effect of delegation to city boards**

**23** (1) When the City has delegated a power or duty to a city board, the City may provide that any existing by-law or resolution of the City that relates to the delegated power or duty is, to the extent it applies in any part of the City, deemed to be a by-law or resolution of the board. 2006, c. 11, Sched. A, s. 23 (1).

##### **Limitation**

(2) If a municipal service or activity is under the control and management of a city board, nothing in this Act or a by-law made under this Act,

- (a) authorizes the city board to provide for the financing of the municipal service or activity otherwise than by fees and charges under Part IX (Fees and Charges) unless the city board has the consent of the City to do so;
- (b) removes from the City its power to finance the capital and operating costs of providing the service or activity as if the City had control and management of the service or activity; or
- (c) removes from the City its power to deal with real and personal property in connection with the service or activity as if the City had control and management of the service or activity. 2006, c. 11, Sched. A, s. 23 (2).

**Delegation re hearings****Application**

**24** (1) This section applies when the City is required by law to hold a hearing or provide an opportunity to be heard before making a decision or taking a step, whether the requirement arises from an Act or from any other source of law. 2006, c. 32, Sched. B, s. 7.

**Delegation authorized**

(2) Despite subsections 21 (1) and (2), sections 7 and 8 authorize the City to delegate to a person or body described in subsection 21 (1) the power or duty to hold a hearing or provide an opportunity to be heard before the decision is made or the step is taken. 2006, c. 32, Sched. B, s. 7.

**Rules re effect of delegation**

(3) If the City delegates a power or duty as described in subsection (2) but does not delegate the power to make the decision or take the step, the following rules apply:

1. If the person or body holds the hearing or provides the opportunity to be heard, the City is not required to do so.
2. If the decision or step constitutes the exercise of a statutory power of decision to which the *Statutory Powers Procedure Act* applies, that Act, except sections 17, 17.1, 18 and 19, applies to the person or body and to the hearing conducted by the person or body. 2006, c. 32, Sched. B, s. 7.

**Section Amendments with date in force (d/m/y) [ + ]****Community councils**

**24.1** (1) Without limiting sections 7 and 8, those sections authorize the City to establish one or more community councils which are responsible for,

- (a) exercising the powers and duties that have been delegated to the community council by the City with respect to matters relating to all or part of the City; and
- (b) performing the functions assigned to the community council by the City with respect to matters relating to all or part of the City, which may include the function of making recommendations to council on any matter, such as the budget. 2017, c. 10, Sched. 2, s. 2.

**Composition of community council**

(2) A community council may include,

- (a) a council committee; or
- (b) a body having at least two members that is composed of,
  - (i) one or more members of council,
  - (ii) individuals appointed by council, or
  - (iii) a combination of individuals described in subclauses (i) and (ii). 2017, c. 10, Sched. 2, s. 2.

**Section Amendments with date in force (d/m/y) [ + ]****REGULATIONS****Regulations re the provincial interest**

**25** (1) If the Lieutenant Governor in Council considers that it is necessary or desirable in the provincial interest to do so, the Lieutenant Governor in Council may make regulations imposing limits and conditions on the power of the City under sections 7, 8 and 267 or Part XII.1 or providing that the City cannot exercise the power in prescribed circumstances. 2006, c. 11, Sched. A, s. 25 (1); 2017, c. 8, Sched. 4, s. 3.

**Deemed revocation**

(2) A regulation made under subsection (1) is deemed to be revoked 18 months after the day on which the regulation comes into force, unless the regulation expires or is revoked before then. 2006, c. 11, Sched. A, s. 25 (2).

**Restriction**

(3) The Lieutenant Governor in Council does not have the power to renew, or extend in time, a regulation made under subsection (1) or to replace it with a regulation of similar effect. 2006, c. 11, Sched. A, s. 25 (3).

**Same**

(4) Subsection (3) does not affect any authority to make regulations under any other section of this or any other Act. 2006, c. 11, Sched. A, s. 25 (4).

**Effect on by-laws**

(5) If a regulation made under subsection (1) imposes limits or conditions on a power of the City or provides that the City cannot exercise a power in prescribed circumstances, any by-law made by the City under the applicable power is inoperative to the extent of the limits, conditions or prohibition. 2006, c. 11, Sched. A, s. 25 (5).

**Section Amendments with date in force (d/m/y) [ + ]****Regulations to continue powers**

**26** (1) The Lieutenant Governor in Council may make regulations authorizing the City to exercise a power that it had on the day before this section comes into force. 2006, c. 11, Sched. A, s. 26 (1).

**Retroactive**

(2) A regulation under subsection (1) may be retroactive to a day not earlier than the day on which this section comes into force. 2006, c. 11, Sched. A, s. 26 (2).

**Same, powers on December 31, 2002**

(3) The Lieutenant Governor in Council may make regulations authorizing the City to exercise a power that it had on December 31, 2002. 2006, c. 11, Sched. A, s. 26 (3).

**Retroactive**

(4) A regulation under subsection (3) may be retroactive to a day not earlier than January 1, 2003. 2006, c. 11, Sched. A, s. 26 (4).

**Regulations**

(4.1) The Lieutenant Governor in Council may make regulations authorizing the City to exercise a power that it had on the day before section 96 of Schedule B to the *Municipal Statute Law Amendment Act, 2006* came into force. 2006, c. 32, Sched. B, s. 8 (1).

**Retroactive**

(4.2) A regulation under subsection (4.1) may be retroactive to a day not earlier than the day on which section 96 of Schedule B to the *Municipal Statute Law Amendment Act, 2006* came into force. 2006, c. 32, Sched. B, s. 8 (1).

**Use of power**

(5) A regulation under subsection (1), (3) or (4.1) may provide for any matter that in the opinion of the Lieutenant Governor in Council is necessary or desirable in order to ensure that the exercise by the City of the power before the later of the day the regulation is filed and the day the regulation comes into force has the same effect as if the City had always had the power, including extinguishing any right, obligation or interest acquired or accrued. 2006, c. 11, Sched. A, s. 26 (5); 2006, c. 32, Sched. B, s. 8 (2).

**Conflicts**

(6) If there is a conflict between a regulation made under this section and a provision of this or any other Act or a provision of another regulation made under this or any other Act, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 26 (6).

**Section Amendments with date in force (d/m/y) [ + ]**

**Regulations re procedural requirements, specific powers**

**27** The Minister of Municipal Affairs and Housing may make regulations prescribing matters for the purposes of subsection 12 (5). 2006, c. 11, Sched. A, s. 27; 2017, c. 10, Sched. 2, s. 3.

**Section Amendments with date in force (d/m/y) [ + ]****Regulations re delegation**

**28** The Minister of Municipal Affairs and Housing may make regulations,

- (a) restricting or imposing conditions on the power of the City to delegate its powers and duties;
- (b) prescribing Acts for the purposes of subsection 21 (2);
- (c) prescribing powers and duties for the purposes of paragraph 9 of section 22. 2006, c. 11, Sched. A, s. 28.

**PART III  
GENERAL POWERS: LIMITS AND ADDITIONS**

**HIGHWAYS**

**Definitions**

**29** In sections 30 to 55,

“bridge” means a public bridge forming part of a highway or on, over or across which a highway passes; (“pont”)

“provincial highway” means a highway under the jurisdiction of the Crown in right of Ontario. (“voie publique provinciale”) 2006, c. 11, Sched. A, s. 29.

**Provincial highways**

**30** Except as otherwise provided in this Act, sections 31 to 55 do not apply to a provincial highway. 2006, c. 11, Sched. A, s. 30.

**What constitutes highway**

**31** The following are highways unless they have been closed:

1. All highways of the City that existed on the day before this section comes into force.
2. All highways established by city by-law on or after January 1, 2003.
3. All highways transferred to the City under the *Public Transportation and Highway Improvement Act*.
4. All road allowances, highways, streets and lanes shown on a registered plan of subdivision in the City. 2006, c. 11, Sched. A, s. 31.

**By-laws**

**32** (1) Except as otherwise provided in this Act, the City may pass by-laws in respect of only those highways over which it has jurisdiction. 2006, c. 11, Sched. A, s. 32 (1).

**Joint jurisdiction**

(2) If a highway is under the joint jurisdiction of the City and one or more other municipalities, a by-law in respect of the highway must be passed by all of the municipalities having jurisdiction over the highway. 2006, c. 11, Sched. A, s. 32 (2).

**Jurisdiction re highways**

**33** Except as otherwise provided in this Act or under section 8 of the *Public Transportation and Highway Improvement Act* or in a by-law passed under this Act, the City has jurisdiction or joint jurisdiction, as the case may be, over the following highways:

1. All highways over which the City had jurisdiction or joint jurisdiction the day before this section comes into force.
2. All highways established by city by-law on or after January 1, 2003.
3. All highways transferred to the City under the *Public Transportation and Highway Improvement Act* or any other Act.

4. All road allowances, highways, streets and lanes shown on a registered plan of subdivision. 2006, c. 11, Sched. A, s. 33.

**Boundary lines**

**34** (1) Subject to section 33 and to a by-law passed under section 52 of the *Municipal Act, 2001*, if a highway forms the boundary line between the City and another local municipality, the City and the other municipality have joint jurisdiction over the highway. 2006, c. 11, Sched. A, s. 34 (1).

**Joint jurisdiction, bridges**

(2) Subject to section 33 and to a by-law passed under section 52 of the *Municipal Act, 2001*, if a bridge joins a highway under the jurisdiction of the City to a highway under the jurisdiction of another municipality, the bridge is under the joint jurisdiction of the municipalities. 2006, c. 11, Sched. A, s. 34 (2).

**Deviation of boundary lines**

(3) If, because of physical difficulties or obstructions, a highway does not follow a boundary line throughout but deviates so that parts of it lie wholly within the City or the other boundary municipality, the highway is deemed to be the boundary line between the City and the other municipality for the purposes of determining jurisdiction over the highway. 2006, c. 11, Sched. A, s. 34 (3).

**Agreement re boundary line**

**35** (1) If the City and another municipality having joint jurisdiction over a boundary line highway enter into an agreement under which each municipality agrees to keep any part of the highway in repair for its whole width and to indemnify the other municipality from any loss or damage arising from the lack of repair for that part, the agreement and a copy of the by-law authorizing the agreement may be registered in the proper land registry office for the area in which the highway is located. 2006, c. 11, Sched. A, s. 35 (1).

**Effect**

(2) If the City and another municipality enter into an agreement under subsection (1), each municipality has jurisdiction over that part of the highway that it has agreed to keep in repair and is liable for any damages that arise from failure to keep the highway in repair and the municipality which no longer has jurisdiction is relieved from all liability in respect of the repair of that part. 2006, c. 11, Sched. A, s. 35 (2).

**Ownership of highway**

**36** The City owns a highway over which it has jurisdiction, subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person. 2006, c. 11, Sched. A, s. 36.

**Establishing highways****By by-law**

**37** (1) Land may only become a highway of the City on or after January 1, 2003 by virtue of a by-law establishing the highway and not by the activities of the City or any other person in relation to the land, including the spending of public money. 2006, c. 11, Sched. A, s. 37 (1).

**Certain highways not affected**

(2) Subsection (1) does not apply to highways described in paragraphs 3 and 4 of section 33. 2006, c. 11, Sched. A, s. 37 (2).

**Exclusion**

(3) Section 42 does not apply to the following highways until the City has passed a by-law assuming the highway for public use:

1. An unopened road allowance made by the Crown surveyors.
2. A road allowance, highway, street or lane shown on a registered plan of subdivision. 2006, c. 11, Sched. A, s. 37 (3).

**Other exclusions**

(4) Section 42 does not apply to a highway laid out or built by any person before January 1, 2003 unless the highway was assumed for public use by the City or it has been established by by-law. 2006, c. 11, Sched. A, s. 37 (4).

**Widening highways**

(5) If the City acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening. 2006, c. 11, Sched. A, s. 37 (5).

#### **Highway closing procedures**

**38** (1) A city by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office. 2006, c. 11, Sched. A, s. 38 (1).

#### **Consent**

(2) A city by-law permanently closing a highway shall not be passed without the consent of the Government of Canada if the highway,

(a) abuts on land, including land covered by water, owned by the Crown in right of Canada; or

(b) leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada. 2006, c. 11, Sched. A, s. 38 (2).

#### **Removing and restricting common law right of passage**

**39** (1) Without limiting sections 7 and 8, those sections authorize the City to remove or restrict the common law right of passage by the public over a highway and the common law right of access to the highway by an owner of land abutting a highway. 2006, c. 11, Sched. A, s. 39 (1).

(2) REPEALED: 2006, c. 32, Sched. B, s. 9.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Conveyance of closed highway**

**40** If the City permanently closes a highway, the City shall not convey the land forming the highway without the consent of the Ministry of Natural Resources if the land is covered with water. 2006, c. 11, Sched. A, s. 40.

##### **Restriction re toll highways**

**41** The City does not have the power to designate, operate and maintain a highway as a toll highway until a regulation is made under section 116 that applies to the proposed toll highway. 2006, c. 11, Sched. A, s. 41.

##### **Maintenance of highways and bridges**

**42** (1) The City shall keep a highway or bridge over which it has jurisdiction in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge. 2006, c. 11, Sched. A, s. 42 (1).

##### **Liability**

(2) If the City defaults in complying with subsection (1), the City is, subject to the *Negligence Act*, liable for all damages any person sustains because of the default. 2006, c. 11, Sched. A, s. 42 (2).

##### **Defence**

(3) Despite subsection (2), the City is not liable for failing to keep a highway or bridge in a reasonable state of repair if,

(a) the City did not know and could not reasonably have been expected to have known about the state of repair of the highway or bridge;

(b) the City took reasonable steps to prevent the default from arising; or

(c) at the time the cause of action arose, minimum standards established by a regulation made under section 117 applied to the highway or bridge and to the alleged default and those standards have been met. 2006, c. 11, Sched. A, s. 42 (3).

##### **Untravelled portions of highway**

(4) No action shall be brought against the City for damages caused by,

(a) the presence, absence or insufficiency of any wall, fence, rail or barrier along or on any highway; or

- (b) any construction, obstruction or erection, or any siting or arrangement of any earth, rock, tree or other material or object adjacent to or on any untravelled portion of a highway, whether or not an obstruction is created due to the construction, siting or arrangement. 2006, c. 11, Sched. A, s. 42 (4).

**Sidewalks**

(5) Except in case of gross negligence, the City is not liable for a personal injury caused by snow or ice on a sidewalk. 2006, c. 11, Sched. A, s. 42 (5).

**Notice**

(6) No action shall be brought for the recovery of damages under subsection (2) unless, within 10 days after the occurrence of the injury, written notice of the claim and of the injury complained of, including the date, time and location of the occurrence, has been served upon or sent by registered mail to,

- (a) the city clerk; or
- (b) if the claim is against the City and one or more municipalities jointly responsible for the repair of the highway or bridge, the city clerk and the clerk of each of the other municipalities. 2006, c. 11, Sched. A, s. 42 (6); 2017, c. 10, Sched. 2, s. 4.

**Exception**

(7) Failure to give notice is not a bar to the action in the case of the death of the injured person as a result of the injury. 2006, c. 11, Sched. A, s. 42 (7).

**Same**

(8) Failure to give notice or insufficiency of the notice is not a bar to the action if a judge finds that there is reasonable excuse for the want or the insufficiency of the notice and that the City is not prejudiced in its defence. 2006, c. 11, Sched. A, s. 42 (8).

**No responsibility for acts of others**

(9) Nothing in this section imposes any obligation or liability on the City for an act or omission of a person acting under a power conferred by law over which the City had no control unless,

- (a) the City participated in the act or omission; or
- (b) the power under which the person acted was a by-law, resolution or licence of the City. 2006, c. 11, Sched. A, s. 42 (9).

**No liability**

(10) The City is not liable for damages under this section unless the person claiming the damages has suffered a particular loss or damage beyond what is suffered by that person in common with all other persons affected by the lack of repair. 2006, c. 11, Sched. A, s. 42 (10).

**Section Amendments with date in force (d/m/y) [ + ]****Nuisance**

**43** Subsections 42 (4) to (10) apply to an action brought against the City for damages that result from the presence of any nuisance on a highway. 2006, c. 11, Sched. A, s. 43.

**Naming private roads**

**44** The City may name or change the name of a private road after giving public notice of its intention to pass the by-law. 2006, c. 11, Sched. A, s. 44.

**Restriction, motor vehicles**

**45** (1) The City shall not establish a system of permits for motor vehicles or trailers, as those terms are defined in the *Highway Traffic Act*, similar to the system under Part II of that Act. 2006, c. 11, Sched. A, s. 45.

**Power to pass by-laws not affected**

(2) Subsection (1) does not limit or prohibit the passing of a by-law under Part X (Power to Impose Taxes); however, such a by-law cannot prohibit or regulate the driving of a vehicle on a highway and, for greater certainty, it cannot establish a requirement that must be met before a vehicle can be driven on a highway. 2009, c. 33, Sched. 21, s. 4 (1).

**Same**

(3) A by-law under Part X (Power to Impose Taxes) is deemed not to contravene subsection (2) by reason only of the Province taking any action on behalf of the City with respect to the administration, enforcement or collection of the tax imposed by the by-law. 2009, c. 33, Sched. 21, s. 4 (1).

**Section Amendments with date in force (d/m/y) [ + ]****Restriction, farming vehicles**

**46** (1) Subject to subsection (2), the City does not have the power to pass a by-law to require that a licence or permit be obtained in respect of a wheeled vehicle used for farming purposes before the vehicle may be used upon any highway of the City. 2006, c. 11, Sched. A, s. 46 (1).

**Limitation**

(2) Subsection (1) applies to a vehicle used for farm purposes only when travelling from farm to farm for farm purposes or when travelling to or from places for the maintenance or repair of the vehicle. 2006, c. 11, Sched. A, s. 46 (2).

**Entry on land, snow fences**

**47** Despite section 15, the City may, at any reasonable time, enter upon any land within the City or within an adjoining municipality and lying along any highway under its jurisdiction, including land owned by Her Majesty in right of Ontario, for the purpose of erecting and maintaining a snow fence. 2006, c. 11, Sched. A, s. 47.

**Entry on land, naming highways**

**48** (1) The City may, at any reasonable time, enter upon land lying along a highway to install and maintain a sign setting out the name of a highway. 2006, c. 11, Sched. A, s. 48 (1).

**Private roads**

(2) If the City has passed a by-law under section 44 to name or change the name of a private road, the City may, at any reasonable time, enter upon land lying along the private road to install and maintain a sign setting out the name of the road. 2006, c. 11, Sched. A, s. 48 (2).

**Entry on land, tree trimming**

**49** (1) The City may, at any reasonable time, enter upon land lying along any of its highways,

(a) to inspect trees and conduct tests on trees; and

(b) to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the City, the trees or branches pose a danger to the health or safety of any person using the highway. 2006, c. 11, Sched. A, s. 49 (1).

**Immediate danger**

(2) An employee or an agent of the City may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located if, in the opinion of the employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway. 2006, c. 11, Sched. A, s. 49 (2).

**Application to court**

**50** (1) The City may apply to a judge of the Superior Court of Justice for an order requiring the owner of land lying along a highway to remove or alter any vegetation, building or object on the land that may obstruct the vision of pedestrians or drivers of vehicles on the highway, cause the drifting or accumulation of snow or harm the highway if the City is unable to enter into an agreement with the owner of the land to alter or remove the vegetation, building or object from the land. 2006, c. 11, Sched. A, s. 50 (1).

**Order**

(2) Upon application by the City under subsection (1), the judge may make an order, subject to the payment of such compensation to the owner or other conditions as the judge may fix,

- (a) requiring the owner of the land to remove or alter the vegetation, building or object in respect of which the application is made; or
- (b) authorizing the City to enter upon the land, upon such notice to the owner as the judge may fix, to remove or alter the vegetation, building or object. 2006, c. 11, Sched. A, s. 50 (2).

**Impounding of objects, vehicles on highway**

**51** (1) If the City passes a by-law for prohibiting or regulating the placing, stopping, standing or parking of an object or vehicle on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any object or vehicle placed, stopped, standing or parked on or near a highway in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law. 2006, c. 11, Sched. A, s. 51 (1).

**Exception**

(2) Subsection (1) does not authorize any action with respect to a motor vehicle on a parking lot on land not owned or occupied by the City. 2006, c. 11, Sched. A, s. 51 (2).

**Entry on land**

(3) The City may, at any reasonable time, enter upon land near a highway for a purpose described in subsection (1). 2006, c. 11, Sched. A, s. 51 (3).

**Sale of impounded object, etc.**

(4) Despite subsection (1), if the removed object or vehicle (other than a motor vehicle) is used to sell anything on or near a highway and the object or vehicle is not claimed by the owner within 60 days after its removal, it becomes the property of the City and may be sold and the proceeds shall form part of the general funds of the City. 2006, c. 11, Sched. A, s. 51 (4).

**Perishable objects**

(5) Despite subsections (1) and (4), any perishable object or refreshment in or on the removed object or vehicle becomes the property of the City upon removal and may be destroyed or given to a charitable institution. 2006, c. 11, Sched. A, s. 51 (5).

**Exception**

(6) Subsection (5) does not apply to a perishable object or refreshment that comes into the possession of a police force in the circumstances described in section 132 of the *Police Services Act*. 2006, c. 11, Sched. A, s. 51 (6).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 51 (6) of the Act is amended by striking out “a police force in the circumstances described in section 132 of the *Police Services Act*” at the end and substituting “a police service in the circumstances described in section 258 of the *Community Safety and Policing Act, 2019*”. (See: 2019, c. 1, Sched. 4, s. 10 (3))**

**Section Amendments with date in force (d/m/y) [ + ]****Amount added to tax roll**

**51.1** (1) If the City passes a by-law for leasing the untravelled portion of a highway to the owner or occupant of land abutting the highway, amounts payable pursuant to the lease may be added to the tax roll and collected in the same manner as municipal taxes. 2006, c. 32, Sched. B, s. 10.

**Exception**

(2) Subsection (1) does not apply to an amount payable if it is a fee or charge to which section 264 applies. 2006, c. 32, Sched. B, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]**

**Mistakes**

**52** (1) If, before January 1, 2003, the City by mistake opened a highway not wholly upon the original road allowance, the land occupied by the highway is deemed to have been expropriated by the City and no person on whose land the highway was opened may bring an action in respect of the opening of the highway or to recover possession of the land. 2006, c. 11, Sched. A, s. 52 (1).

**Compensation**

(2) The person on whose land the highway was opened is entitled to compensation in accordance with the *Expropriations Act* as if the land were expropriated. 2006, c. 11, Sched. A, s. 52 (2).

**Highways not opened on original road allowance**

**53** (1) If, before January 1, 2003, a highway was opened by the City on land in the place of all or part of an original road allowance and compensation was not paid for the land, the owner of the land appropriated for the highway or the successor in title to the owner is entitled to the following:

1. If that person owns the land abutting on the allowance, the owner is entitled to the soil and freehold of the original road allowance and to a conveyance of the original road allowance.
2. If that person does not own the land abutting on the allowance and if the allowance is sold by the City, the owner is entitled to the part of the purchase price that bears the same proportion to the whole purchase price as the value of the part of the land occupied by the highway that belonged to the owner bears to the value of the land occupied by the highway. 2006, c. 11, Sched. A, s. 53 (1).

**Multiple owners**

(2) If the land abutting on the original road allowance or part of the original road allowance is owned by more than one person, each person is entitled to the soil and freehold of and a conveyance of that part of the allowance abutting their land to the middle line of the allowance. 2006, c. 11, Sched. A, s. 53 (2).

**Person in possession**

**54** (1) If, before January 1, 2003, a person in possession of an original road allowance or a predecessor in title of that person opened a highway in the place of the original road allowance on that person's land without receiving compensation for the land and the person is in possession of all or part of the original road allowance, that person is entitled to the soil and freehold of the allowance or part of it and to a conveyance of the original road allowance or part of it. 2006, c. 11, Sched. A, s. 54 (1).

**Multiple persons in possession**

(2) If more than one person is in possession of the road allowance, each person is entitled to the soil and freehold of and a conveyance of that part of the allowance abutting their land to the middle line of the allowance. 2006, c. 11, Sched. A, s. 54 (2).

**Condition**

(3) This section only applies if the highway has been established by city by-law or otherwise assumed for public use by the City and if, in the opinion of city council, the original road allowance is not needed by the City. 2006, c. 11, Sched. A, s. 54 (3).

**Enclosed road allowance**

**55** (1) If, on December 12, 2001, a person was in possession of part of an original road allowance abutting the person's land and that part was enclosed with a lawful fence, that person is deemed, as against every person except the City, to have legal possession of that part of the road allowance until a by-law is passed assuming the road allowance for public use or requiring the person to remove the fence. 2006, c. 11, Sched. A, s. 55 (1).

**Limitation**

(2) Subsection (1) only applies if the part of the original road allowance has not been assumed for public use because another road is being used in its place or if another road parallel or near to it was established in its place. 2006, c. 11, Sched. A, s. 55 (2).

**TRANSPORTATION****Passenger transportation systems**

**56** (1) This section applies to passenger transportation systems other than the following:

1. Vehicles used for sightseeing tours.
2. Vehicles exclusively chartered to transport a group of persons for a specific trip within the municipality for a group fee.
3. Buses used to transport pupils, including buses owned and operated by, or operated under a contract with, a school board, and private school.
4. Buses owned and operated by a corporation or organization solely for its own purposes without charging a fee for transportation.
5. Taxicabs.
6. Railway systems of railway companies incorporated under federal or provincial statutes. 2006, c. 11, Sched. A, s. 56 (1).

**Same**

(2) The City may,

- (a) by by-law provide that no person except the City shall establish, operate and maintain within the City all or any part of a passenger transportation system of a type that the City is authorized to provide; and
- (b) despite section 82 and any by-law under clause (a), enter into an agreement granting a person the exclusive or non-exclusive right to establish, operate or maintain within the City all or any part of a passenger transportation system of a type that the City is authorized to provide, and to do so under such conditions as the City provides, including a condition that the City pay any deficit incurred by the person in establishing, operating or maintaining the system. 2006, c. 11, Sched. A, s. 56 (2).

**Deficit**

(3) If the City incurs a deficit in establishing, operating or maintaining its own passenger transportation system or if the City enters into an agreement under clause (2) (b) to pay a deficit incurred by another person in establishing, operating or maintaining such a system, the City may levy a special rate on all the rateable property in the area served by its own system or in the area designated in the agreement to recover the deficit. 2006, c. 11, Sched. A, s. 56 (3).

**Rights unaffected**

(4) Nothing in this section prevents a person from establishing, operating or maintaining a passenger transportation system that is used to convey passengers or passengers and property through an area designated under subsection (2) from a point within the designated area to a point outside the designated area or from a point outside the designated area to a point inside the designated area. 2006, c. 11, Sched. A, s. 56 (4).

**Existing rights**

(5) Nothing in this section affects any rights existing on the day before the area is designated under subsection (2) of a person with a valid operating licence under the *Public Vehicles Act*. 2006, c. 11, Sched. A, s. 56 (5).

**Toronto Islands, ferry service**

**57** Despite this Act, the City may establish, operate and maintain a ferry service providing access to the Toronto Islands and a bus transportation system on the Toronto Islands. 2006, c. 11, Sched. A, s. 57.

**Geographic jurisdiction for passenger transportation systems, etc.**

**58** The whole of Steeles Avenue where it is the boundary of the City is deemed to be part of the City,

- (a) for the purposes of the City or the TTC exercising powers with respect to a passenger transportation system; and
- (b) for the purposes of the *Public Vehicles Act* and the *Truck Transportation Act*, and the regulations with respect to registration fees under the *Highway Traffic Act*. 2006, c. 11, Sched. A, s. 58.

**Operating outside City**

**59** Despite section 15 and subject to the *Public Vehicles Act*, the City may exercise its powers with respect to a bus passenger transportation system and a ferry transportation system in the City and between any point within the City and any point outside the City, including outside Ontario, if the City does so for its own purposes in whole or in part. 2006, c. 11, Sched. A, s. 59; 2006, c. 32, Sched. B, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Extra-territorial power**

**59.1** Despite section 15, the City may, if one of the purposes for so acting is for its own purposes, exercise its powers in relation to airports within the City, in another municipality or in unorganized territory. 2006, c. 32, Sched. B, s. 12.

#### **Section Amendments with date in force (d/m/y) [ + ]**

## **WASTE MANAGEMENT**

##### **Power exercised outside of boundaries**

**60** Despite section 15, the City may, if one of the purposes for so acting is for its own purposes, exercise its powers with respect to waste management in the City, in another municipality or in unorganized territory. 2006, c. 11, Sched. A, s. 60.

##### **Entry and inspection**

**61** (1) For the purpose of obtaining information that the City considers necessary for the City to meet the requirements of or to obtain an approval under any Act relating to the planning, establishment, operation, management, alteration or improvement of a waste disposal site or any other waste management facility, the City may, at reasonable times, enter on and inspect any land, including conducting tests of the land and removing samples or extracts. 2006, c. 11, Sched. A, s. 61 (1).

##### **Restriction**

(2) Subsection (1) does not allow the City to enter any building. 2006, c. 11, Sched. A, s. 61 (2).

## **PUBLIC UTILITIES**

##### **Entry on land**

**62** (1) For the purposes of providing a water public utility, the City may, at any reasonable time, subject to section 15 and despite section 32, enter on highways in or outside of the City to install, construct and maintain pipes and other works for the distribution of water without the consent of the body which owns the highway. 2006, c. 11, Sched. A, s. 62 (1).

##### **Entry on highways**

(2) For the purposes of providing a public utility, other than a water public utility, the City may, at any reasonable time, despite section 32, enter on highways in the City to install, construct and maintain pipes, wires, poles, equipment, machinery and other works without the consent of the body which owns the highway. 2006, c. 11, Sched. A, s. 62 (2).

##### **Powers not restricted**

(3) Nothing in this section prevents a body that owns a highway from regulating the activities described in subsections (1) and (2) on its highway in a reasonable manner, including regulating with respect to notice, timing and co-ordination of the activities and the requirement to obtain a permit before engaging in the activities. 2006, c. 11, Sched. A, s. 62 (3).

##### **Entry into buildings, etc.**

**63** (1) If the City has the consent of an owner or occupant to connect a public utility to a part of a building and other parts of the building belong to different owners or are in the possession of different occupants, the City may, at reasonable times, without consent, enter on their land and install, construct and maintain pipes, wires, equipment, machinery and other works necessary to make the connection. 2006, c. 11, Sched. A, s. 63 (1).

##### **Entry on common passages**

(2) If the City has the consent of an owner or occupant to connect a public utility to land and the owner or occupant shares a mutual driveway or other common passage with the owners or occupants of neighbouring land, the City may, at reasonable times, without consent, enter the common passage and install, construct and maintain pipes, wires, equipment, machinery and other works necessary to make the connection. 2006, c. 11, Sched. A, s. 63 (2).

**Entry on land served by public utility**

**64** (1) The City may, at reasonable times, enter on land to which it supplies a public utility,

- (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or
- (b) to inspect, install, repair, replace or alter a public utility meter. 2006, c. 11, Sched. A, s. 64 (1).

**Reduced supply**

(2) For the purposes of subsection (1), the City may shut off or reduce the supply of the public utility to the land. 2006, c. 11, Sched. A, s. 64 (2).

**Entry on land, discontinuance of utility**

(3) If a customer discontinues the use of a public utility on land or the City lawfully decides to cease supplying the public utility to land, the City may enter on the land,

- (a) to shut off the supply of the public utility;
- (b) to remove any property of the City; or
- (c) to determine whether the public utility has been or is being unlawfully used. 2006, c. 11, Sched. A, s. 64 (3).

**Shut-off of public utility**

**65** (1) Without limiting sections 7 and 8, those sections authorize the City to shut off the supply of a public utility by the City to land if fees or charges payable by the owners or occupants of the land for the supply of the public utility to the land are overdue. 2006, c. 11, Sched. A, s. 65 (1).

**Additional power**

(2) In addition to the power under subsection (1), the City may shut off the supply of water to land if fees or charges payable by the owners or occupants of the land in respect of a sewage system are overdue and the fees or charges are based on the fees payable for the supply of water to the land. 2006, c. 11, Sched. A, s. 65 (2).

**Notice**

(3) Despite subsections (1) and (2), the City shall provide reasonable notice of the proposed shut-off to the owners and occupants of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. 2006, c. 11, Sched. A, s. 65 (3).

**Recovery of fees**

(4) The City may recover all fees and charges payable despite shutting off the supply of the public utility. 2006, c. 11, Sched. A, s. 65 (4).

**No liability for damages re public utilities**

**66** (1) The City is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to the City or to the land of any person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce the supply is given. 2006, c. 11, Sched. A, s. 66 (1).

**Allocation**

(2) If the supply of a public utility to the City is interrupted or reduced, the City may allocate the available public utility among its customers. 2006, c. 11, Sched. A, s. 66 (2).

**Effect**

(3) Nothing done under subsection (2) is deemed to be a breach of contract, to entitle any person to rescind a contract or to release a guarantor from the performance of the guarantor's obligation. 2006, c. 11, Sched. A, s. 66 (3).

**Security for payment**

**67** Without limiting sections 7 and 8, those sections authorize the City, as a condition of supplying or continuing to supply a public utility, to require reasonable security be given for the payment of fees and charges for the supply of the public utility or for extending the public utility to land. 2006, c. 11, Sched. A, s. 67.

**Exemption from seizure**

**68** Personal property of the City which is used for or in connection with the supply of a public utility to land is exempt from seizure,

- (a) against the owner or occupant of the land under the *Execution Act*; and
- (b) against a person with a leasehold interest in the land for overdue rent. 2006, c. 11, Sched. A, s. 68.

**Mandatory supply**

**69** (1) Despite section 15, the City shall supply a building with a water or sewage public utility if,

- (a) the building lies along a supply line of the City for the public utility;
- (b) in the case of a water public utility, there is a sufficient supply of water for the building;
- (c) in the case of a sewage public utility, there is sufficient capacity for handling sewage from the building; and
- (d) the owner, occupant or other person in charge of the building requests the supply in writing. 2006, c. 11, Sched. A, s. 69 (1).

**Exception**

(2) Subsection (1) does not apply if the supply of the public utility to a building or to the land on which the building is located would contravene an official plan under the *Planning Act* that applies to the building, land or public utility. 2006, c. 11, Sched. A, s. 69 (2).

**Entry on land re sewage systems**

**70** The City may enter on land, at reasonable times, to inspect the discharge of any matter into the sewage system of the City or into any other sewage system the contents of which ultimately empty into the sewage system of the City and may conduct tests and take samples for this purpose. 2006, c. 11, Sched. A, s. 70.

**Exemption from levy**

**71** (1) Despite section 3 of the *Assessment Act*, land that is exempt from taxation under that Act is not exempt from a special local municipality levy of the City under section 277 for raising costs related to sewage works or water works. 2006, c. 11, Sched. A, s. 71 (1).

**Exemption by City**

(2) Despite subsection (1), the City may exempt any class of land from all or part of the levy described in that subsection. 2006, c. 11, Sched. A, s. 71 (2).

**New parcels of land**

(3) Despite any Act, if new parcels of land are created from existing parcels of land in respect of which the City has imposed a tax or fee to raise costs related to sewage works or water works, the City may impose the tax or fee on each new parcel. 2006, c. 11, Sched. A, s. 71 (3).

**Easements, public utilities****Definition**

**72** (1) In this section,

“public utility” includes a street lighting system and a transportation system. 2006, c. 11, Sched. A, s. 72 (1).

**Easement**

(2) An easement of a public utility provided by the City does not have to be appurtenant or annexed to or for the benefit of any specific parcel of land to be valid. 2006, c. 11, Sched. A, s. 72 (2).

**Restriction**

(3) Part III of the *Registry Act* does not apply to a claim of a person in respect of a part of a city public utility constructed on land before June 21, 1990 with the consent or acquiescence of the owner of the land. 2006, c. 11, Sched. A, s. 72 (3).

**Interference with utilities**

(4) No person shall interfere with a part of the city public utility for which there is no city public utility easement unless,

(a) the City consents; or

(b) the interference is authorized by a court order under this section. 2006, c. 11, Sched. A, s. 72 (4).

**Court orders with respect to utilities**

(5) A person who has an interest in land where part of a City public utility is located may apply to the Superior Court of Justice for an order authorizing that person to interfere with that part of the City public utility if the use of the land by the person is substantially affected. 2006, c. 11, Sched. A, s. 72 (5).

**Notice**

(6) A person making an application for an order under subsection (5) shall give the City 90 days notice of the application or such other notice as the court may direct. 2006, c. 11, Sched. A, s. 72 (6).

**Other orders**

(7) In making an order under subsection (5), the court may make such other orders as it considers necessary, including an order that the applicant provide an easement for an alternative location of the public utility with such compensation as the court may determine. 2006, c. 11, Sched. A, s. 72 (7).

**Stay of orders**

(8) The court shall stay an order under subsection (5) at the request of the City for such time as the court determines to allow the City to acquire an interest in land to accommodate the part of its public utility that is subject to the order. 2006, c. 11, Sched. A, s. 72 (8).

**Right to repair utilities**

(9) Subject to any court order under this section, the City may enter upon any land to repair and maintain its public utilities. 2006, c. 11, Sched. A, s. 72 (9).

**Utilities located by mistake**

(10) If, before June 21, 1990, the City located a part of a city public utility where it had no right to do so in the mistaken belief that the part was being located on a road allowance of the City or of another municipality, the City is deemed to have an easement in respect of the utility and the owner of the land on which the part is located shall be entitled to compensation for the easement determined in accordance with the *Expropriations Act*. 2006, c. 11, Sched. A, s. 72 (10).

**Offence**

(11) Every person who knowingly contravenes subsection (4) is guilty of an offence. 2006, c. 11, Sched. A, s. 72 (11).

**Non-municipal public utilities**

**73** (1) Except as otherwise provided, no person shall construct, maintain or operate a water or sewage public utility in the City without first obtaining the consent of the City. 2006, c. 11, Sched. A, s. 73 (1).

**Terms**

(2) A consent under this section may be given subject to such conditions and limits on the powers to which the consent relates as may be agreed upon. 2006, c. 11, Sched. A, s. 73 (2).

## CULTURE, PARKS, RECREATION AND HERITAGE

### Power may be exercised outside municipality

**74** Despite section 15, the City may, if one of the purposes for so acting is for its own purposes, exercise its powers with respect to culture, parks, recreation and heritage in the City, in another municipality or in unorganized territory. 2006, c. 11, Sched. A, s. 74.

### Removal and impounding of vehicles, etc., in parks

**74.1** (1) Subject to subsection (2), this section applies if a by-law of the City has been passed for prohibiting the parking, standing, stopping or placing in a park under the jurisdiction of the City of any object or vehicle that is used to sell or display anything and that obstructs pedestrians, unless,

- (a) the owner of the object or vehicle holds a valid permit issued by the City granting the exclusive use of a designated area within the park; and
- (b) the by-law or another by-law of the City has designated the park or the area of the park as a removal zone. 2006, c. 32, Sched. B, s. 13.

### Signs required

(2) A by-law under subsection (1) is not effective in respect of a particular removal zone unless signs are erected to indicate the removal zone. 2006, c. 32, Sched. B, s. 13.

### Enforcement

(3) A police officer or municipal by-law enforcement officer or any person authorized by by-law to enforce a by-law under subsection (1) who has reason to believe that any object or vehicle is parked, standing, stopped or placed in a removal zone in contravention of the by-law may, if no valid permit issued under the by-law is produced upon request, cause the object or vehicle to be moved or taken to and placed or stored in a suitable place. 2006, c. 32, Sched. B, s. 13.

### Costs

(4) Subject to subsections (5) and (6), all costs and charges for the removal, care and storage of any object or vehicle under the by-law are a lien upon the object or vehicle which may be enforced by the City under the *Repair and Storage Liens Act*. 2006, c. 32, Sched. B, s. 13.

### Proceeds to City

(5) Any object or vehicle, other than a motor vehicle, removed and stored in accordance with subsection (3) and not claimed by the owner within 60 days is the property of the City and may be sold and the proceeds shall form part of the general funds of the City. 2006, c. 32, Sched. B, s. 13.

### Perishables

(6) Despite subsection (5), any perishable object or refreshment is the property of the City upon being moved from the removal zone in accordance with subsection (3) and at any time thereafter may be destroyed or given to a charitable institution. 2006, c. 32, Sched. B, s. 13.

### Exception

(7) Subsection (6) does not apply to a perishable object or refreshment that comes into the possession of a police force in the circumstances described in section 132 of the *Police Services Act*. 2006, c. 32, Sched. B, s. 13.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 74.1 (7) of the Act is amended by striking out “a police force in the circumstances described in section 132 of the *Police Services Act*” at the end and substituting “a police service in the circumstances described in section 258 of the *Community Safety and Policing Act, 2019*”. (See: 2019, c. 1, Sched. 4, s. 10 (4))**

**Section Amendments with date in force (d/m/y) [ + ]**

## DRAINAGE AND FLOOD CONTROL

**Drainage and flood control**

**75** Despite section 15, the City may, for the purpose of preventing damage to property in the City as a result of flooding, exercise its powers with respect to drainage and flood control in the City, in another municipality or in unorganized territory. 2006, c. 11, Sched. A, s. 75.

**Entry on land to inspect**

**76** The City may enter on land, at reasonable times, to inspect the discharge of any matter into a land drainage system of any person and may conduct tests and remove samples for this purpose. 2006, c. 11, Sched. A, s. 76.

**PARKING****Impounding vehicles parked**

**77** (1) If the City passes a by-law for regulating or prohibiting the parking or leaving of a motor vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law. 2006, c. 11, Sched. A, s. 77 (1).

**Entry on land**

(2) The City may enter on land, at reasonable times, for the purposes described in subsection (1). 2006, c. 11, Sched. A, s. 77 (2).

**Signs**

(3) If signs are erected on land specifying conditions on which a motor vehicle may be parked or left on the land or regulating or prohibiting the parking or leaving of a motor vehicle on the land, a motor vehicle parked or left on the land contrary to the conditions or prohibition is deemed to have been parked or left without consent. 2006, c. 11, Sched. A, s. 77 (3).

**Parking lots**

**78** (1) If the City passes a by-law for regulating or prohibiting the parking or leaving of motor vehicles on land not owned or occupied by the City without the consent of the owner of the land or regulating or prohibiting traffic on that land, the City may enforce the by-law on the land but only if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition. 2006, c. 11, Sched. A, s. 78 (1).

**Same**

(2) This section applies to land used as a parking lot and not to any other land. 2006, c. 11, Sched. A, s. 78 (2).

**Evidence re enforcement of parking by-laws**

**79** (1) If it is alleged in a proceeding that a by-law under section 77 or 78 has been contravened, the oral or written evidence of a police officer, police cadet or municipal law enforcement officer is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it in respect of,

- (a) the ownership or occupancy of the land;
- (b) the absence of the consent of the owner or occupant; and
- (c) whether any person is an occupant or is an owner. 2006, c. 11, Sched. A, s. 79 (1).

**No notice**

(2) Written evidence under subsection (1) shall be admitted without notice under the *Evidence Act*. 2006, c. 11, Sched. A, s. 79 (2).

**Accessible parking permits**

**80** (1) If the City passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made under it. 2009, c. 33, Sched. 26, s. 1 (1).

**Same**

(2) If the City passes a by-law requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for motor vehicles displaying an accessible parking permit, the City,

- (a) shall prescribe the conditions of use of the accessible parking permit and shall prohibit the improper use of the permit; and
- (b) despite section 78, may provide for the removal and impounding of any motor vehicle, at its owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law. 2006, c. 11, Sched. A, s. 80 (2); 2009, c. 33, Sched. 26, s. 1 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Administrative penalties, parking by-laws**

**81** (1) Without limiting sections 7 and 8, those sections authorize the City to require a person to pay an administrative penalty if the City is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles. 2006, c. 11, Sched. A, s. 81 (1).

##### **Limitation**

(2) Despite subsection (1), the City does not have the power to provide that a person is liable to pay an administrative penalty in respect of the failure to comply with by-laws respecting the parking, standing or stopping of vehicles until a regulation is made under section 118. 2006, c. 11, Sched. A, s. 81 (2).

## **ECONOMIC DEVELOPMENT**

##### **Assistance prohibited**

**82** (1) Despite this or any other Act, the City shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose. 2006, c. 11, Sched. A, s. 82 (1).

##### **Same**

(2) Without limiting subsection (1), the City shall not grant assistance by,

- (a) giving or lending any property of the City, including money;
- (b) guaranteeing borrowing;
- (c) leasing or selling any property of the City at below fair market value; or
- (d) giving a total or partial exemption from any levy, charge or fee. 2006, c. 11, Sched. A, s. 82 (2).

##### **Exception**

(3) Subsection (1) does not apply to city council's exercise of its authority under subsection 28 (6) or (7) of the *Planning Act* or under section 333 of this Act. 2006, c. 11, Sched. A, s. 82 (3).

##### **General power to make grants**

**83** (1) Despite any provision of this or any other Act relating to the giving of grants or aid by the City, subject to section 82, the City may make grants, on such terms as to security and otherwise as the council considers appropriate, to any person, group or body, including a fund, within or outside the boundaries of the City for any purpose that council considers to be in the interests of the City. 2006, c. 11, Sched. A, s. 83 (1).

##### **Loans, guarantees, etc.**

(2) The power to make a grant includes the power,

- (a) to guarantee a loan and to make a grant by way of loan and to charge interest on the loan;
- (b) to sell or lease land for nominal consideration or to make a grant of land;
- (c) to provide for the use by any person of land owned or occupied by the City upon such terms as may be fixed by council;

- (d) to provide for the use of officers, employees or agents of the City by any person, upon such terms as may be fixed by council;
- (e) to sell, lease or otherwise dispose of at a nominal price, or make a grant of, any personal property of the City or to provide for the use of the personal property on such terms as may be fixed by council; and
- (f) to make donations of foodstuffs and merchandise purchased by the City for that purpose. 2006, c. 11, Sched. A, s. 83 (2).

**Small business counselling**

**84** (1) Without limiting sections 7 and 8 and despite section 82, sections 7 and 8 authorize the City to provide for the establishment of a counselling service to small businesses operating or proposing to operate in the City. 2006, c. 11, Sched. A, s. 84 (1).

**Small business programs**

(2) Without limiting sections 7 and 8, those sections authorize the City to do the following things in order to encourage the establishment and initial growth of small businesses or any class of them in the City:

1. To establish and maintain programs for that purpose.
2. To participate in programs administered by the Crown in right of Ontario. 2006, c. 11, Sched. A, s. 84 (2).

**Permitted actions**

(3) Without limiting sections 7 and 8, those sections authorize the City to do the following for the purposes of a program referred to in subsection (2):

1. To acquire land and erect and improve buildings and structures in order to provide leased premises for eligible small businesses or for a corporation described in paragraph 4.
2. Despite section 82, to make grants to corporations described in paragraph 4.
3. To lease land to small businesses included in a program.
4. To enter into leases of land and other agreements related to the program with a corporation without share capital established by the City in accordance with section 148 for the purposes of encouraging the establishment and initial growth of small businesses or any class of them in the City.
5. To sell, lease or otherwise dispose of any personal property of the City to an eligible small business or to a corporation described in paragraph 4 or provide for the use of such property by the small business or corporation.
6. To provide for the use of the services of any city employee by an eligible small business or by a corporation described in paragraph 4.
7. To establish a city board under this Act to administer a program or to administer the City's participation in a program referred to in subsection (2).
8. To appoint one or more of the directors of a corporation described in paragraph 4. 2006, c. 11, Sched. A, s. 84 (3).

**Grant includes loans**

(4) The power to make grants under paragraph 2 of subsection (3) includes the power to make loans, to charge interest on the loans and to guarantee loans. 2006, c. 11, Sched. A, s. 84 (4).

**Same**

(5) A corporation described in paragraph 4 of subsection (3) that leases any building or structure from the City shall use it for the purpose of providing leased premises to small businesses included in a program referred to in subsection (2). 2006, c. 11, Sched. A, s. 84 (5).

**Availability of assistance**

(6) Despite section 82, a lease of land, the sale, lease or other disposition of personal property or the use of personal property or personal services under subsection (3) may be made or provided at less than fair market value. 2006, c. 11, Sched. A, s. 84 (6).

**Limitation**

(7) Subsection (6) ceases to apply to an eligible small business on the third anniversary of the day it first occupied premises leased to it under this section. 2006, c. 11, Sched. A, s. 84 (7).

#### **Local board**

(8) The power of the City to raise money by the issue of debentures or otherwise for the acquisition of land or construction of buildings shall not be delegated to the city board described in paragraph 7 of subsection (3), despite section 20. 2006, c. 11, Sched. A, s. 84 (8).

#### **Interpretation**

(9) A business is an eligible small business if it is included in a program referred to in subsection (2) and it is in occupation of premises leased to it under this section. 2006, c. 11, Sched. A, s. 84 (9).

## **LICENCES**

#### **Definition**

**85** In sections 86 to 96,

“business” means any business wholly or partly carried on within the City even if the business is being carried on from a location outside the City and includes,

- (a) trades and occupations,
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise,
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader,
- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire. 2006, c. 11, Sched. A, s. 85.

#### **Powers re licences**

**86** (1) Without limiting sections 7 and 8, those sections authorize the City to provide for a system of licences with respect to a business and,

- (a) to prohibit the carrying on or engaging in the business without a licence;
- (b) to refuse to grant a licence or to revoke or suspend a licence;
- (c) to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) to license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.
- (g) REPEALED: 2017, c. 10, Sched. 2, s. 5 (1).

2006, c. 11, Sched. A, s. 86 (1); 2017, c. 10, Sched. 2, s. 5 (1).

#### **Power to suspend a licence**

(2) Without limiting sections 7 and 8, for the purpose of clause (1) (b), if the City is satisfied that the continuation of a business poses an immediate danger to the health or safety of any person or to any property, the City may, for the time and on such conditions as it considers appropriate, without a hearing, suspend a licence subject to the following:

1. Before suspending the licence, the City shall provide the licensee with the reasons for the suspension, either orally or in writing, and an opportunity to respond to them.
2. The suspension shall not exceed 14 days. 2006, c. 11, Sched. A, s. 86 (2).

#### **Same**

(3) Despite subsection (2) and without limiting sections 7 and 8, for the purpose of clause (1) (b), the City may, on such conditions as it considers appropriate, without a hearing, suspend a licence authorizing a business to operate on a highway or other property of the City or its local boards, for a period not exceeding 28 days for the following reasons:

1. The holding of a special event.
2. The construction, maintenance or repair of the property.
3. The installation, maintenance or repair of a public utility or service.
4. Pedestrian, vehicular or public safety or public health. 2006, c. 11, Sched. A, s. 86 (3); 2006, c. 32, Sched. B, s. 14 (1).

#### **Exercise of power**

(4) The exercise of a power under clause (1), (b), (d) or (e) is in the discretion of the City, and the City shall exercise its discretion,

- (a) upon such grounds as are set out by by-law; or
- (b) upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity. 2006, c. 11, Sched. A, s. 86 (4); 2017, c. 10, Sched. 2, s. 5 (2).

#### **Application re system of licences**

(5) This section applies with necessary modifications to a system of licences with respect to any activity, matter or thing as if it were a system of licences with respect to a business. 2006, c. 32, Sched. B, s. 14 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Conflicts re licensing power**

**87** If there is a conflict between a provision in this Act and a provision of any other Act authorizing the City to license a business, the section that is less restrictive of the City's power prevails. 2006, c. 11, Sched. A, s. 87.

##### **Other licensing powers**

**88** Sections 7, 8 and 85 to 94 apply, with necessary modifications, to the City in the exercise of a power to pass by-laws licensing businesses under any other section of this Act or any other Act. 2006, c. 11, Sched. A, s. 88; 2006, c. 32, Sched. B, s. 15.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Restriction re systems of licences**

**89** (1) The City shall not, under paragraph 11 of subsection 8 (2), provide for a system of licences which makes it illegal for a business listed below to carry on or engage in the business without a licence:

1. A manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail.
2. The sale of goods by wholesale.
3. The generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources. 2006, c. 11, Sched. A, s. 89 (1).

##### **Same**

(2) Nothing in subsection (1) prevents the City from providing for a system of licences under any authority other than paragraph 11 of subsection 8 (2) for a business. 2006, c. 11, Sched. A, s. 89 (2).

##### **Limitation re location of business**

**90** (1) Despite sections 7 and 8, the City shall not, except as otherwise provided, refuse to grant a licence for a business under this Act by reason only of the location of the business. 2006, c. 11, Sched. A, s. 90 (1).

##### **Compliance with land use control by-law**

(2) Despite subsection (1), a by-law providing for a system of licences for a business may require as a condition of obtaining, continuing to hold or renewing a licence that the business comply with land use control by-laws or requirements under the *Planning Act* or any other Act. 2006, c. 11, Sched. A, s. 90 (2).

#### **Continuation**

(3) Despite subsection (2), the City shall not refuse to grant a licence by reason only of the location of the business if the business was being lawfully carried on at that location at the time the by-law requiring the licence came into force so long as it continues to be carried on at that location. 2006, c. 11, Sched. A, s. 90 (3).

#### **Reciprocal licensing arrangement**

**91** (1) If the City and the police services board of the City agree to enforce a by-law providing for a system of licences with respect to a business on behalf of each other or on behalf of another municipality, another police service board or another body performing a public function prescribed by the Minister, the City or the police services board, as the case may be, may designate one or more persons as officers to enforce the licensing by-laws. 2006, c. 32, Sched. B, s. 16 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 91 (1) of the Act is amended by striking out “police services board” wherever it appears and substituting in each case “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (5))**

#### **Delegation**

(2) The City may delegate to another municipality, with the consent of the other municipality, the power to provide for a system of licences with respect to a business specified in the by-law and, for that purpose, sections 7, 8 and 85 to 96 apply with necessary modifications to the other municipality. 2006, c. 11, Sched. A, s. 91 (2); 2006, c. 32, Sched. B, s. 16 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Restrictions re adult entertainment establishments**

**92** (1) Without limiting sections 7 and 8, a by-law under those sections with respect to adult entertainment establishments may,

- (a) despite section 90, define the area of the City in which adult entertainment establishments may or may not operate and limit the number of adult entertainment establishments in any defined area in which they are permitted;
- (b) prohibit any person carrying on or engaged in an adult entertainment establishment business from permitting any person under the age of 18 years to enter or remain in the adult entertainment establishment or any part of it. 2006, c. 11, Sched. A, s. 92 (1).

#### **Premises**

(2) Any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business,

- (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises; or
- (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed, offered or solicited in the premises or part of the premises, but does not include premises or part of them where body-rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under a statute of Ontario. 2006, c. 11, Sched. A, s. 92 (2).

#### **Power of entry**

(3) Despite subsection 376 (1), the City may exercise its administrative power of entry under section 376 at any time of the day or night to enter an adult entertainment establishment. 2006, c. 11, Sched. A, s. 92 (3).

#### **Evidence rule**

(4) For the purpose of a prosecution or proceeding under a by-law with respect to adult entertainment establishments, the holding out to the public that the entertainment or services described in subsection (2) are provided in the premises or any part of them is admissible in evidence as proof, in the absence of evidence to the contrary, that the premises or part of them is an adult entertainment establishment. 2006, c. 11, Sched. A, s. 92 (4).

#### **Restrictions re payday loan establishments**

**92.1** (1) Despite section 90 and without limiting sections 7 and 8, the City, in a by-law under those sections with respect to payday loan establishments, may define the area of the City in which a payday loan establishment may or may not operate and limit the number of payday loan establishments in any defined area in which they are permitted. 2017, c. 5, Sched. 2, s. 26.

#### **Exception**

(2) Despite subsection (1), a by-law described in that subsection shall not prohibit the operation of all payday loan establishments in the City. 2017, c. 5, Sched. 2, s. 26.

#### **Definition**

(3) In this section,

“payday loan establishment” means any premises or any part of them in respect of which a licensee within the meaning of the *Payday Loans Act, 2008* may operate a business pursuant to a licence issued under that Act. 2017, c. 5, Sched. 2, s. 26.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Licensing tow trucks, etc.**

**93** Without limiting sections 7 and 8, a by-law under those sections with respect to owners and drivers of tow trucks and vehicles, other than motor vehicles, used for hire, may,

- (a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the City or from any point in the City to any point outside the City; and
- (b) provide for the collection of the rates or fares charged for the conveyance. 2006, c. 11, Sched. A, s. 93.

##### **Licensing taxicabs**

**94** (1) Without limiting sections 7 and 8, a by-law under those sections with respect to the owners and drivers of taxicabs may,

- (a) establish the rates or fares to be charged for the conveyance of property or passengers either wholly within the City or from any point in the City to any point outside the City;
- (b) provide for the collection of the rates or fares charged for the conveyance; and
- (c) limit the number of taxicabs or any class of them. 2006, c. 11, Sched. A, s. 94 (1).

#### **Restriction**

(2) A by-law made under paragraph 11 of subsection 8 (2) with respect to the owners and drivers of taxicabs is void to the extent that it restricts, limits or prevents the owners and drivers of taxicabs from engaging in conveyances that meet both of the following criteria:

1. The purpose of the conveyance is to transport persons with physical, emotional or mental disabilities from any point in the City to any point outside the City.
2. The conveyance is made pursuant to a written contract for the use of a taxicab which can legally operate in the municipality in which the conveyance begins or ends. 2006, c. 11, Sched. A, s. 94 (2); 2006, c. 32, Sched. B, s. 17.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Restrictions re trailers and trailer camps**

**95** (1) If the City licenses trailers in the City, no licence fee shall be charged in respect of a trailer assessed under the *Assessment Act*. 2006, c. 11, Sched. A, s. 95 (1).

**Trailer camps**

(2) If the City licenses trailer camps under paragraph 11 of subsection 8 (2) and imposes a licence fee for each lot in the trailer camp to be occupied by one trailer, no licence fee shall be charged in respect of a lot that is to be made available only for a trailer that is assessed under the *Assessment Act*. 2006, c. 11, Sched. A, s. 95 (2).

**Definition**

(3) In this section,

“trailer camp” means any land on which a trailer is kept. 2006, c. 11, Sched. A, s. 95 (3).

**Restrictions re group homes**

**96** (1) The City shall not pass by-laws under paragraph 11 of subsection 8 (2) providing for a system of licences for group homes unless there is in effect in the City a by-law passed under section 34 of the *Planning Act* that permits the establishment and use of group homes in the City. 2006, c. 11, Sched. A, s. 96 (1).

**Same**

(2) A by-law under paragraph 11 of subsection 8 (2) providing for a system of licences for group homes may prohibit a person from carrying on the business of a group home without a licence and may provide for the following conditions, but shall not provide for any additional conditions concerning the operation of the group home:

1. The by-law may require the payment of licence fees.
2. The by-law may require a licensee or an applicant for a licence to give the City such information as the City considers appropriate concerning the business name, ownership and method of contacting the licensee or applicant. 2006, c. 11, Sched. A, s. 96 (2).

## CLOSING OF BUSINESS ESTABLISHMENTS

**Closing of business establishments**

**97** (1) Without limiting sections 7 and 8, those sections authorize the City to require business establishments to be closed to the public at any time. 2006, c. 11, Sched. A, s. 97 (1).

**Same**

(2) Despite subsection (1), a by-law described in that subsection applies to only those premises where goods or services are sold or offered for sale by retail. 2006, c. 11, Sched. A, s. 97 (2).

**Exemptions**

(3) The by-law does not apply to the sale or offering for sale by retail of,

- (a) goods or services in the form of or in connection with prepared meals or living accommodation;
- (a.1) liquor under the authority of a licence or permit issued under the *Liquor Licence Act*; and

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 97 (3) (a.1) of the Act is repealed and the following substituted: (See: 2019, c. 15, Sched. 22, s. 90 (1))**

- (a.1) liquor under the authority of a licence or permit issued under the *Liquor Licence and Control Act, 2019*; and
- (b) any other prescribed goods or services. 2006, c. 11, Sched. A, s. 97 (3); 2006, c. 32, Sched. B, s. 18.

**Section Amendments with date in force (d/m/y) [ + ]**

## HEALTH, SAFETY AND WELL-BEING

**Smoking in public places, etc.**

**98** (1) This section applies to a city by-law to prohibit or regulate the smoking of tobacco or cannabis in public places and workplaces. 2006, c. 11, Sched. A, s. 98 (1); 2018, c. 17, Sched. 5, s. 1 (1).

**Crown bound**

(2) The by-law binds the Crown. 2006, c. 11, Sched. A, s. 98 (2).

**Restriction**

(3) The by-law shall not apply to a highway but may apply to public transportation vehicles and taxicabs on a highway. 2006, c. 11, Sched. A, s. 98 (3).

**Scope of by-law**

(4) The by-law may,

(a) define “public place” for the purpose of the by-law;

(b) require the owner or occupier of a public place, the employer of a workplace, other than a public transportation vehicle and a taxicab, or the owner or operator of a public transportation vehicle or a taxicab to ensure compliance with the by-law. 2006, c. 11, Sched. A, s. 98 (4).

**Conflicts**

(5) Despite section 11, if there is a conflict between a provision of any Act or regulation and a provision of the by-law, the provision that is the most restrictive of the smoking of tobacco or cannabis prevails. 2006, c. 11, Sched. A, s. 98 (5); 2018, c. 17, Sched. 5, s. 1 (1).

**Definitions**

(6) In this section,

“workplace” includes a public transportation vehicle and a taxicab. (“lieu de travail”) 2006, c. 11, Sched. A, s. 98 (6); 2018, c. 17, Sched. 5, s. 1 (2).

**Application**

(7) For greater certainty, a reference in this section to the smoking of tobacco or cannabis includes,

(a) the holding of lighted tobacco or cannabis; and

(b) the consumption of tobacco or cannabis through the use of an electronic cigarette. 2018, c. 17, Sched. 5, s. 1 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Entry on land re emergency communication system**

**99** For the purposes of establishing, maintaining and operating a centralized communication system for emergency response purposes, the City may at any reasonable time enter upon land to affix numbers to buildings or erect signs setting out numbers on land. 2006, c. 11, Sched. A, s. 99.

**Pits and quarries**

**100** A city by-law prohibiting or regulating the operation of pits and quarries does not apply to a pit or quarry, as those terms are defined in the *Aggregate Resources Act*, located in a part of Ontario designated in a regulation under subsection 5 (2) of that Act. 2006, c. 11, Sched. A, s. 100.

**Repairs or alterations, authorized entry**

**101** (1) The City may authorize the owner or occupant of land to enter adjoining land, at any reasonable time, for the purpose of making repairs or alterations to any building, fence or other structures on the land of the owner or occupant but only to the extent necessary to carry out the repairs or alterations. 2006, c. 11, Sched. A, s. 101 (1).

**Conditions**

(2) The following apply to a power of entry under a by-law under this section:

1. The power of entry may be exercised by an employee or agent of the owner or occupant of land.
2. A person exercising the power of entry must display or, on request, produce proper identification.

3. Nothing in a by-law under this section authorizes entry into a building.
4. The owner or occupant shall provide reasonable notice of the proposed entry to the occupier of the adjoining land.
5. The owner or occupant of land shall, in so far as is practicable, restore the adjoining land to its original condition and shall provide compensation for any damages caused by the entry or by anything done on the adjoining land. 2006, c. 11, Sched. A, s. 101 (2).

#### **Entry on land re maintenance, repairs or alterations**

**101.1** (1) The City may enter on land adjoining land owned or occupied by the City, at any reasonable time, for the purpose of maintaining or making repairs or alterations to the land owned or occupied by the City but only to the extent necessary to carry out the maintenance, repairs or alterations. 2017, c. 10, Sched. 2, s. 6.

#### **Restriction re buildings**

(2) Nothing in this section authorizes entry into a building. 2017, c. 10, Sched. 2, s. 6.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Fortification of land**

**102** (1) This section applies to a city by-law,

- (a) regulating in respect of the fortification of and protective elements applied to land in relation to the use of the land; and
- (b) prohibiting the excessive fortification of land or excessive protective elements being applied to land in relation to the use of the land. 2006, c. 11, Sched. A, s. 102 (1).

#### **Definitions**

(2) In this section,

“land” means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structure on the land or on or in any structure on the land; (“bien-fonds”)

“protective elements” include surveillance equipment. (“éléments protecteurs”) 2006, c. 11, Sched. A, s. 102 (2).

#### **By-law and building code**

(3) A permit shall not be issued under the *Building Code Act, 1992* if the proposed building or construction or use of the building will contravene a by-law to which this section applies. 2006, c. 11, Sched. A, s. 102 (3); 2009, c. 33, Sched. 21, s. 4 (2).

#### **Conflict**

(4) Despite section 35 of the *Building Code Act, 1992*, if there is a conflict between the building code under the *Building Code Act, 1992* and a by-law to which this section applies, the building code prevails. 2006, c. 11, Sched. A, s. 102 (4); 2009, c. 33, Sched. 21, s. 4 (3).

#### **Period for compliance for existing fortifications**

(5) If the City makes an order to do work under subsection 385 (1) with respect to a contravention of the by-law, the order shall give not less than three months to complete the work if the fortifications or protective elements were present on the land on the day the by-law is passed. 2006, c. 11, Sched. A, s. 102 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Conveyance of prisoners**

**103** If the attendance of a prisoner in a correctional institution is required at a hearing or proceeding and if the City was responsible for delivering the prisoner to the correctional institution, the City is responsible for conveying the prisoner from the correctional institution to the place of the hearing or proceeding and for the prisoner’s return. 2006, c. 11, Sched. A, s. 103.

## NATURAL ENVIRONMENT

#### **Trees**

**104 (1)** This section applies to a city by-law prohibiting or regulating the destruction or injuring of trees. 2006, c. 11, Sched. A, s. 104 (1).

**Same**

(2) In passing a by-law prohibiting or regulating the destruction or injuring of trees in woodlands, the City shall have regard to good forestry practices as defined in the *Forestry Act*. 2006, c. 11, Sched. A, s. 104 (2).

**Exception from by-law**

(3) The by-law does not apply to,

- (a) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*;
- (b) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (c) the injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (c.1) the injuring or destruction of trees imposed under subsection 114 (11) as a condition to the approval of plans or drawings for a site plan control area;
- (d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (e) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (f) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; or
- (g) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
  - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
  - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*. 2006, c. 11, Sched. A, s. 104 (3); 2006, c. 32, Sched. B, s. 19; 2009, c. 33, Sched. 21, s. 4 (4).

**Definition**

(4) In this section,

“woodlands” means woodlands as defined in the *Forestry Act* that are one hectare or more in area. 2006, c. 11, Sched. A, s. 104 (4).

**Section Amendments with date in force (d/m/y) [ + ]**

**Site alteration**

**105 (1)** This section applies to a city by-law with respect to prohibiting or regulating,

- (a) the placing or dumping of fill;
- (b) the removal of topsoil; or
- (c) the alteration of the grade of land. 2006, c. 11, Sched. A, s. 105 (1).

**Exemptions**

(2) The by-law does not apply to,

- (a) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (a.1) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed under subsection 114 (11) as a condition to the approval of plans or drawings for a site plan control area;
- (b) the placing or dumping of fill, removal of topsoil or alteration of the grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation;
- (c) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (d) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (e) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
  - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
  - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (f) the placing or dumping of fill, removal of topsoil or alteration of the grade of land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*. 2006, c. 11, Sched. A, s. 105 (2); 2006, c. 32, Sched. B, s. 20.

#### Exceptions

(3) The by-law respecting the removal of topsoil does not apply to the removal of topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products. 2006, c. 11, Sched. A, s. 105 (3).

#### Exclusion

(4) The exception described in subsection (3) respecting the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition. 2006, c. 11, Sched. A, s. 105 (4).

(5) REPEALED: 2017, c. 10, Sched. 2, s. 7.

#### Definition

(6) In this section,

“topsoil” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat. 2006, c. 11, Sched. A, s. 105 (6).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Power of entry re: dangerous trees

**105.1** (1) The City may enter on land, without notice to the owner, tenant or occupant of the land, to inspect a tree located on the land that, in the opinion of the City, is in a condition creating an immediate danger to persons or property. 2006, c. 32, Sched. B, s. 21.

##### Elimination of immediate danger

(2) If, upon inspection under subsection (1) or under subsection 375 (1) in respect of a by-law described in subsection (3), a tree on the land appears, in the opinion of the City, to be in a condition creating an immediate danger to persons or property, the City may enter on the land after making reasonable efforts to notify the owner, tenant or occupant of the land and remove the tree or otherwise eliminate the condition creating the immediate danger. 2006, c. 32, Sched. B, s. 21.

**Subject of by-law**

(3) A by-law for the purpose of subsection (2) is a by-law requiring owners or persons in charge of any premises to remove decayed, damaged or dangerous trees or branches that pose a danger to persons or property. 2006, c. 32, Sched. B. s. 21.

**Lien**

(4) Any amount spent by the City in doing what is authorized under subsection (2), together with interest at a rate to be determined by the City, is payable to the City and shall have priority lien status, and the certificate of the city clerk as to the amount is final. 2006, c. 32, Sched. B. s. 21.

**Added to tax roll**

(5) The amount payable to the City may be added to the tax roll to be collected in one year or to be collected in instalments over a period of not more than five years. 2006, c. 32, Sched. B. s. 21.

**General provision not applicable**

(6) Paragraphs 4 and 5 of subsection 375 (1) do not apply to the powers of entry under this section. 2006, c. 32, Sched. B. s. 21.

**Section Amendments with date in force (d/m/y) [ + ]****Registration of agreements respecting ravines**

**105.2** (1) An agreement described in subsection (2) may be registered against the land to which it applies and the City may enforce its provisions against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 32, Sched. B. s. 21.

**Same**

(2) Subsection (1) applies to an agreement that the City has entered into with the owner of land, under a City by-law, as a condition of a consent to destroy trees or other natural vegetation on a ravine, to excavate, grade or otherwise alter in elevation or contour any ravine or to provide facilities for and methods of disposal of storm, surface and waste water from any ravine and from any buildings or structures on the ravine and that deals with,

- (a) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the land of the owner or the protection of adjoining lands; or
- (b) grading or alteration in elevation or contour of the land of the owner and the provision of facilities for and methods of disposal of storm, surface and waste water from the land and from any building or structure on the land. 2006, c. 32, Sched. B. s. 21.

**Section Amendments with date in force (d/m/y) [ + ]****Energy planning**

**105.3** (1) Without limiting sections 7 and 8, the City may provide for or participate in long-term energy planning in the City. 2017, c. 10, Sched. 2, s. 8.

**Interpretation**

(2) Long-term energy planning referred to in subsection (1) may include consideration of energy conservation, climate change, and green energy. 2017, c. 10, Sched. 2, s. 8.

**Section Amendments with date in force (d/m/y) [ + ]****ANIMALS****Impounding animals**

**106** If the City passes a by-law regulating or prohibiting with respect to the being at large or trespassing of animals, it may provide for,

- (a) the seizure and impounding of animals being at large or trespassing contrary to the by-law;
- (b) the sale of impounded animals,

- (i) if they are not claimed within a reasonable time,
- (ii) if the expenses of the City respecting the impounding of the animals are not paid, or
- (iii) at such time and in such manner as is provided in the by-law. 2006, c. 11, Sched. A, s. 106.

**Muzzling of dogs**

**107** (1) If the City requires the muzzling of a dog under any circumstances, city council shall, upon the request of the owner of the dog, hold a hearing to determine whether or not to exempt the owner in whole or in part from the requirement. 2006, c. 11, Sched. A, s. 107 (1).

**Conditions**

(2) An exemption may be granted subject to such conditions as council considers appropriate. 2006, c. 11, Sched. A, s. 107 (2).

**Request does not stay requirement**

(3) A request of the owner of a dog for a hearing under this section does not act as a stay of the muzzling requirement. 2006, c. 11, Sched. A, s. 107 (3).

## STRUCTURES, INCLUDING FENCES AND SIGNS

**Construction of green roofs or alternative roof surfaces**

**108** (1) Without limiting sections 7 and 8, those sections authorize the City to pass a by-law requiring and governing the construction of green roofs or of alternative roof surfaces that achieve similar levels of performance to green roofs if the provisions of the by-law do not conflict with the provisions of a regulation made under the *Building Code Act, 1992* respecting public health and safety, fire protection, structural sufficiency, conservation and environmental protection and the requirements respecting barrier-free access. 2006, c. 11, Sched. A, s. 108 (1); 2006, c. 32, Sched. B, s. 22 (1); 2009, c. 33, Sched. 21, s. 4 (5).

**Same**

(2) A by-law under subsection (1) prevails over a regulation made under the *Building Code Act, 1992*, despite section 35 of that Act. 2006, c. 11, Sched. A, s. 108 (2); 2006, c. 32, Sched. B, s. 22 (2).

**Definition**

(3) For the purposes of subsection (1),

“green roof” means a roof surface that supports the growth of vegetation over a substantial portion of its area for the purpose of water conservation or energy conservation. 2006, c. 11, Sched. A, s. 108 (3).

**Repeal**

**(4) This section is repealed on a day to be named by proclamation of the Lieutenant Governor. 2006, c. 11, Sched. A, s. 108 (4).**

**Section Amendments with date in force (d/m/y) [ + ]****Environmental standards; construction of buildings**

**108.1** (1) Without limiting sections 7 and 8, those sections authorize the City to pass a by-law respecting the protection or conservation of the environment that requires buildings to be constructed in accordance with provisions of the building code under the *Building Code Act, 1992* that are prescribed under that Act, subject to such conditions and limits as may be prescribed under that Act. 2017, c. 10, Sched. 2, s. 9.

**Conflict**

(2) Despite section 35 of the *Building Code Act, 1992*, if there is a conflict between that Act or the building code under that Act and a by-law to which this section applies, that Act or the building code prevails. 2017, c. 10, Sched. 2, s. 9.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 108.1 of the Act is amended by adding the following subsections: (See: 2017, c. 10, Sched. 2, s. 10)**

Green roofs or alternative roof surfaces

(3) Without limiting sections 7 and 8, the power described in subsection (1) includes the power to require the construction of green roofs or of alternative roof surfaces that achieve similar levels of performance to green roofs. 2017, c. 10, Sched. 2, s. 10.

Definition

(4) For the purposes of subsection (3),

“green roof” means a roof surface that supports the growth of vegetation over a substantial portion of its area for the purpose of water conservation or energy conservation. 2017, c. 10, Sched. 2, s. 10.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Non-application of *Line Fences Act***

**109** (1) The City may provide that the *Line Fences Act* does not apply to all or any part of the City. 2006, c. 11, Sched. A, s. 109 (1).

##### **Exclusion**

(2) Despite a by-law passed under subsection (1), section 20 of the *Line Fences Act* continues to apply throughout the City. 2006, c. 11, Sched. A, s. 109 (2).

##### **Advertising devices**

**110** (1) This subsection, as it read on the day before section 11 of Schedule 2 to the *Modernizing Ontario's Municipal Legislation Act, 2017* came into force, continues to apply to by-laws passed on or before that day. 2017, c. 10, Sched. 2, s. 11.

##### **Lien for costs and charges**

(2) All costs and charges incurred by the City for the removal, care and storage of an advertising device that is erected or displayed in contravention of a City by-law are a lien on the advertising device that may be enforced by the City under the *Repair and Storage Liens Act*. 2006, c. 32, Sched. B, s. 23.

##### **Disposal costs**

(3) All costs and charges incurred for disposing of an advertising device described in subsection (2) may be recovered by the City as a debt owed by the owner of the device. 2006, c. 32, Sched. B, s. 23.

#### **Section Amendments with date in force (d/m/y) [ + ]**

### LAND USE PLANNING

##### **Demolition and conversion of residential rental properties**

**111** (1) The City may prohibit and regulate the demolition of residential rental properties and may prohibit and regulate the conversion of residential rental properties to a purpose other than the purpose of a residential rental property. 2006, c. 11, Sched. A, s. 111 (1).

##### **Same**

(2) The power to pass a by-law respecting a matter described in subsection (1) includes the power,

- (a) to prohibit the demolition of residential rental properties without a permit;
- (b) to prohibit the conversion of residential rental properties to a purpose other than the purpose of a residential rental property without a permit; and
- (c) to impose conditions as a requirement of obtaining a permit. 2006, c. 11, Sched. A, s. 111 (2).

##### **Agreements**

(2.1) If a condition referred to in clause (2) (c) requires an owner of land to which a by-law passed under this section applies to enter into an agreement with the City, the City may,

- (a) register the agreement against the title to the land to which it applies; and
- (b) enforce the agreement against the owner and any subsequent owners of the land. 2017, c. 10, Sched. 2, s. 12.

#### **Restriction**

(3) The City cannot prohibit or regulate the demolition or conversion of a residential rental property that contains less than six dwelling units. 2006, c. 11, Sched. A, s. 111 (3).

#### **Effect of building code, etc.**

(4) Despite section 35 of the *Building Code Act, 1992*, in the event that the *Building Code Act, 1992* or a regulation made under that Act and a by-law prohibiting or regulating the demolition or conversion of a residential rental property treat the same subject matter in different ways, that Act or the regulation under that Act prevails and the by-law is inoperative to the extent that the Act or regulation and the by-law treat the same subject matter. 2006, c. 11, Sched. A, s. 111 (4).

#### **Same**

(5) If a permit to demolish a residential rental property is issued under this section, no permit is required under section 8 of the *Building Code Act, 1992* to demolish the property. 2006, c. 11, Sched. A, s. 111 (5).

#### **Report**

(6) The City shall report statistics and other information concerning the demolition and conversion of residential rental properties to the Minister of Municipal Affairs and Housing and shall do so at the times and in the form and manner specified by the Minister. 2006, c. 11, Sched. A, s. 111 (6).

#### **Section Amendments with date in force (d/m/y) [ + ]**

**112 REPEALED:** 2006, c. 32, Sched. B, s. 24.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Zoning by-laws re area, density and height**

**113** (1) The authority to regulate provided in paragraph 4 of subsection 34 (1) of the *Planning Act* includes and, despite the decision of any court, is deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the City or in the area or areas defined in the by-law. 2006, c. 11, Sched. A, s. 113 (1).

##### **Zoning with conditions**

(2) If the official plan in effect in the City contains policies relating to zoning with conditions, the City may, in a by-law passed under section 34 of the *Planning Act*, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location. 2006, c. 11, Sched. A, s. 113 (2).

#### **Same**

(2.1) The prescribed conditions referred to in subsection (2) may be made subject to such limitations as may be prescribed. 2006, c. 32, Sched. B, s. 25.

#### **Same**

(3) When a prescribed condition is imposed under subsection (2),

- (a) the City may require an owner of land to which the by-law applies to enter into an agreement with the City relating to the condition;
- (b) the agreement may be registered against the land to which it applies; and
- (c) the City may enforce the agreement against the owner and any and all subsequent owners of the land. 2006, c. 11, Sched. A, s. 113 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Notice or public meeting not required**

**113.1** Despite section 34 of the *Planning Act*, the City may amend by-laws passed under that section without giving notice to any person and without holding open houses, public meetings or public hearings if the effect of the amending by-law is only to set out the municipal addresses to which the original by-law applies. 2006, c. 32, Sched. B, s. 26.

**Section Amendments with date in force (d/m/y) [ + ]****Front yard parking****Definitions**

**113.2 (1)** In this section,

“front yard” means that portion of private property located between the front wall of a residential building on the property and the abutting public highway; (“cour avant”)

“front yard parking” means the parking of a private passenger motor vehicle or motorcycle in a front yard. (“stationnement en cour avant”) 2006, c. 32, Sched. B, s. 26.

**Conflict between by-laws**

(2) Despite section 71 of the *Planning Act*, in the event of a conflict between a by-law passed under sections 7 and 8 authorizing front yard parking and a by-law passed under the *Planning Act*, or a predecessor of that Act, prohibiting front yard parking, the by-law passed under sections 7 and 8 prevails. 2006, c. 32, Sched. B, s. 26.

**Section Amendments with date in force (d/m/y) [ + ]****Site plan control area****Definition**

**114 (1)** In this section,

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act*. 2006, c. 11, Sched. A, s. 114 (1).

**Exception**

(1.1) The definition of “development” in subsection (1) does not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007. 2017, c. 23, Sched. 3, s. 18 (1).

**Establishment of site plan control area**

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the City may, by by-law, designate the whole or any part of such area as a site plan control area. 2006, c. 11, Sched. A, s. 114 (2).

**Designation of site plan control area**

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34 of the *Planning Act*. 2006, c. 11, Sched. A, s. 114 (3).

**Consultation**

(4) The City,

(a) shall permit applicants to consult with the City before submitting plans and drawings for approval under subsection (5); and

(b) may, by by-law, require applicants to consult with the City as described in clause (a). 2006, c. 11, Sched. A, s. 114 (4).

**Approval of plans or drawings**

(5) No person shall undertake any development in an area designated under subsection (2) unless the City or, where a referral has been made under subsection (15), the Local Planning Appeal Tribunal has approved one or both, as the City may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (11) (a), including facilities designed to have regard for accessibility for persons with disabilities.
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display,
  - i. the massing and conceptual design of the proposed building,
  - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access,
  - iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
  - iv. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the City,
  - v. the sustainable design elements on any adjoining highway under the City's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the City, and
  - vi. facilities designed to have regard for accessibility for persons with disabilities. 2006, c. 11, Sched. A, s. 114 (5); 2017, c. 23, Sched. 3, s. 18 (2, 3).

#### **Exclusions from site plan control**

(6) The following matters are not subject to site plan control:

1. The interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 iii of subsection (5).
3. The manner of construction and construction standards. 2006, c. 11, Sched. A, s. 114 (6).

#### **Dispute about scope of site plan control**

(7) The owner of land or the City may make a motion for directions to have the Local Planning Appeal Tribunal determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (5) is subject to site plan control. 2006, c. 11, Sched. A, s. 114 (7); 2017, c. 23, Sched. 5, s. 9 (1).

#### **Final determination**

(8) The Local Planning Appeal Tribunal's determination under subsection (7) is not subject to appeal or review. 2006, c. 11, Sched. A, s. 114 (8); 2017, c. 23, Sched. 5, s. 9 (2).

#### **Drawings for residential buildings**

(9) Despite the exception provided in paragraph 2 of subsection (5), city council may require the drawings mentioned in that paragraph for a building to be used for residential purposes containing less than 25 dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area in which such drawings may be required. 2006, c. 11, Sched. A, s. 114 (9).

**Proviso**

(10) Nothing in this section is deemed to confer on the City power to limit the height or density of buildings to be erected on the land. 2006, c. 11, Sched. A, s. 114 (10).

**Conditions to approval of plans**

(11) As a condition to the approval of the plans and drawings referred to in subsection (5), the City may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the City any or all of the following:

(i) subject to subsection (12), widenings of highways that abut on the land,

(ii) facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs,

(iii) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,

(iv) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access,

(iv.1) facilities designed to have regard for accessibility for persons with disabilities;

(v) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon,

(vi) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands,

(vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material,

(viii) easements conveyed to the City for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the City on the land,

(ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the City and at the sole risk and expense of the owner any or all of the facilities or works mentioned in subclauses (a) (ii) to (ix), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the City dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (e) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (5);

(d) enter into one or more agreements with the City ensuring that development proceeds in accordance with the plans and drawings approved under subsection (5);

(e) subject to subsection (13), convey part of the land to the City to the satisfaction of and at no expense to the City for a public transit right of way. 2006, c. 11, Sched. A, s. 114 (11); 2017, c. 23, Sched. 3, s. 18 (4).

**Widening must be described in official plan**

(12) An owner may not be required to provide a highway widening under subclause (11) (a) (i) unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described. 2006, c. 11, Sched. A, s. 114 (12).

**Limitation**

(13) An owner of land may not be required to convey land under clause (11) (e) unless the public transit right of way to be provided is shown on or described in an official plan. 2006, c. 11, Sched. A, s. 114 (13).

**Registration of agreements**

(14) Any agreement entered into under clause (11) (c) or (d) may be registered against the land to which it applies and the City is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 11, Sched. A, s. 114 (14).

**Appeal to L.P.A.T. re approval of plans or drawings**

(15) If the City fails to approve the plans or drawings referred to in subsection (5) within 30 days after they are submitted to the City, the owner may appeal the failure to approve the plans or drawings to the Local Planning Appeal Tribunal by filing with the city clerk a notice of appeal accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 2017, c. 23, Sched. 3, s. 18 (5).

**Appeal to L.P.A.T. re requirement under subs. (11)**

(15.1) If the owner of the land is not satisfied with any requirement made by the City under subsection (11) or with any part thereof, including the terms of any agreement required, the owner may appeal the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to the Local Planning Appeal Tribunal by filing with the city clerk a notice of appeal accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 2017, c. 23, Sched. 3, s. 18 (5).

**City clerk to forward plans and drawings, etc. to L.P.A.T.**

(15.2) If the city clerk receives a notice of appeal under subsection (15) or (15.1), the city clerk shall ensure that the following are forwarded to the Local Planning Appeal Tribunal within 15 days after the notice is filed:

1. The notice of appeal.
2. The fee.
3. The plans and drawings submitted for approval under subsection (5).
4. In the case of an appeal under subsection (15.1), documents that set out the requirements made by the municipality under subsection (11). 2017, c. 23, Sched. 3, s. 18 (5).

**Hearing**

(16) The Local Planning Appeal Tribunal shall hear and determine the matter in issue and determine the details of the plans or drawings and determine the requirements, including the provisions of any agreement required. 2017, c. 23, Sched. 3, s. 18 (5).

**Classes of development, delegation**

(17) Where the City has designated a site plan control area under this section, the City may, by by-law,

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (5); and
- (b) delegate to either a committee of city council or to an appointed officer of the City identified in the by-law either by name or position occupied, any of the City's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a). 2006, c. 11, Sched. A, s. 114 (17).

**Section Amendments with date in force (d/m/y) [ + ]****Development permit system**

**114.1** A regulation made under section 70.2 of the *Planning Act* may,

- (a) vary, supplement or override section 113 or 114 of this Act or any by-law passed under either of those sections as necessary to establish a development permit system;
- (b) authorize or require the City to pass a by-law to vary, supplement or override a by-law passed under section 113 or 114 as necessary to establish a development permit system;
- (c) if the City has adopted or established a development permit system,
  - (i) exempt it from any provision of section 113 or 114 set out in the regulation,
  - (ii) prohibit it from passing a by-law under those provisions of section 113 or 114 that are specified in the regulation. 2006, c. 32, Sched. B, s. 27.

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Appeal body for local land use planning matters**

**115** (1) The City may by by-law constitute and appoint one appeal body for local land use planning matters, composed of such persons as the City considers advisable, subject to subsections (2), (3) and (4). 2006, c. 11, Sched. A, s. 115 (1).

#### **Term and qualifications**

(2) A person who is appointed to the appeal body,

- (a) shall serve for the prescribed term, or if no term is prescribed, for the term specified in the by-law; and
- (b) shall have the prescribed qualifications, if any. 2006, c. 11, Sched. A, s. 115 (2).

#### **Eligibility criteria**

(3) In appointing persons to the appeal body, the City shall have regard to any prescribed eligibility criteria. 2006, c. 11, Sched. A, s. 115 (3).

#### **Restriction**

(4) The City shall not appoint to the appeal body a person who is,

- (a) a city employee;
- (b) a member of city council, a land division committee, a committee of adjustment or a planning advisory committee; or
- (c) a member of a prescribed class. 2006, c. 11, Sched. A, s. 115 (4).

#### **Power to hear appeals, etc.**

(5) The City may by by-law empower the appeal body to hear appeals or motions for directions, as the case may be, under,

- (a) subsections 114 (7), (15) and (15.1);
- (b) subsection 45 (12) of the *Planning Act*;
- (c) subsections 53 (4.1), (14), (19) and (27) of the *Planning Act*; or
- (d) the provisions listed in any combination of clauses (a), (b) and (c). 2017, c. 23, Sched. 3, s. 19 (1).

#### **Interpretation re appeals**

(5.1) The following rules apply if a by-law has been passed under subsection (5) empowering the appeal body to hear motions for directions under subsection 114 (7) of this Act or subsection 53 (4.1) of the *Planning Act*, or both:

1. References in this section to an appeal, other than in subsection (9), shall be read as including a reference to a motion for directions under either subsection 114 (7) of this Act or subsection 53 (4.1) of the *Planning Act*, or both, as the case may be.

2. The reference in subsection (8) to an appellant shall be read as including a reference to a person or public body making a motion for directions under either subsection 114 (7) of this Act or subsection 53 (4.1) of the *Planning Act*, or both, as the case may be. 2017, c. 23, Sched. 3, s. 19 (1).

**Effect of by-law under subs. (5)**

(6) If a by-law has been passed under subsection (5),

- (a) the appeal body has all the powers and duties of the Local Planning Appeal Tribunal under this section and the relevant provisions of the *Planning Act*;
- (b) all references in this section and section 114 and in the *Planning Act* to the Local Planning Appeal Tribunal in connection with appeals under the relevant provisions shall be read as references to the appeal body; and
- (c) appeals under the relevant provisions shall be made to the appeal body, not to the Local Planning Appeal Tribunal. 2017, c. 23, Sched. 3, s. 19 (1).

**Prescribed requirements**

(7) The appeal body shall comply with any prescribed requirements, including, without limitation, requirements for the rules governing the practice and procedure before the appeal body. 2006, c. 11, Sched. A, s. 115 (7).

**Fee**

(8) An appellant shall pay to the appeal body any fee that the City establishes by by-law. 2006, c. 11, Sched. A, s. 115 (8).

**Appeal**

(9) An appeal lies from the appeal body to the Divisional Court, with leave of the Divisional Court, on a question of law. 2006, c. 11, Sched. A, s. 115 (9).

**Exception**

(9.1) Subsection (9) does not apply in respect of a motion for directions under subsection 114 (7) of this Act or subsection 53 (4.1) of the *Planning Act*. 2017, c. 23, Sched. 3, s. 19 (2).

**Exception, related appeals**

(10) Despite subsection (6), an appeal under a provision listed in subsection (5) shall be made to the Local Planning Appeal Tribunal, not to the appeal body, if a related appeal,

- (a) has previously been made to the Tribunal and has not yet been finally disposed of; or
- (b) is made to the Tribunal together with the appeal under a provision listed in subsection (5). 2017, c. 23, Sched. 5, s. 10 (1).

**Same**

(11) For the purpose of subsections (10) and (14), an appeal is a related appeal with respect to an appeal under a provision listed in subsection (5) if it is made,

- (a) in respect of the same matter as the appeal under a provision listed in subsection (5); and
- (b) under another provision listed in subsection (5) in respect of which the appeal body has not been empowered, under section 17, 22, 34, 36, 38 or 51 of the *Planning Act* or under a regulation made under section 70.2 of that Act. 2017, c. 23, Sched. 3, s. 19 (3).

**Dispute about application of subs. (10) or (14)**

(12) A person may make a motion for directions to have the Local Planning Appeal Tribunal determine a dispute about whether subsection (10) or (14) applies to an appeal. 2017, c. 23, Sched. 3, s. 19 (4).

**Final determination**

(13) The Local Planning Appeal Tribunal's determination under subsection (12) is not subject to appeal or review. 2006, c. 11, Sched. A, s. 115 (13); 2017, c. 23, Sched. 5, s. 10 (2).

**L.P.A.T. to assume jurisdiction**

(14) If an appeal has been made to the appeal body under a provision listed in subsection (5) but no hearing has begun, and a notice of appeal is filed with the Local Planning Appeal Tribunal in respect of a related appeal, the Tribunal shall assume jurisdiction to hear the first-mentioned appeal. 2017, c. 23, Sched. 3, s. 19 (5).

**Same**

(15) When the Local Planning Appeal Tribunal assumes jurisdiction as described in subsection (14), the appeal body,

- (a) shall immediately forward to the Tribunal all information and material in its possession that relates to the appeal; and
- (b) shall not take any further action with respect to the appeal. 2017, c. 23, Sched. 5, s. 10 (3).

**Withdrawal of power**

(16) The Minister may by order, accompanied by a written explanation for it, withdraw the power given to the appeal body under subsections (5) and (6), and the order may be in respect of the appeals specified in the order, subject to subsection (17), or in respect of any or all appeals made after the order is made. 2006, c. 11, Sched. A, s. 115 (16).

**Exception**

(17) An order made under subsection (16) does not apply to an appeal if the hearing before the appeal body has begun on or before the date of the order. 2006, c. 11, Sched. A, s. 115 (17).

**Effect of withdrawal**

(18) If an order is made under subsection (16),

- (a) the Local Planning Appeal Tribunal shall hear all appeals to which the order applies; and
- (b) the appeal body shall forward to the Tribunal all information and material in its possession that relates to any appeal to which the order applies. 2017, c. 23, Sched. 5, s. 10 (4).

**Revocation of withdrawal**

(19) The Minister may by order, accompanied by a written explanation for it, revoke all or part of an order made under subsection (16). 2006, c. 11, Sched. A, s. 115 (19).

**Exception**

(20) An order made under subsection (19) does not apply to an appeal if the hearing before the Local Planning Appeal Tribunal has begun on or before the date of the order. 2006, c. 11, Sched. A, s. 115 (20); 2017, c. 23, Sched. 5, s. 10 (5).

**Effect of revocation**

(21) If an order is made under subsection (19),

- (a) the appeal body shall hear all appeals to which the order applies; and
- (b) the Local Planning Appeal Tribunal shall forward to the appeal body all information and material in its possession that relates to any appeal to which the order applies. 2006, c. 11, Sched. A, s. 115 (21); 2017, c. 23, Sched. 5, s. 10 (6).

**Dissolution of appeal body**

(21.1) Subject to subsections (21.2) and (21.3), the Minister may by order dissolve the appeal body. 2017, c. 10, Sched. 2, s. 13.

**Rules re dissolution order**

(21.2) If the Minister makes an order under subsection (21.1), the following rules apply:

1. In respect of an appeal that is made to the appeal body on or before the date the order is made and for which a hearing before the appeal body has not begun on or before that date, the appeal shall be heard by the Local Planning Appeal Tribunal and the appeal body shall forward to the Tribunal all information and material in its possession that relates to any such appeal.
2. The appeal body shall continue to hear an appeal for which a hearing has begun on or before the date of the order.

3. An appeal under a provision listed in subsection (5) shall be made to the Local Planning Appeal Tribunal. 2017, c. 10, Sched. 2, s. 13; 2017, c. 23, Sched. 5, s. 11.

**Effective date of order under subs. (21.1)**

(21.3) An order made under subsection (21.1) shall take effect on the following:

1. If there are no appeals referred to in subsection (21.2) before the appeal body, the date on which the order is made.
2. If there are one or more appeals referred to in subsection (21.2) before the appeal body, the day on which the appeal body has finally disposed of all of those appeals. 2017, c. 10, Sched. 2, s. 13.

**Not regulation**

(21.4) An order of the Minister under subsection (21.1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2017, c. 10, Sched. 2, s. 13.

**Transition**

(22) This section does not apply to the following:

1. An appeal under subsection 45 (12) of the *Planning Act*, if the decision of the committee in respect of which a notice of appeal is filed is made before the day on which a by-law passed under subsection (5) of this section by the City that empowers the appeal body to hear that type of appeal comes into force.
2. An appeal under subsection 53 (19) or (27) of the *Planning Act*, if the notice under subsection 53 (17) or (24) of that Act, as the case may be, is given before the day on which a by-law passed under subsection (5) of this section by the City that empowers the appeal body to hear that type of appeal comes into force.
3. An appeal under subsection 114 (7), (15) or (15.1) of this Act or subsection 53 (4.1) or (14) of the *Planning Act*, if the appeal is made before the day on which a by-law passed under subsection (5) of this section by the City that empowers the appeal body to hear that type of appeal comes into force. 2017, c. 23, Sched. 3, s. 19 (6).

**Deeming rule re appeals under subs. 53 (4.1) of the *Planning Act***

(23) If the City has, before the day subsection 19 (1) of Schedule 3 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, passed a by-law under subsection (5) empowering the appeal body to hear appeals under subsections 53 (14), (19) and (27) of the *Planning Act*, the by-law is deemed to empower the appeal body to hear appeals under subsection 53 (4.1) of that Act that are made on or after that day. 2017, c. 23, Sched. 3, s. 19 (6).

**Section Amendments with date in force (d/m/y) [ + ]**

## REGULATIONS

**Regulations re toll highways**

**116 (1)** The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of section 41, including,

- (a) requiring the City to obtain the approval of any person or body before designating, operating or maintaining a highway as a toll highway;
- (b) providing for criteria which must be met before the City can designate, operate or maintain a highway as a toll highway;
- (c) imposing conditions and limitations on the powers of the City to designate, operate or maintain a highway as a toll highway;
- (d) granting the City additional powers with respect to the operation and maintenance of a toll highway, including powers with respect to the collection and enforcement of tolls imposed for the use of a toll highway;
- (e) without limiting clause (d), providing that the provisions of the *Capital Investment Plan Act, 1993* and the regulations under that Act which relate to toll highways apply to the City with such changes as are prescribed;

- (f) establishing process requirements with respect to the designation, operation and maintenance of a highway as a toll highway, including requiring the City to provide notice to the Minister of Municipal Affairs and Housing or any other person or body of its intention to designate a highway as a toll highway;
- (g) providing that the Minister of Municipal Affairs and Housing or any other person or body who receives notice under clause (f) may prohibit the City from making the designation even though the designation is otherwise authorized under the regulation. 2006, c. 11, Sched. A, s. 116 (1).

**Conflicts**

(2) In the event of a conflict between a regulation made under this section and a provision of any Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 116 (2).

**Regulations re highways and bridges**

**117** (1) The Minister of Transportation may make regulations establishing minimum standards of repair for highways and bridges or any class of them. 2006, c. 11, Sched. A, s. 117 (1).

**General or specific**

(2) The minimum standards may be general or specific in their application. 2006, c. 11, Sched. A, s. 117 (2).

**Adoption by reference**

(3) A regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Minister of Transportation considers desirable, any code, standard or guideline, as it reads at the time the regulation is made or as it is amended from time to time, whether before or after the regulation is made. 2006, c. 11, Sched. A, s. 117 (3).

**Regulations re administrative penalties, parking by-laws**

**118** (1) Upon the recommendation of the Attorney General, the Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of section 81, including,

- (a) granting the City powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;
- (b) imposing conditions and limitations on the City's powers with respect to administrative penalties;
- (c) providing for the refusal by the Registrar of Motor Vehicles to validate vehicle permits issued, or to issue vehicle permits, to a person who had not paid an administrative penalty that is owing to the City. 2006, c. 11, Sched. A, s. 118 (1).

**Conflict**

(2) In the event of a conflict between a regulation made under this section and a provision of this or any other Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 118 (2).

**Regulations re business licences**

**119** (1) The Minister of Municipal Affairs and Housing may make regulations,

- (a) exempting any business or class of business from all or any part of a by-law providing for a system of licences with respect to a business under any Act, including self-regulated businesses;
- (b) imposing conditions and limitations on the powers of the City under this Act to provide for a system of licences with respect to a business;
- (c) prohibiting the City from imposing on any business, in respect of which a provincial certificate has been issued, a condition on a licence requiring testing on the subject matter of the certification. 2006, c. 11, Sched. A, s. 119 (1).

**Scope**

(2) A regulation under this section may,

- (a) be retroactive for a period not exceeding one year;
- (b) require the City to return licence fees collected during that period;
- (c) require the City to use the licence fees in the prescribed manner. 2006, c. 11, Sched. A, s. 119 (2).

**Definition**

(3) In this section,

“business” means business as defined in section 85. 2006, c. 32, Sched. B, s. 30.

**Section Amendments with date in force (d/m/y) [ + ]****Regulations re reciprocal licensing arrangements**

**120** For the purpose of subsection 91 (1), the Minister of Municipal Affairs and Housing may prescribe the bodies performing a public function and may impose conditions and limitations on the powers of the City to enter into agreements with those bodies. 2006, c. 11, Sched. A, s. 120.

**Regulations re closing of business premises**

**121** The Minister of Municipal Affairs and Housing may make regulations prescribing goods and services for the purpose of clause 97 (3) (b). 2006, c. 11, Sched. A, s. 121.

**Regulations re zoning by-laws**

**122** The Minister of Municipal Affairs and Housing may make regulations prescribing conditions for the purposes of subsection 113 (2). 2006, c. 11, Sched. A, s. 122.

**Same**

**122.1** The Minister of Municipal Affairs and Housing may make regulations prescribing limitations for the purposes of subsection 113 (2.1). 2006, c. 32, Sched. B, s. 31.

**Section Amendments with date in force (d/m/y) [ + ]****Regulations re appeal body for local land use planning matters**

**123** The Minister of Municipal Affairs and Housing may make regulations,

- (a) prescribing a term for the purpose of clause 115 (2) (a) and qualifications for the purpose of clause 115 (2) (b);
- (b) prescribing eligibility criteria for the purpose of subsection 115 (3);
- (c) prescribing classes for the purpose of clause 115 (4) (c);
- (d) prescribing requirements for the purpose of subsection 115 (7);
- (e) respecting appeals that are affected by orders made under subsections 115 (16), (18), (19) and (21). 2006, c. 11, Sched. A, s. 123.

**PART IV  
THE CITY AND ITS GOVERNANCE**

**INTERPRETATION**

**Definitions**

**124** In this Part,

“proposal for minor restructuring” means a proposal that provides for one or more restructurings which the Minister of Municipal Affairs and Housing, after reviewing the proposal, is of the opinion is of a minor nature; (“proposition de restructuration mineure”)

“restructuring” means annexing part of the City to another local municipality or annexing part of another local municipality to the City and making any changes to the boundaries of upper-tier municipalities necessary to reflect the annexation. (“restructuring”) 2006, c. 11, Sched. A, s. 124.

## THE CITY

### City continued

**125 (1)** The City of Toronto is hereby continued as a body corporate that is composed of the inhabitants of its geographic area. 2006, c. 11, Sched. A, s. 125 (1).

### Transition

(2) Without limiting subsection (1), the name and boundaries of the City on the day on which the City is continued are the same as they were immediately before the City was continued. 2006, c. 11, Sched. A, s. 125 (2).

### Status

(3) The City is a municipality and has the status of a single-tier municipality for all purposes. 2006, c. 11, Sched. A, s. 125 (3).

### Non-application of *Corporations Act*, etc.

(4) The *Corporations Act* and the *Corporations Information Act* do not apply to the City. 2006, c. 11, Sched. A, s. 125 (4).

**Note: On the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, subsection 125 (4) of the Act is repealed and the following substituted: (See: 2017, c. 20, Sched. 8, s. 73 (1))**

#### Non-application of Acts

(4) The *Not-for-Profit Corporations Act, 2010* and the *Corporations Information Act* do not apply to the City. 2017, c. 20, Sched. 8, s. 73 (1).

#### Local boards and *Not-for-Profit Corporations Act, 2010*

(5) Except as prescribed, the *Not-for-Profit Corporations Act, 2010* does not apply to a local board that is a body corporate. 2017, c. 20, Sched. 8, s. 73 (1).

#### Regulations

(6) The Lieutenant Governor in Council may, by regulation, prescribe for the purposes of subsection (5),

- (a) a local board;
- (b) the provisions of the *Not-for-Profit Corporations Act, 2010* that are to apply to the local board; and
- (c) any modifications subject to which those provisions are to apply to the local board. 2017, c. 20, Sched. 8, s. 73 (1).

#### Definition

(7) In this section,

“local board” means a local board other than,

- (a) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*,
- (b) a board of management established under the *Long-Term Care Homes Act, 2007*,
- (c) a body corporate established under the *Planning Act*, or
- (d) a city board established under this Act. 2017, c. 20, Sched. 8, s. 73 (1).

### Section Amendments with date in force (d/m/y) [ + ]

#### Change of name

**126 (1)** Without limiting sections 7 and 8, those sections authorize the City to change its name. 2006, c. 11, Sched. A, s. 126 (1).

#### Conflict

(2) In the event of a conflict between a by-law described in subsection (1) and any other provision of this or any other Act or a conflict with a regulation made under any other Act, the by-law prevails. 2006, c. 11, Sched. A, s. 126 (2).

**Restriction**

(3) The new name cannot be the same as the name of another municipality. 2006, c. 11, Sched. A, s. 126 (3).

**Notification**

(4) The City shall send a copy of the by-law to the Director of Titles appointed under the *Land Titles Act* and to the Minister of Municipal Affairs and Housing promptly after its passage. 2006, c. 11, Sched. A, s. 126 (4).

**Status unchanged**

(5) A change of name does not affect the status of the City as a single-tier municipality or the rights or obligations of the City. 2006, c. 11, Sched. A, s. 126 (5).

**Wards continued**

**127** (1) Without limiting subsection 125 (1), the wards of the City on the day on which the City is continued by that subsection are the same as they were immediately before the City was continued. 2006, c. 11, Sched. A, s. 127.

**Application**

(2) This section does not apply after city council is organized following the 2018 regular election. 2018, c. 11, Sched. 1, s. 4.

**Section Amendments with date in force (d/m/y) [ + ]****Division of wards after 2018 regular election**

**128** (1) On the day city council is organized following the 2018 regular election, the City is divided into wards whose boundaries are identical to those of the electoral districts for Ontario that are within the boundaries of the City. 2018, c. 11, Sched. 1, s. 5.

**Same**

(2) For the purposes of subsection (1), the electoral districts for Ontario are those determined under the *Representation Act, 2015* as it read on the day the *Better Local Government Act, 2018* received Royal Assent. 2018, c. 11, Sched. 1, s. 5.

**Conduct of 2018 regular election**

(3) The 2018 regular election shall be conducted as if the division of the City into wards, as determined under subsections (1) and (2), was already in effect. 2018, c. 11, Sched. 1, s. 5.

**Regulations**

(4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section. 2018, c. 11, Sched. 1, s. 5.

**Retroactivity**

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed. 2018, c. 11, Sched. 1, s. 5.

**Conflicts**

(6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails. 2018, c. 11, Sched. 1, s. 5.

**Same**

(7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails. 2018, c. 11, Sched. 1, s. 5.

**Section Amendments with date in force (d/m/y) [ + ]****By-law not passed**

**129** A by-law passed under section 128, as that section read immediately before the *Better Local Government Act, 2018* received Royal Assent, is deemed not to have been passed. 2018, c. 11, Sched. 1, s. 5.

**Section Amendments with date in force (d/m/y) [ + ]****CITY COUNCIL****City council continued**

**130** (1) Without limiting subsection 125 (1), the composition of city council on the day on which the City is continued by that subsection is the same as it was immediately before the City was continued. 2006, c. 11, Sched. A, s. 130.

**Application**

(2) This section does not apply after city council is organized following the 2018 regular election. 2018, c. 11, Sched. 1, s. 6.

**Section Amendments with date in force (d/m/y) [ + ]****Role of city council**

**131** It is the role of city council,

- (a) to represent the public and to consider the well-being and interests of the City;
- (b) to develop and evaluate the policies and programs of the City;
- (c) to determine which services the City provides;
- (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
- (e) to ensure the accountability and transparency of the operations of the City, including the activities of the senior management of the City;
- (f) to maintain the financial integrity of the City; and
- (g) to carry out the duties of council under this or any other Act. 2006, c. 11, Sched. A, s. 131.

**Powers of city council**

**132** (1) The powers of the City shall be exercised by city council. 2006, c. 11, Sched. A, s. 132 (1).

**Same**

(2) Anything begun by one council may be continued and completed by a succeeding council. 2006, c. 11, Sched. A, s. 132 (2).

**By-law**

(3) A power of the City, including the City's capacity, rights, powers and privileges under section 7, shall be exercised by by-law unless the City is specifically authorized to do otherwise. 2006, c. 11, Sched. A, s. 132 (3).

**Scope**

(4) Subsections (1) to (3) apply to all of the City's powers, whether conferred by this Act or otherwise. 2006, c. 11, Sched. A, s. 132 (4).

**Role of the mayor as head of council**

**133** (1) It is the role of the mayor of the City, as the head of council,

- (a) to act as chief executive officer of the City;
- (b) to preside over meetings of council so that its business can be carried out efficiently and effectively;
- (c) to provide leadership to council;

(d) to represent the City at official functions; and

(e) to carry out the duties of the head of council under this or any other Act. 2006, c. 11, Sched. A, s. 133 (1).

#### **Same**

(2) Without limiting clause (1) (c), the mayor's role includes providing information and making recommendations to council with respect to council's role under clauses 131 (d) and (e). 2006, c. 11, Sched. A, s. 133 (2).

#### **Substitution**

(3) The City may, with the consent of the head of council, appoint a member of council to act in the place of the head of council on any body, of which the head of council is a member by virtue of being head of council. 2006, c. 11, Sched. A, s. 133 (3).

#### **Role of the mayor as chief executive officer**

**134** As chief executive officer of the City, the mayor shall,

(a) uphold and promote the purposes of the City;

(b) promote public involvement in the City's activities;

(c) act as the representative of the City both within and outside the City, and promote the City locally, nationally and internationally;  
and

(d) participate in and foster activities that enhance the economic, social and environmental well-being of the City and its residents.  
2006, c. 11, Sched. A, s. 134.

#### **City council following 2018 regular election**

**135** (1) Commencing with the city council that is organized following the 2018 regular election, city council shall be composed of,

(a) the head of council; and

(b) other members, the number of which equals the number of wards as determined under section 128. 2018, c. 11, Sched. 1, s. 7.

#### **Rules re composition of city council**

(2) The following rules apply to the composition of city council:

1. The members of city council shall be elected in accordance with the *Municipal Elections Act, 1996*.

2. The head of council shall be elected by general vote.

3. One member of council shall be elected for each of the wards determined under section 128. 2018, c. 11, Sched. 1, s. 7.

#### **Conduct of 2018 regular election**

(3) The 2018 regular election shall be conducted as if the composition of city council, as determined under subsections (1) and (2), was already in effect. 2018, c. 11, Sched. 1, s. 7.

#### **Regulations**

(4) The Minister may make regulations for implementing the purposes, provisions and intention of this section and, without restricting the generality of the foregoing, the Minister may make regulations governing transitional matters that arise out of the implementation of this section. 2018, c. 11, Sched. 1, s. 7.

#### **Retroactivity**

(5) A regulation made under subsection (4) is, if it so provides, effective with reference to a period before it was filed. 2018, c. 11, Sched. 1, s. 7.

#### **Conflicts**

(6) In the event of a conflict between a regulation under subsection (4) and a provision of this Act or any other Act or regulation, the regulation made under subsection (4) prevails. 2018, c. 11, Sched. 1, s. 7.

**Same**

(7) In the event of a conflict between this section and a provision of any other Act or a regulation made under any other Act, this section prevails. 2018, c. 11, Sched. 1, s. 7.

**Section Amendments with date in force (d/m/y) [ + ]****Rules re previously passed by-law changing city council**

**135.1** (1) A by-law passed under section 135, as that section read immediately before the *Better Local Government Act, 2018* received Royal Assent, is deemed not to have been passed. 2018, c. 11, Sched. 1, s. 7.

**Exception re s. 83 (1) of the *Municipal Elections Act, 1996***

(2) An order shall not be made under subsection 83 (1) of the *Municipal Elections Act, 1996* by reason only of the clerk of the City doing anything, before a by-law passed under section 135 of this Act, as it read immediately before the *Better Local Government Act, 2018* received Royal Assent, in relation to the conduct of the 2018 regular election,

- (a) as if the by-law were not already in effect; or
- (b) as if the by-law were already in effect. 2018, c. 11, Sched. 1, s. 7.

**Section Amendments with date in force (d/m/y) [ + ]****OFFICERS AND EMPLOYEES OF THE CITY****Role of officers and employees**

**136** It is the role of the officers and employees of the City,

- (a) to implement the decisions of city council and to establish administrative practices and procedures to carry out those decisions;
- (b) to undertake research and provide advice to city council on the policies and programs of the City; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the City. 2006, c. 11, Sched. A, s. 136.

**City clerk**

**137** (1) The City shall appoint a clerk whose duty it is,

- (a) to record, without note or comment, all resolutions, decisions and other proceedings of city council;
- (b) if required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- (c) to keep the originals or copies of all by-laws and of all minutes of the proceedings of city council;
- (d) to perform the other duties required under this Act or under any other Act; and
- (e) to perform such other duties as are assigned by the City. 2006, c. 11, Sched. A, s. 137 (1).

**Deputy clerks**

(2) The City may appoint deputy clerks who have all the powers and duties of the clerk under this and any other Act. 2006, c. 11, Sched. A, s. 137 (2).

**Status**

(3) A clerk or deputy clerk is not required to be a city employee. 2006, c. 11, Sched. A, s. 137 (3).

**Delegation**

(4) The clerk may delegate in writing to any person, other than a member of council, any of the clerk's powers and duties under this and any other Act. 2006, c. 11, Sched. A, s. 137 (4).

**Same**

(5) The clerk may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 137 (5).

**City treasurer**

**138** (1) The City shall appoint a treasurer who is responsible for handling all of the financial affairs of the City on behalf of the City and in the manner directed by city council, including,

- (a) collecting money payable to the City and issuing receipts for those payments;
- (b) depositing all money received on behalf of the City in a financial institution designated by the City;
- (c) paying all debts of the City and other expenditures authorized by the City;
- (d) maintaining accurate records and accounts of the financial affairs of the City;
- (e) providing the council with such information with respect to the financial affairs of the City as it requires or requests;
- (f) ensuring investments of the City are made in compliance with the regulations made under Part VIII (Finances). 2006, c. 11, Sched. A, s. 138 (1).

**Deputy treasurers**

(2) The City may appoint deputy treasurers who shall have all the powers and duties of the treasurer under this or any other Act. 2006, c. 11, Sched. A, s. 138 (2).

**Not required to be an employee**

(3) A treasurer or deputy treasurer is not required to be a city employee. 2006, c. 11, Sched. A, s. 138 (3).

**Liability limited**

(4) The treasurer or deputy treasurer is not liable for money paid in accordance with the directions of the council of the City unless the disposition of the money is expressly provided for under any Act. 2006, c. 11, Sched. A, s. 138 (4).

**Delegation**

(5) The City may delegate to any person all or any of the powers and duties of the treasurer under this or any other Act with respect to the collection of taxes imposed under any Part of this Act. 2006, c. 11, Sched. A, s. 138 (5).

**Continuation despite delegation**

(6) The treasurer may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 138 (6).

**City auditor**

**139** (1) The City shall appoint an auditor licensed under the *Public Accounting Act, 2004* who is responsible for,

- (a) annually auditing the accounts and transactions of the City and its local boards and expressing an opinion on the financial statements of these bodies based on the audit; and
- (b) performing duties required by the City or local board. 2006, c. 11, Sched. A, s. 139 (1).

**Term**

(2) A city auditor shall not be appointed for a term exceeding five years. 2006, c. 11, Sched. A, s. 139 (2).

**Non-employee**

(3) Despite any Act, the city auditor shall not be a city employee or an employee of a local board of the City. 2006, c. 11, Sched. A, s. 139 (3).

**Reporting relationship**

(4) The auditor reports to city council. 2006, c. 11, Sched. A, s. 139 (4).

**Chief administrative officer**

**140** The City may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the City for the purpose of ensuring the efficient and effective operation of the City; and
- (b) performing such other duties as are assigned by the City. 2006, c. 11, Sched. A, s. 140.

## CITY BOARDS

### Power to establish city boards

**141 (1)** Without limiting sections 7 and 8, those sections authorize the City to establish a city board and to provide for the following matters:

1. The name, composition, quorum and budgetary process of the board.
2. The eligibility of persons to hold office as board members.
3. The manner of selecting board members, the resignation of members, the determination of when a member's seat becomes vacant and the filling of vacancies.
4. The term of office and remuneration of board members.
5. The number of votes of the board members.
6. The requirement that the board follow rules, procedures and policies established by the City.
7. The relationship between the City and the board, including their financial and reporting relationship. 2006, c. 11, Sched. A, s. 141 (1).

### Restriction

(2) A city board must be composed of at least two members. 2006, c. 11, Sched. A, s. 141 (2).

### Same, election of members

(3) The City cannot require any member of a city board to be elected to that office under the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 141 (3).

### Same, term of office

(4) The term of office of a member of a city board cannot exceed four years but members may be eligible for appointment for more than one term. 2006, c. 11, Sched. A, s. 141 (4); 2006, c. 32, Sched. B, s. 33.

### Same

(5) Despite subsection (4), the term of office of a member continues until his or her successor becomes a member of the board. 2006, c. 11, Sched. A, s. 141 (5).

### Same

(6) Except as otherwise provided by subsections (2) to (4), the following provisions apply with necessary modifications to a city board and its members as if they were city council and members of city council:

1. Section 193 (Absence of head).
2. Clauses 204 (c) to (h) (Vacant seat).
3. Sections 205 (Resignation as member), 209 (Term of office, vacancy) and 210 (Application to court). 2006, c. 11, Sched. A, s. 141 (6).

### Section Amendments with date in force (d/m/y) [ + ]

### Status of city boards

**142 (1)** A city board is a body corporate unless the City provides otherwise when establishing the board. 2006, c. 11, Sched. A, s. 142 (1).

### Agency

(2) A city board is an agent of the City. 2006, c. 11, Sched. A, s. 142 (2).

#### **Local board**

(3) A city board is a local board of the City for all purposes. 2006, c. 11, Sched. A, s. 142 (3).

#### **Non-application of *Corporations Act*, etc.**

(4) The *Corporations Act* and the *Corporations Information Act* do not apply to a city board that is a body corporate. 2006, c. 11, Sched. A, s. 142 (4).

**Note: On the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, subsection 142 (4) of the Act is repealed and the following substituted: (See: 2017, c. 20, Sched. 8, s. 73 (2))**

#### **Non-application of Acts**

(4) The *Not-for-Profit Corporations Act, 2010* and the *Corporations Information Act* do not apply to a city board that is a body corporate. 2017, c. 20, Sched. 8, s. 73 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Functions of city boards**

**143** (1) The City may give a city board the control and management of such municipal services and activities as the City considers appropriate and shall do so by delegating the powers and duties of the City to the board in accordance with this Act. 2006, c. 11, Sched. A, s. 143 (1).

##### **Powers and duties**

(2) The following provisions apply with necessary modifications to a city board, except as otherwise provided by a city by-law:

1. Section 7 (Powers of a natural person).
2. Part XV (Enforcement), except sections 374 (City entitlement to fines), 382 (Enforcement of agreements, etc.) and 388 (Closing premises, public nuisance).
3. Part XVI (Liability of the City). 2006, c. 11, Sched. A, s. 143 (2).

##### **Restriction**

(3) A power provided to a city board under subsection (2) is subject to any limits on and duties related to the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power. 2006, c. 32, Sched. B, s. 34.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Joint city boards**

**144** (1) The City may enter into agreements with one or more other municipalities to establish a joint city board and to provide for those matters which, in the opinion of the participating municipalities, are necessary or desirable to facilitate the establishment and operation of the joint board. 2006, c. 11, Sched. A, s. 144 (1).

##### **Same**

(2) The City may give to a joint city board the control and management of different municipal services or activities than those given to the board by the other municipalities and may give to a joint city board the control and management of different aspects of the municipal service or activity than the aspects given to the board by the other municipalities. 2006, c. 11, Sched. A, s. 144 (2).

##### **Powers, etc.**

(3) Subject to subsections (4) and (5), the provisions of this Act that apply to city boards also apply with necessary modifications to joint city boards. 2006, c. 11, Sched. A, s. 144 (3).

##### **Consent required**

(4) Except where otherwise specifically provided in any Act, an action of the City related to an existing or proposed joint city board is of no effect unless the City obtains the consent of all the other participating municipalities of which the board is a local board or will be a local board as a result of the action. 2006, c. 11, Sched. A, s. 144 (4).

#### **Exception**

(5) Despite subsection (4), an agreement under subsection (1) may provide for circumstances where the consent of the other participating municipalities is not required under subsection (4) or where only the consent of the municipalities specified in the agreement is required under subsection (4). 2006, c. 11, Sched. A, s. 144 (5).

#### **Powers and duties of other municipalities**

(6) If another municipality enters into an agreement described in subsection (1) with the City, the other municipality is deemed to have the same powers and duties as the City under this Act for the purposes of the establishment and operation of the joint board. 2006, c. 11, Sched. A, s. 144 (6).

#### **Same**

(7) Subsection (6) does not authorize the other municipality to give control and management of a municipal service or activity to the joint board if the municipality does not otherwise have the authority to provide the service or undertake the activity. 2006, c. 11, Sched. A, s. 144 (7).

#### **Power to dissolve or change local boards**

**145 (1)** Without limiting sections 7 and 8, those sections authorize the City to dissolve or change a local board. 2006, c. 11, Sched. A, s. 145 (1).

#### **Conflict**

(2) In the event of a conflict between a by-law described in subsection (1) and any provision of this or any other Act, excluding sections 141 to 147 of this Act, or in the event of a conflict with a regulation made under any other Act, the by-law prevails. 2006, c. 11, Sched. A, s. 145 (2).

#### **Restriction**

(3) Despite subsection (1), the City shall not, in accordance with that subsection, dissolve or change a local board which is,

- (a) a society as defined in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*;
- (b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*;
- (c) a committee of management established under the *Long-Term Care Homes Act, 2007*;
- (d) a board as defined in section 1 of the *Public Libraries Act*;
- (e) a police services board established under the *Police Services Act*;

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 145 (3) (e) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 10 (6))**

- (e) a police service board established under the *Community Safety and Policing Act, 2019*;
- (f) REPEALED: 2017, c. 10, Sched. 2, s. 14 (1).
- (g) a corporation established in accordance with section 148;
- (h) such other local boards as may be prescribed. 2006, c. 11, Sched. A, s. 145 (3); 2006, c. 32, Sched. B, s. 35; 2007, c. 8, s. 198 (2); 2017, c. 10, Sched. 2, s. 14 (1); 2017, c. 14, Sched. 4, s. 6 (2).

#### **Restriction re appeal body under s. 115**

(4) Despite subsection (1), the City shall not, in accordance with that subsection, dissolve an appeal body established under section 115. 2017, c. 10, Sched. 2, s. 14 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

**Scope of power to change a local board**

**146** Without limiting sections 7 and 8, the power of the City to change a local board under those sections includes the power to pass by-laws with respect to,

- (a) the matters described in paragraphs 1 to 7 of subsection 141 (1), subject to the restrictions set out in section 141;
- (b) the assumption of a power or duty of the board provided that, if the power or duty was delegated to the board by the City, the City cannot assume the power or duty if it cannot revoke the delegation;
- (c) the delegation of a power or duty to the board to the extent authorized under this Act;
- (d) the restriction or expansion of the mandate of the board. 2006, c. 11, Sched. A, s. 146.

**Dissolution, etc., of joint board**

**147** If the City passes a by-law in accordance with subsection 145 (1) to dissolve or change a local board which is a local board of the City and one or more other municipalities,

- (a) the by-law does not come into force until at least half of the municipalities, excluding the City, have passed a resolution giving their approval to the by-law;
- (b) when the by-law comes into force, the by-law is deemed to be a by-law passed by each of the municipalities of which the board is a local board. 2006, c. 11, Sched. A, s. 147; 2006, c. 32, Sched. B, s. 36.

**Section Amendments with date in force (d/m/y) [ + ]****CORPORATIONS****Power to establish corporations**

**148** (1) Without limiting sections 7 and 8, those sections authorize the City to do the following things in accordance with such conditions and restrictions as may be prescribed:

1. To establish corporations.
2. To nominate or authorize a person to act as an incorporator, director, officer or member of a corporation.
3. To exercise any power as a member of a corporation.
4. To acquire an interest in or to guarantee such securities issued by a corporation as may be prescribed.
5. To exercise any power as the holder of such securities issued by a corporation as may be prescribed. 2006, c. 11, Sched. A, s. 148 (1); 2006, c. 32, Sched. B, s. 37.

**Duties of corporations, etc.**

(2) A corporation established by the City and a secondary corporation and the directors and officers of the corporation shall comply with such requirements as may be prescribed. 2009, c. 33, Sched. 21, s. 4 (7).

**Exceptions**

(3) This section does not apply with respect to a corporation established under section 142 of the *Electricity Act, 1998*, a corporation established under section 13 of the *Housing Development Act*, a local housing corporation as defined in the *Housing Services Act, 2011* or any other corporation that the City is expressly authorized under any other Act to establish or control. 2006, c. 11, Sched. A, s. 148 (3); 2011, c. 6, Sched. 1, s. 186 (1).

**Definition**

(4) For the purposes of this section and section 154,

“secondary corporation” means a corporation established by a corporation that was established under subsection (1) and a corporation deemed under the regulations to be a secondary corporation. 2009, c. 33, Sched. 21, s. 4 (8).

**Regulations**

(5) The Lieutenant Governor in Council may make regulations providing that specified corporations are deemed to be secondary corporations. 2009, c. 33, Sched. 21, s. 4 (8).

## Section Amendments with date in force (d/m/y) [ + ]

### MUNICIPAL RESTRUCTURING

#### Proposal for minor restructuring

**149** (1) The City may, subject to subsection (2), make a proposal for minor restructuring of municipalities in a geographic area by submitting to the Minister of Municipal Affairs and Housing a restructuring report containing,

- (a) a description of the proposal in a form and in such detail as the Minister may require; and
- (b) proof in a form satisfactory to the Minister that,
  - (i) the proposal has the prescribed degree of support of the prescribed municipalities in the geographic area,
  - (ii) the support was determined in the prescribed manner,
  - (iii) the municipalities which support the proposal meet the prescribed criteria, and
  - (iv) the City consulted the public in the required manner. 2006, c. 11, Sched. A, s. 149 (1).

#### Limitation

(2) A proposal for minor restructuring shall not provide for a type of restructuring other than a prescribed type of restructuring. 2006, c. 11, Sched. A, s. 149 (2).

#### Consultation

(3) Before the council of the City or of another municipality votes on whether to support or oppose the proposal, the council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:

1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting.
2. Council shall consult with such persons or bodies as the Minister may prescribe.
3. Council may consult with such other persons and bodies as the council considers appropriate. 2006, c. 11, Sched. A, s. 149 (3).

#### Implementation

(4) The Minister may, by order, implement the proposal in accordance with the regulations if,

- (a) the proposal and report under subsection (1) meet the requirements of this section; and
- (b) in the opinion of the Minister, the proposal and report comply with the restructuring principles and standards established under clause 155 (1) (a). 2006, c. 11, Sched. A, s. 149 (4).

#### Amendment of proposal

(5) After the following requirements are met and despite subsection (4), the Minister may allow a proposal submitted under subsection (1) or under subsection 173 (1) of the *Municipal Act, 2001* to be amended and, if an order implementing the proposal has already been made, the Minister may make another order to implement the amended proposal:

1. An amended restructuring report setting out the amended proposal must be submitted to the Minister by the City.
2. The amended proposal must have the prescribed degree of support of the prescribed municipalities in the geographic area whose support was required for the original proposal.
3. The amended proposal must have the prescribed degree of support of the prescribed municipalities in the geographic area whose support would be required if the amended proposal were an original proposal.

4. The provisions of any order implementing the original proposal which are to be amended are not in force. 2006, c. 11, Sched. A, s. 149 (5).

**Same**

(6) An amended proposal and report submitted to the Minister under subsection (5) is deemed to have been submitted to the Minister under subsection (1) for the purposes of this section. 2006, c. 11, Sched. A, s. 149 (6).

**Same**

(7) If the Minister makes an order under subsection (4) or under subsection 173 (4) of the *Municipal Act, 2001* and then makes another order under subsection (5) implementing an amended proposal, the second order is deemed to have been made under subsection (4) or under subsection 173 (4) of the *Municipal Act, 2001*, as the case may be. 2006, c. 11, Sched. A, s. 149 (7).

**Limitation, restructuring principles and standards**

(8) If the Minister is not satisfied that the proposal and report meet the requirements of this section and comply with the restructuring principles and standards established under clause 155 (1) (a), the Minister shall not make an order implementing the proposal and he or she may refer the proposal and report back to the City for reconsideration. 2006, c. 11, Sched. A, s. 149 (8).

**Effect of order**

(9) A proposal and report is deemed to comply with the restructuring principles and standards established under clause 155 (1) (a) once an order implementing the proposal is made under subsection (4). 2006, c. 11, Sched. A, s. 149 (9).

**Filing**

(10) The Minister shall,

- (a) publish an order under subsection (4) in *The Ontario Gazette*; and
- (b) file a copy of an order under subsection (4) with each municipality to which the order applies. 2006, c. 11, Sched. A, s. 149 (10).

**Inspection**

(11) Each municipality described in clause (10) (b) shall make the order available for public inspection. 2006, c. 11, Sched. A, s. 149 (11).

**Not regulation**

(12) An order of the Minister under subsection (4) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 11, Sched. A, s. 149 (12); 2006, c. 11, Sched. B, s. 3 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Conflicts with official plan**

**150** A by-law of the City approving a proposal for minor restructuring under section 149 is not invalid on the ground that it conflicts with an official plan. 2006, c. 11, Sched. A, s. 150.

**Effect of Minister's order**

**151** (1) An order of the Minister under section 149,

- (a) is conclusive evidence that all conditions precedent to the making of the order have been complied with and that the municipalities have been restructured in accordance with this Act; and
- (b) prevails over any Act or regulation, other than this section, with which it conflicts and prevails over a regulation made under section 155, with which it conflicts. 2006, c. 11, Sched. A, s. 151 (1).

**Exceptions**

(2) Despite clause (1) (b), the City may exercise its powers with respect to any of the following matters before or after an order of the Minister under section 149 or under section 173 of the *Municipal Act, 2001* comes into force, unless the order precludes it expressly or by necessary implication:

1. Changing the name of the City.
2. Dissolving or changing local boards.
- 3., 4. REPEALED: 2018, c. 11, Sched. 1, s. 8.
5. Any other matter dealt with by a provision of an Act which provides, expressly or by necessary implication, that the provision or the exercise of power under the provision by the City prevails over an order of the Minister under section 149. 2006, c. 11, Sched. A, s. 151 (2); 2018, c. 11, Sched. 1, s. 8.

**Same**

(3) Despite clause (1) (b), an order described in subsection (1) does not affect any exemption or partial exemption from taxes or rates or any authority to provide for those exemptions in any Act. 2006, c. 11, Sched. A, s. 151 (3).

**Taxes**

(4) If, as a result of an order described in subsection (1), an area of the City is subject to taxes or rates which do not apply generally across the City, section 21 of the *Assessment Act* applies with respect to those taxes or rates as if the area were the whole City. 2006, c. 11, Sched. A, s. 151 (4).

**Section Amendments with date in force (d/m/y) [ + ]****REGULATIONS****Regulations re city council, etc.**

**152** (1) The Lieutenant Governor in Council may make regulations,

- (a) requiring the City to establish an executive committee from among the members of council and prescribing the composition, powers and duties of the committee, including, for example, requiring the committee to provide strategic directions for the City;
- (b) requiring the head of council to appoint the chairs and vice-chairs of specified committees of council and specified local boards;
- (c) requiring the head of council to appoint one or more deputy heads of council from among the members of council and prescribing the duties of the persons appointed;
- (d) requiring the head of council to nominate or to appoint one or more persons who will have the prescribed responsibilities, powers and duties of a chief administrative officer for the City;
- (e) establishing procedures for the appointment of persons who are nominated under clause (d) by the head of council;
- (f) establishing procedures relating to the dismissal of persons who are nominated or appointed under clause (d);
- (g) prescribing transitional matters relating to the exercise of powers and performance of duties under clauses (d) and (e);
- (h) requiring council to appoint specified committees composed of members of council elected from specified geographic areas of the City and requiring the City to delegate prescribed powers and duties to the committees;
- (i) specifying procedures for the adoption by the City of a budget under section 228 or the adoption or readoption of a budget under section 229;
- (j) specifying the duties of the head of council in respect of the adoption or readoption of such a budget by the City. 2006, c. 11, Sched. A, s. 152 (1).

**Conflict**

(2) In the event of a conflict between a regulation made under this section and a provision of this or any other Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 152 (2).

**Regulations re dissolution, etc., of local boards**

**153** For the purposes of section 145, the Minister of Municipal Affairs and Housing may make regulations, despite this or any other Act,

- (a) providing that any body performing any public function is a local board;
- (b) providing that a local board is a local board of the City;

- (c) providing that the City does not have the power to dissolve or change a local board specified in the regulation;
- (d) imposing conditions and limitations on the powers of the City;
- (e) providing that, for the purposes specified in the regulation, the City is deemed to be a local board of the type dissolved or changed;
- (f) providing that, for the purposes specified in the regulation, the City shall stand in the place of a local board dissolved or changed;
- (g) providing for matters that, in the opinion of the Minister, are necessary or desirable to allow the City to act as a local board, to exercise the powers of a local board or to stand in the place of a local board for any purpose;
- (h) providing that the provisions of any Act specified in the regulation do not apply to the City acting as a local board, exercising the powers of a local board or standing in the place of a local board for any purpose;
- (i) providing for the continuation, cessation or amendment of any or all by-laws and resolutions of a local board which is dissolved or changed under this section;
- (j) providing that the City or local board pay money to each other or another municipality or local board;
- (k) providing for transitional matters related to a dissolution of or change to a local board. 2006, c. 11, Sched. A, s. 153.

#### **Regulations re corporations**

**154** (1) For the purposes of section 148, the Lieutenant Governor in Council may make regulations governing the powers of the City referred to in that section and governing corporations established under subsection 148 (1) and secondary corporations, including regulations,

- (a) prescribing the purposes for which the City may exercise its powers referred to in that section and imposing conditions and restrictions on the use of those powers;
- (b) prescribing the purposes for which a corporation may carry on business or engage in activities;
- (c) prescribing securities for the purposes of paragraphs 4 and 5 of subsection 148 (1);
- (d) imposing conditions and requirements that apply to a corporation and its directors and officers;
- (e) providing that specified corporations are deemed not to be local boards for the purposes of any provision of this Act or for the purposes of the definition of “municipality” in such other Acts as may be specified;
- (f) providing that specified corporations are deemed for the purposes of any Act or specified provisions of an Act not to be operating a public utility in such circumstances as may be prescribed;
- (g) exempting the City from the application of section 82 with respect to specified corporations;
- (h) providing for transitional matters relating to the City’s exercise of its powers under that section or relating to a specified corporation’s exercise of its powers. 2006, c. 11, Sched. A, s. 154 (1); 2009, c. 33, Sched. 21, s. 4 (9).

#### **Conflict**

(2) If there is a conflict between a regulation made under this section and a provision of this Act, other than section 148, or of any other Act or a provision of any regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 154 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Additional regulation-making powers re corporations**

**154.1** (1) For the purposes of section 148, the Lieutenant Governor in Council may make regulations governing the powers of the City referred to in that section and governing the corporations established under that section, including regulations providing that specified corporations are deemed to be local boards for the purposes of any provision of this Act or for the purposes of the definition of “municipality” in such other Acts as may be specified. 2006, c. 32, Sched. B, s. 38.

#### **Saving**

(2) The power conferred by subsection (1) is in addition to the power conferred by section 154. 2006, c. 32, Sched. B, s. 38.

**Section Amendments with date in force (d/m/y) [ + ]****Regulations re minor restructuring****Minister**

**155** (1) The Minister of Municipal Affairs and Housing may make regulations,

- (a) establishing restructuring principles and standards that relate to proposals for minor restructuring under section 149;
- (b) for the purposes of section 149,
  - (i) establishing types of restructuring,
  - (ii) providing which municipalities may support a proposal for minor restructuring with respect to each type of restructuring,
  - (iii) providing for the degree of support required to support a proposal for minor restructuring with respect to each type of restructuring,
  - (iv) providing for the manner of determining the support, and
  - (v) providing for criteria which must be met by the municipalities supporting a proposal for minor restructuring;
- (c) providing that a municipality in a geographic area for which a proposal for minor restructuring has been submitted under subsection 149 (1),
  - (i) shall not exercise a specified power under any Act,
  - (ii) shall exercise, in the specified manner, a specified power under any Act,
  - (iii) shall obtain the approval of a person or body specified in the regulation before exercising any of its powers under any Act;
- (d) for the purpose of paragraph 2 of subsection 149 (3), prescribing the persons or bodies to be consulted. 2006, c. 11, Sched. A, s. 155 (1).

**Lieutenant Governor in Council**

(2) Despite any Act, the Lieutenant Governor in Council may make regulations setting out the powers that may be exercised by the Minister of Municipal Affairs and Housing in implementing a proposal for minor restructuring. 2006, c. 11, Sched. A, s. 155 (2).

**PART V  
ACCOUNTABILITY AND TRANSPARENCY**

**INTERPRETATION**

**Definitions**

**156** In this Part,

“city-controlled corporation” means a corporation that has 50 per cent or more of its issued and outstanding shares vested in the City or that has the appointment of a majority of its board of directors made or approved by the City, but does not include a local board; (“société contrôlée par la cité”)

“code of conduct” means a code of conduct established under section 157; (“code de déontologie”)

“grant recipient” means person or entity that receives a grant directly or indirectly from the City, a local board (restricted definition) or a city-controlled corporation; (“bénéficiaire d’une subvention”)

“local board (restricted definition)” means a local board other than,

- (a) a society as defined in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*,

- (b) a board of health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*,
- (c) a committee of management established under the *Long-Term Care Homes Act, 2007*,
- (d) a police services board established under the *Police Services Act*,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (d) of the definition of “local board (restricted definition)” in section 156 of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 10 (7))**

- (d) a police service board established under the *Community Safety and Policing Act, 2019*,
- (e) a board as defined in section 1 of the *Public Libraries Act*,
- (f) a corporation established in accordance with section 148,
- (g) such other local boards as may be prescribed; (“conseil local (définition restreinte)”)

“public office holder” means,

- (a) a member of city council and any person on his or her staff,
- (b) an officer or employee of the City,
- (c) a member of a local board (restricted definition) of the City and any person on his or her staff,
- (d) an officer, director or employee of a local board (restricted definition) of the City, and
- (e) such other persons as may be determined by city council who are appointed to any office or body by city council or by a local board (restricted definition) of the City. (“titulaire d’une charge publique”) 2006, c. 11, Sched. A, s. 156; 2007, c. 8, s. 198 (3); 2017, c. 14, Sched. 4, s. 6 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

### **CODE OF CONDUCT**

#### **Code of conduct**

**157** (1) The City shall establish codes of conduct for members of city council and members of local boards (restricted definition). 2006, c. 11, Sched. A, s. 157 (1).

#### **Same**

(2) Without limiting sections 7 and 8, those sections authorize the City to establish codes of conduct for members of city council and of local boards (restricted definition) of the City. 2006, c. 11, Sched. A, s. 157 (2).

#### **No offence or administrative penalty**

(3) A by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence or is required to pay an administrative penalty. 2017, c. 10, Sched. 2, s. 15.

#### **Regulations**

(4) The Minister may make regulations prescribing one or more subject matters that the City is required to include in a code of conduct. 2017, c. 10, Sched. 2, s. 15.

#### **Section Amendments with date in force (d/m/y) [ + ]**

### **INTEGRITY COMMISSIONER**

#### **Appointment of Commissioner**

**158** (1) The City shall appoint an Integrity Commissioner. 2006, c. 11, Sched. A, s. 158 (1).

#### **Reporting relationship**

(2) The Commissioner reports to city council. 2006, c. 11, Sched. A, s. 158 (2).

#### **Status**

(3) The Commissioner is not required to be a city employee. 2006, c. 11, Sched. A, s. 158 (3).

**Integrity Commissioner**

**159** (1) The Commissioner is responsible for performing in an independent manner the functions assigned by city council with respect to all of the following:

1. The application of the code of conduct for members of city council and the code of conduct for members of local boards (restricted definition).
2. The application of any procedures, rules and policies of the City and local boards (restricted definition) governing the ethical behaviour of members of city council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of city council and of local boards (restricted definition).
4. Requests from members of city council and of local boards (restricted definition) for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of city council and of local boards (restricted definition) for advice respecting their obligations under a procedure, rule or policy of the City or of the local board (restricted definition), as the case may be, governing the ethical behaviour of members.
6. Requests from members of city council and of local boards (restricted definition) for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of city council, members of local boards (restricted definition), the City and the public about the codes of conduct for members of city council and members of local boards (restricted definition) and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 2, s. 16 (1).

**Powers and duties**

(2) Subject to this Part, in carrying out these responsibilities, the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by city council. 2006, c. 11, Sched. A, s. 159 (2).

**Request for advice shall be in writing**

(2.1) A request by a member of city council or of a local board (restricted definition) for advice from the Commissioner under paragraph 4, 5 or 6 of subsection (1) shall be made in writing. 2017, c. 10, Sched. 2, s. 16 (2).

**Advice shall be in writing**

(2.2) If the Commissioner provides advice to a member of city council or of a local board (restricted definition) under paragraph 4, 5 or 6 of subsection (1), the advice shall be in writing. 2017, c. 10, Sched. 2, s. 16 (2).

**Content of educational information**

(2.3) If the Commissioner provides educational information to the public under paragraph 7 of subsection (1), the Commissioner may summarize advice he or she has provided but shall not disclose confidential information that could identify a person concerned. 2017, c. 10, Sched. 2, s. 16 (2).

**Delegation**

(3) The Commissioner may delegate in writing to any person, other than a member of city council, any of the Commissioner's powers and duties under this Part. 2006, c. 11, Sched. A, s. 159 (3).

**Same**

(4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 159 (4).

**Indemnity**

(5) The City shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority. 2017, c. 10, Sched. 2, s. 16 (3).

#### **Interpretation**

(6) For greater certainty, nothing in this section affects the application of section 391 with respect to a proceeding referred to in subsection (5) of this section. 2017, c. 10, Sched. 2, s. 16 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Inquiry by Commissioner**

**160** (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by city council, a member of council or a member of the public about whether a member of council or of a local board (restricted definition) has contravened the code of conduct applicable to the member; or
  - (b) in respect of a request made by a local board (restricted definition) or a member of a local board (restricted definition) about whether a member of the local board (restricted definition) has contravened the code of conduct applicable to the member.
- 2006, c. 11, Sched. A, s. 160 (1).

#### **Application of *Public Inquiries Act, 2009***

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry in accordance with the election. 2009, c. 33, Sched. 6, s. 46 (1).

#### **Information**

(3) The City and its local boards (restricted definition) shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2006, c. 11, Sched. A, s. 160 (3).

#### **Same**

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City or a local board (restricted definition) that the Commissioner believes to be necessary for an inquiry. 2006, c. 11, Sched. A, s. 160 (4).

#### **Penalties**

(5) City council may impose either of the following penalties on a member of council or of a local board (restricted definition) if the Commissioner reports to council that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006, c. 11, Sched. A, s. 160 (5).

#### **Same**

(6) The local board (restricted definition) may impose either of the penalties described in subsection (5) on its member if the Commissioner reports to the board that, in his or her opinion, the member has contravened the code of conduct, and if city council has not imposed a penalty on the member under subsection (5) in respect of the same contravention. 2006, c. 11, Sched. A, s. 160 (6).

#### **Termination of inquiry when regular election begins**

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 2, s. 17.

#### **Same**

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced. 2017, c. 10, Sched. 2, s. 17.

#### **Other rules that apply during regular election**

(9) The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act:

1. There shall be no requests for an inquiry about whether a member of council or of a local board (restricted definition) has contravened the code of conduct applicable to the member.
2. The Commissioner shall not report to the City council or local board (restricted definition) about whether, in his or her opinion, a member of council or of a local board (restricted definition) has contravened the code of conduct applicable to the member.
3. The City council or local board (restricted definition) shall not consider whether to impose the penalties referred to in subsection (5) on a member of council or of a local board (restricted definition). 2017, c. 10, Sched. 2, s. 17.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Inquiry by Commissioner re s. 5, 5.1 or 5.2 of *Municipal Conflict of Interest Act***

**160.1** (1) This section applies if the Commissioner conducts an inquiry under this Part in respect of an application under subsection (2). 2017, c. 10, Sched. 2, s. 18.

##### **Application**

(2) An elector, as defined in section 1 of the *Municipal Conflict of Interest Act*, or a person demonstrably acting in the public interest may apply in writing to the Commissioner for an inquiry to be carried out concerning an alleged contravention of section 5, 5.1 or 5.2 of that Act by a member of city council or a member of a local board (restricted definition). 2017, c. 10, Sched. 2, s. 18.

##### **No application for inquiry during regular election**

(3) No application for an inquiry under this section shall be made to the Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act. 2017, c. 10, Sched. 2, s. 18.

##### **Timing**

(4) An application may only be made within six weeks after the applicant became aware of the alleged contravention. 2017, c. 10, Sched. 2, s. 18.

##### **Exception**

(5) Despite subsection (4), an application may be made more than six weeks after the applicant became aware of the alleged contravention if both of the following are satisfied:

1. The applicant became aware of the alleged contravention within the period of time starting six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that Act.
2. The applicant applies to the Commissioner under subsection (2) within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*. 2017, c. 10, Sched. 2, s. 18.

##### **Content of application**

(6) An application shall set out the reasons for believing that the member has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* and include a statutory declaration attesting to the fact that the applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where an applicant became aware of the alleged contravention during the period of time described in paragraph 1 of subsection (5), a statutory declaration attesting to the fact that the applicant became aware of the alleged contravention during that period of time. 2017, c. 10, Sched. 2, s. 18.

**Inquiry**

(7) The Commissioner may conduct such inquiry as he or she considers necessary. 2017, c. 10, Sched. 2, s. 18.

**Public meeting**

(8) If the Commissioner decides to conduct an inquiry, the Commissioner may have a public meeting to discuss the inquiry. 2017, c. 10, Sched. 2, s. 18.

**Powers on inquiry**

(9) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2017, c. 10, Sched. 2, s. 18.

**Information**

(10) The City and its local boards (restricted definition) shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 2, s. 18.

**Same**

(11) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City or a local board (restricted definition) that the Commissioner believes to be necessary for an inquiry. 2017, c. 10, Sched. 2, s. 18.

**Termination of inquiry when regular election begins**

(12) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 2, s. 18.

**Same**

(13) If an inquiry is terminated under subsection (12), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the member or former member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out. 2017, c. 10, Sched. 2, s. 18.

**Timing**

(14) The Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated under subsection (12). 2017, c. 10, Sched. 2, s. 18.

**Completion**

(15) Upon completion of the inquiry, the Commissioner may, if he or she considers it appropriate, apply to a judge under section 8 of the *Municipal Conflict of Interest Act* for a determination as to whether the member has contravened section 5, 5.1 or 5.2 of that Act. 2017, c. 10, Sched. 2, s. 18.

**Notice to applicant re decision not to apply to judge**

(16) The Commissioner shall advise the applicant if the Commissioner will not be making an application to a judge. 2017, c. 10, Sched. 2, s. 18.

**Reasons after inquiry**

(17) After deciding whether or not to apply to a judge, the Commissioner shall publish written reasons for the decision. 2017, c. 10, Sched. 2, s. 18.

**Costs**

(18) The Commissioner's costs of applying to a judge shall be paid by the following:

1. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of city council, the City.

2. If the member is alleged to have contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* as a member of a local board (restrictive definition), the local board. 2017, c. 10, Sched. 2, s. 18.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Duty of confidentiality**

**161** (1) The Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 11, Sched. A, s. 161 (1).

##### **Confidentiality, information disclosed to Commissioner**

(2) Despite subsection (1), information may be disclosed,

- (a) in a criminal proceeding, as required by law; or
- (b) otherwise in accordance with this Part. 2006, c. 11, Sched. A, s. 161 (2).

##### **Release of advice**

(2.1) Advice provided by the Commissioner to a member under paragraph 4, 5 or 6 of subsection 159 (1) may be released with the member's written consent. 2017, c. 10, Sched. 2, s. 19.

##### **Partial release by member**

(2.2) If a member releases only part of the advice provided to the member by the Commissioner under paragraph 4, 5 or 6 of subsection 159 (1), the Commissioner may release part or all of the advice without obtaining the member's consent. 2017, c. 10, Sched. 2, s. 19.

##### **Other circumstances**

(2.3) The Commissioner may disclose such information as in the Commissioner's opinion is necessary,

- (a) for the purposes of a public meeting under subsection 160.1 (8);
- (b) in an application to a judge referred to in subsection 160.1 (15); or
- (c) in the written reasons given by the Commissioner under subsection 160.1 (17). 2017, c. 10, Sched. 2, s. 19.

##### ***Municipal Freedom of Information and Protection of Privacy Act***

(3) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*. 2006, c. 11, Sched. A, s. 161 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Report to council, general**

**162** (1) If the Commissioner provides a periodic report to city council on his or her activities, the Commissioner may summarize advice he or she has given but shall not disclose confidential information that could identify a person concerned. 2006, c. 11, Sched. A, s. 162 (1).

##### **Report about conduct**

(2) If the Commissioner reports to city council or to a local board (restricted definition) his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 11, Sched. A, s. 162 (2).

##### **Publication of reports**

(3) City council and each local board (restricted definition) shall ensure that reports received from the Commissioner by council or by the board, as the case may be, are made available to the public. 2006, c. 11, Sched. A, s. 162 (3).

##### **Testimony**

**163** Neither the Commissioner nor any person acting under the instructions of the Commissioner is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 11, Sched. A, s. 163.

**Reference to appropriate authorities**

**164** If the Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act, other than the *Municipal Conflict of Interest Act*, or of the *Criminal Code* (Canada), the Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to city council. 2006, c. 11, Sched. A, s. 164; 2017, c.10, Sched. 2, s. 20.

**Section Amendments with date in force (d/m/y) [ + ]****REGISTRATION RE LOBBYING****Registry**

**165** (1) The City shall establish and maintain a registry in which shall be kept such returns as may be required by the City that are filed by persons who lobby public office holders. 2006, c. 11, Sched. A, s. 165 (1).

**Access to registry**

(2) The registry shall be available for public inspection in the manner and during the time that the City may determine. 2006, c. 11, Sched. A, s. 165 (2).

**Requirement to file returns, etc.**

**166** Without limiting sections 7 and 8, those sections authorize the City to provide for the registry described in subsection 165 (1), to provide for a system of registration of persons who lobby public office holders and to do the following things:

1. Define "lobby".
2. Require persons who lobby public office holders to file returns and give information to the City.
3. Specify the returns to be filed and the information to be given to the City by persons who lobby public office holders and specify the time within which the returns must be filed and the information provided.
4. Exempt persons from the requirement to file returns and provide information.
5. Specify activities with respect to which the requirement to file returns and provide information does not apply.
6. Establish a code of conduct for persons who lobby public office holders.
7. Prohibit former public office holders from lobbying current public office holders for the period of time specified in the by-law.
8. Prohibit a person from lobbying public office holders without being registered.
9. Impose conditions for registration, continued registration or a renewal of registration.
10. Refuse to register a person, and suspend or revoke a registration.
11. Prohibit persons who lobby public office holders from receiving payment that is in whole or in part contingent on the successful outcome of any lobbying activities. 2006, c. 11, Sched. A, s. 166.

**Prohibition on contingency fees**

**167** Without limiting sections 7 and 8, those sections authorize the City to prohibit a person on whose behalf another person undertakes lobbying activities from making payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities. 2006, c. 11, Sched. A, s. 167; 2006, c. 32, Sched. B, s. 39.

**Section Amendments with date in force (d/m/y) [ + ]****Registrar for lobbying matters**

**168** (1) Without limiting sections 7 and 8, those sections authorize the City to appoint a registrar who is responsible for performing in an independent manner the functions assigned by city council with respect to the registry described in subsection 165 (1) and the system of registration and other matters described in section 166. 2006, c. 11, Sched. A, s. 168 (1).

**Powers and duties**

(2) Subject to this Part, in carrying out these responsibilities, the registrar may exercise such powers and shall perform such duties as may be assigned to him or her by city council. 2006, c. 11, Sched. A, s. 168 (2).

**Delegation**

(3) The registrar may delegate in writing to any person, other than a member of city council, any of the registrar's powers and duties under this Part. 2006, c. 11, Sched. A, s. 168 (3).

**Same**

(4) The registrar may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 168 (4).

**Status**

(5) The registrar is not required to be a city employee. 2006, c. 11, Sched. A, s. 168 (5).

**Inquiry by registrar**

**169** (1) This section applies if the registrar conducts an inquiry under this Part in respect of a request made by city council, a member of council or a member of the public about compliance with the system of registration described in section 166 or with a code of conduct established under that section. 2006, c. 11, Sched. A, s. 169 (1).

**Application of *Public Inquiries Act, 2009***

(2) The registrar may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry in accordance with the election. 2009, c. 33, Sched. 6, s. 46 (2).

**Duty of confidentiality**

(3) Section 161 applies, with necessary modifications, with respect to the registrar and every person acting under the instructions of the registrar in the course of conducting an inquiry. 2006, c. 11, Sched. A, s. 169 (3).

**Report**

(4) If the registrar makes a report to city council in respect of an inquiry, the registrar may disclose in the report such matters as in the registrar's opinion are necessary for the purposes of the report. 2006, c. 11, Sched. A, s. 169 (4).

**Publication of reports**

(5) City council shall ensure that reports received from the registrar are made available to the public. 2006, c. 11, Sched. A, s. 169 (5).

**Testimony**

(6) Neither the registrar nor any person acting under the instructions of the registrar is a competent or compellable witness in a civil proceeding in connection with anything done when conducting an inquiry. 2006, c. 11, Sched. A, s. 169 (6).

**Reference to appropriate authorities**

(7) If the registrar, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code* (Canada), the registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to city council. 2006, c. 11, Sched. A, s. 169 (7).

**Section Amendments with date in force (d/m/y) [ + ]****OMBUDSMAN****Appointment of Ombudsman**

**170** (1) The City shall appoint an Ombudsman. 2006, c. 11, Sched. A, s. 170 (1).

**Reporting relationship**

(2) The Ombudsman reports to city council. 2006, c. 11, Sched. A, s. 170 (2).

**Status**

(3) The Ombudsman is not required to be a city employee. 2006, c. 11, Sched. A, s. 170 (3).

**Function**

**171** (1) The function of the Ombudsman is to investigate in an independent manner any decision or recommendation made or any act done or omitted in the course of the administration of the City, its local boards (restricted definition) and such city-controlled corporations as city council may specify and affecting any person or body of persons in his, her or its personal capacity. 2006, c. 11, Sched. A, s. 171 (1); 2009, c. 33, Sched. 21, s. 4 (10).

**Powers and duties**

(2) Subject to this Part, in carrying out this function the Ombudsman may exercise the powers and shall perform the duties assigned to him or her by city council. 2006, c. 11, Sched. A, s. 171 (2).

**Powers paramount**

(3) The powers conferred on the Ombudsman under this Part may be exercised despite any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question. 2006, c. 11, Sched. A, s. 171 (3).

**Decisions not reviewable**

(4) Nothing in this Part empowers the Ombudsman to investigate any decision, recommendation, act or omission,

(a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired; or

(b) of any person acting as legal adviser to the City, a local board (restricted definition) or a city-controlled corporation or acting as counsel to any of them in relation to any proceedings. 2006, c. 11, Sched. A, s. 171 (4).

**Delegation**

(5) The Ombudsman may delegate in writing to any person, other than a member of city council, any of the Ombudsman's powers and duties under this Part. 2006, c. 11, Sched. A, s. 171 (5).

**Same**

(6) The Ombudsman may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 171 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Investigation**

**172** (1) Every investigation by the Ombudsman shall be conducted in private. 2006, c. 11, Sched. A, s. 172 (1).

**Opportunity to make representations**

(2) The Ombudsman may hear or obtain information from such persons as he or she thinks fit, and may make such inquiries as he or she thinks fit and it is not necessary for the Ombudsman to hold any hearing and no person is entitled as of right to be heard by the Ombudsman, but, if at any time during the course of an investigation, it appears to the Ombudsman that there may be sufficient grounds for him or her to make any report or recommendation that may adversely affect the City, a local board (restricted definition), a city-controlled corporation or any other person, the Ombudsman shall give him, her or it an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel. 2006, c. 11, Sched. A, s. 172 (2).

**Application of Ombudsman Act**

(3) Section 19 of the *Ombudsman Act* applies to the exercise of powers and the performance of duties by the Ombudsman under this Part and, for the purpose, references in section 19 of that Act to “any public sector body” are deemed to be references to “the City, a local board (restricted definition) or a city-controlled corporation”. 2014, c. 13, Sched. 9, s. 17.

(4) REPEALED: 2014, c. 13, Sched. 9, s. 17.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Duty of confidentiality**

**173** (1) Subject to subsection (2), the Ombudsman and every person acting under the instructions of the Ombudsman shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 11, Sched. A, s. 173 (1).

##### **Disclosure**

(2) The Ombudsman may disclose in any report made by him or her under this Part such matters as in the Ombudsman’s opinion ought to be disclosed in order to establish grounds for his or her conclusions and recommendations. 2006, c. 11, Sched. A, s. 173 (2).

##### ***Municipal Freedom of Information and Protection of Privacy Act***

(3) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*. 2006, c. 11, Sched. A, s. 173 (3).

##### **No review, etc.**

**174** No proceeding of the Ombudsman under this Part shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court. 2006, c. 11, Sched. A, s. 174.

##### **Testimony**

**175** (1) The Ombudsman and any person acting under the instructions of the Ombudsman shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his or her knowledge in the exercise of his or her functions under this Part. 2006, c. 11, Sched. A, s. 175 (1).

##### **Same**

(2) Anything said or any information supplied or any document or thing produced by any person in the course of any investigation by or proceedings before the Ombudsman under this Part is privileged in the same manner as if the inquiry or proceedings were proceedings in a court. 2006, c. 11, Sched. A, s. 175 (2).

##### **Effect on other rights, etc.**

**176** The rights, remedies, powers, duties and procedures established under sections 170 to 175 are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Part limits or affects any such remedy or right of appeal or objection or procedure. 2006, c. 11, Sched. A, s. 176.

## **AUDITOR GENERAL**

##### **Appointment of Auditor General**

**177** (1) The City shall appoint an Auditor General. 2006, c. 11, Sched. A, s. 177 (1).

##### **Reporting relationship**

(2) The Auditor General reports to city council. 2006, c. 11, Sched. A, s. 177 (2).

##### **Status**

(3) The Auditor General is not required to be a city employee. 2006, c. 11, Sched. A, s. 177 (3).

##### **Responsibilities**

**178** (1) The Auditor General is responsible for assisting city council in holding itself and city administrators accountable for the quality of stewardship over public funds and for achievement of value for money in city operations. 2006, c. 11, Sched. A, s. 178 (1).

#### **Independence**

(1.1) The Auditor General shall perform his or her responsibilities under this Part in an independent manner. 2009, c. 33, Sched. 21, s. 4 (11).

#### **Exceptions**

(2) Despite subsection (1), the responsibilities of the Auditor General do not include the matters described in clauses 139 (1) (a) and (b) for which the city auditor is responsible. 2006, c. 11, Sched. A, s. 178 (2).

#### **Powers and duties**

(3) Subject to this Part, in carrying out his or her responsibilities, the Auditor General may exercise the powers and shall perform the duties as may be assigned to him or her by city council in respect of the City, its local boards (restricted definition) and such city-controlled corporations and grant recipients as city council may specify. 2006, c. 11, Sched. A, s. 178 (3).

#### **Grant recipients**

(4) The authority of the Auditor General to exercise powers and perform duties under this Part in relation to a grant recipient applies only in respect of grants received by the grant recipient directly or indirectly from the City, a local board (restricted definition) or a city-controlled corporation after the date on which this section comes into force. 2006, c. 11, Sched. A, s. 178 (4).

#### **Delegation**

(5) The Auditor General may delegate in writing to any person, other than a member of city council, any of the Auditor General's powers and duties under this Part. 2006, c. 11, Sched. A, s. 178 (5).

#### **Same**

(6) The Auditor General may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 11, Sched. A, s. 178 (6).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Duty to furnish information**

**179** (1) The City, its local boards (restricted definition) and the city-controlled corporations and grant recipients referred to in subsection 178 (3) shall give the Auditor General such information regarding their powers, duties, activities, organization, financial transactions and methods of business as the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 11, Sched. A, s. 179 (1).

##### **Access to records**

(2) The Auditor General is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the City, the local board (restricted definition), the city-controlled corporation or the grant recipient, as the case may be, that the Auditor General believes to be necessary to perform his or her duties under this Part. 2006, c. 11, Sched. A, s. 179 (2).

##### **No waiver of privilege**

(3) A disclosure to the Auditor General under subsection (1) or (2) does not constitute a waiver of solicitor-client privilege, litigation privilege or settlement privilege. 2006, c. 11, Sched. A, s. 179 (3).

##### **Power to examine on oath**

**180** (1) The Auditor General may examine any person on oath on any matter pertinent to an audit or examination under this Part. 2006, c. 11, Sched. A, s. 180 (1).

#### **Application of *Public Inquiries Act*, 2009**

(2) Section 33 of the *Public Inquiries Act, 2009* applies to an examination by the Auditor General. 2009, c. 33, Sched. 6, s. 46 (3).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Duty of confidentiality**

**181** (1) The Auditor General and every person acting under the instructions of the Auditor General shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part. 2006, c. 11, Sched. A, s. 181 (1).

#### **Same**

(2) Subject to subsection (3), the persons required to preserve secrecy under subsection (1) shall not communicate information to another person in respect of any matter described in subsection (1) except as may be required,

(a) in connection with the administration of this Part, including reports made by the Auditor General, or with any proceedings under this Part; or

(b) under the *Criminal Code* (Canada). 2006, c. 32, Sched. B, s. 40.

#### **Same**

(3) A person required to preserve secrecy under subsection (1) shall not disclose any information or document disclosed to the Auditor General under section 179 that is subject to solicitor-client privilege, litigation privilege or settlement privilege unless the person has the consent of each holder of the privilege. 2006, c. 11, Sched. A, s. 181 (3).

#### ***Municipal Freedom of Information and Protection of Privacy Act***

(4) This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*. 2006, c. 11, Sched. A, s. 181 (4).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Testimony**

**182** Neither the Auditor General nor any person acting under the instructions of the Auditor General is a competent or compellable witness in a civil proceeding in connection with anything done under this Part. 2006, c. 11, Sched. A, s. 182.

## **REGULATIONS**

#### **Regulations re local board**

**183** The Minister of Municipal Affairs and Housing may make regulations prescribing local boards for the purposes of the definition of "local board (restricted definition)" in section 156. 2006, c. 11, Sched. A, s. 183.

## **PART VI PRACTICES AND PROCEDURES**

### **FIRST MEETING**

#### **First council meeting**

**184** The first meeting of a new city council after a regular election and after a by-election under section 211 shall be held at the time set out in the City's procedure by-law but in any case not later than 31 days after its term commences. 2006, c. 11, Sched. A, s. 184.

#### **Deemed organization**

**185** A new city council is deemed to be organized after a regular election or after a by-election under section 211 when the declarations of office under section 186 have been made by a sufficient number of members to form a quorum. 2006, c. 11, Sched. A, s. 185.

#### **Declaration of office**

**186** (1) A person, other than a person appointed under section 193, shall not take a seat on city council until the person takes the declaration of office in the English or French version of the form established by the Minister of Municipal Affairs and Housing for that purpose. 2006, c. 11, Sched. A, s. 186 (1).

#### **Separate declarations**

(2) Subsection (1) applies even if the person has already taken a declaration of office for another office on city council. 2006, c. 11, Sched. A, s. 186 (2).

#### **Condition for conducting business**

(3) No business shall be conducted at the first meeting of city council until after the declarations of office have been made by all members who present themselves for that purpose. 2006, c. 11, Sched. A, s. 186 (3).

#### **Deemed resignation**

(4) A person is deemed to have resigned from an office on city council unless the person,

- (a) in the case of a regular election or a by-election under section 211, takes the declaration of office with respect to that office on or before the day of the first council meeting of the new council; and
- (b) in the case of a by-election or appointment, other than a by-election under section 211, to fill a vacancy on the council, takes the declaration of office with respect to that office on or before the day of the first council meeting after the person is declared to be elected or is appointed. 2006, c. 11, Sched. A, s. 186 (4).

#### **Extension**

(5) Despite subsection (4), city council may, before the deadline under subsection (4) has passed, extend the deadline by no more than 30 days. 2006, c. 11, Sched. A, s. 186 (5).

## **LOCATION OF MEETINGS AND PUBLIC OFFICES**

#### **Location**

**187** (1) City council shall hold its meetings and keep its public offices within the City or an adjacent municipality at a place set out in the City's procedure by-law; however, in the case of an emergency, it may hold its meetings and keep its public offices at any convenient location within or outside the City. 2006, c. 11, Sched. A, s. 187 (1).

#### **Joint meetings**

(2) Despite subsection (1), a meeting of the councils of the City and one or more other municipalities for the consideration of matters of common interest may be held within the City or within any of the other municipalities or in a municipality adjacent to any of them. 2006, c. 11, Sched. A, s. 187 (2).

## **QUORUM**

#### **Quorum**

**188** A majority of the members of city council is necessary to form a quorum. 2006, c. 11, Sched. A, s. 188.

## **PROCEDURE BY-LAW**

#### **Procedure by-law**

##### **Definitions**

**189** (1) In this section and in sections 190 to 190.2,

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more municipal councils or local boards other than a police services board or public library board;  
 (“comité”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “committee” in subsection 189 (1) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (8))**

“meeting” means any regular, special or other meeting of city council, of the local board or of a committee of either of them, where,

- (a) a quorum of members is present, and

- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee. (“réunion”) 2006, c. 11, Sched. A, s. 189 (1); 2006, c. 32, Sched. B, s. 41 (1); 2017, c. 10, Sched. 2, s. 21 (1).

#### **Procedure by-laws respecting meetings**

(2) The City and every local board of the City shall pass a procedure by-law for governing the calling, place and proceedings of meetings. 2006, c. 11, Sched. A, s. 189 (2).

#### **Notice**

(2.1) The procedure by-law shall provide for public notice of meetings. 2006, c. 32, Sched. B, s. 41 (2).

#### **City**

(3) The procedure by-law may provide that meetings be held and public offices be kept at a place outside the City within an adjacent municipality. 2006, c. 11, Sched. A, s. 189 (3).

#### **Electronic participation**

(4) The applicable procedure by-law may provide that a member of city council, of a local board of the City or of a committee of either of them, can participate electronically in a meeting which is open to the public to the extent and in the manner set out in the by-law provided that any such member shall not be counted in determining whether or not a quorum of members is present at any point in time. 2017, c. 10, Sched. 2, s. 21 (2).

#### **Same**

(4.1) The applicable procedure by-law shall not provide that a member of city council, of a local board of the City or of a committee of either of them, can participate electronically in a meeting which is closed to the public. 2017, c. 10, Sched. 2, s. 21 (3).

#### **Electronic participation, emergencies**

(4.2) The applicable procedure by-law may provide that, during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*,

- (a) despite subsection (4), a member of city council, of a local board of the City or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) despite subsection (4.1), a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is closed to the public. 2020, c. 4, s. 3.

#### **Same, procedure by-law**

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2) during any period where an emergency has been declared to exist in all or part of the City under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* and despite subsection (4), a member participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting. 2020, c. 4, s. 3.

#### **Role of head of council**

(4.4) Despite anything in this or any other Act, only the head of council may call a special meeting of city council for the purposes of subsection (4.3). 2020, c. 4, s. 3.

#### **Non-application**

(5) This section does not apply to a police services board or a public library board. 2006, c. 11, Sched. A, s. 189 (5).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 189 (5) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (9))**

**Section Amendments with date in force (d/m/y) [ + ]**

## MEETINGS

### Meetings open to public

**190 (1)** Except as provided in this section, all meetings shall be open to the public. 2006, c. 11, Sched. A, s. 190 (1).

### Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

- (a) the security of the property of the City or local board;
- (b) personal matters about an identifiable individual, including a city employee or a local board employee;
- (c) a proposed or pending acquisition or disposition of land by the City or local board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which the city council, board, committee or other body may hold a closed meeting under another Act;
- (h) information explicitly supplied in confidence to the City or local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or local board. 2006, c. 11, Sched. A, s. 190 (2); 2017, c. 10, Sched. 2, s. 22.

### Other criteria

(3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the city council, board, commission or other body is the head of an institution for the purposes of that Act; or
- (b) an ongoing investigation respecting the City, a local board or a city-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, the Ombudsman appointed under subsection 170 (1) of this Act, or the investigator referred to in subsection 190.2 (1). 2014, c. 13, Sched. 9, s. 18.

### Educational or training sessions

(3.1) A meeting of the City council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. B, s. 42 (1).

### Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, the City or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2006, c. 11, Sched. A, s. 190 (4); 2006, c. 32, Sched. B, s. 42 (2).

**Opening meeting**

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2006, c. 11, Sched. A, s. 190 (5).

**Exception**

(6) Despite subsection 194 (2), a meeting may be closed to the public during a vote if,

- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City, to officers, employees or agents of a local board or of a committee of either of them or to persons retained by or under a contract with the City or local board. 2006, c. 11, Sched. A, s. 190 (6).

**Non-application**

(7) This section does not apply to a police services board or a public library board. 2006, c. 11, Sched. A, s. 190 (7).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 190 (7) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (10))**

**Record of meeting**

(8) The City, a local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. 2006, c. 32, Sched. B, s. 42 (3).

**Same**

(9) The record required by subsection (8) shall be made by,

- (a) the clerk, in the case of a meeting of the council; or
- (b) the appropriate officer, in the case of a meeting of a local board or committee. 2006, c. 32, Sched. B, s. 42 (3).

**Record may be disclosed**

(10) Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32, Sched. B, s. 42 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Investigation**

**190.1** (1) A person may request that an investigation of whether the City or a local board of the City has complied with section 190 or a procedure by-law under subsection 189 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

- (a) by an investigator referred to in subsection 190.2 (1); or
- (b) by the Ombudsman appointed under the *Ombudsman Act*, if the City has not appointed an investigator referred to in subsection 190.2 (1). 2006, c. 32, Sched. B, s. 43.

**Non-application**

(2) This section does not apply to a police services board or a public library board. 2006, c. 32, Sched. B, s. 43.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 190.1 (2) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (11))**

**Section Amendments with date in force (d/m/y) [ + ]****Investigator**

**190.2** (1) Without limiting sections 7 and 8, those sections authorize the City to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the City or a local board of the City has complied with section 190 or a procedure by-law under subsection 189 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. B, s. 43.

**Powers and duties**

(2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the City. 2006, c. 32, Sched. B, s. 43.

**Matters to which City is to have regard**

(3) In appointing an investigator and in assigning powers and duties to him or her, the City shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. B, s. 43.

**Same, investigator**

(4) In carrying out his or her functions under subsection (1), the investigator shall have regard to, among other matters, the importance of the matters listed in subsection (5). 2006, c. 32, Sched. B, s. 43.

**Same**

(5) The matters referred to in subsections (3) and (4) are,

- (a) the investigator's independence and impartiality;
- (b) confidentiality with respect to the investigator's activities; and
- (c) the credibility of the investigator's investigative process. 2006, c. 32, Sched. B, s. 43.

**Delegation**

(6) An investigator may delegate in writing to any person, other than a member of council, any of the investigator's powers and duties under this Part. 2006, c. 32, Sched. B, s. 43.

**Same**

(7) An investigator may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. B, s. 43.

**Status**

(8) An investigator is not required to be a city employee. 2006, c. 32, Sched. B, s. 43.

**Application**

(9) Subsection 171 (3) and sections 172 to 176 apply with necessary modifications with respect to the exercise of functions described in this section. 2006, c. 32, Sched. B, s. 43.

**Report and recommendations**

(10) If, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 190 or to a procedure by-law under subsection 189 (2), the investigator shall report his or her opinion and the reasons for it to the City or local board, as the case may be, and may make such recommendations as he or she thinks fit. 2006, c. 32, Sched. B, s. 43.

**Publication of reports**

(11) The City or local board shall ensure that reports received under subsection (10) by the City or local board, as the case may be, are made available to the public. 2006, c. 32, Sched. B, s. 43.

**Requirement to pass resolution re report**

(11.1) If the City or a local board of the City receives a report from a person referred to in clause 190.1 (1) (a) or (b) reporting his or her opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 190 or to a procedure by-law under subsection 189 (2), the City or the local board, as the case may be, shall pass a resolution stating how it intends to address the report. 2017, c. 10, Sched. 2, s. 23.

**Non-application**

(12) This section does not apply to a police services board or a public library board. 2006, c. 32, Sched. B, s. 43.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 190.2 (12) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (12))**

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Calling of meetings**

**191** Subject to the procedure by-law passed under section 189,

- (a) the head of council may at any time call a special meeting; and
- (b) upon receipt of a petition of the majority of the members of city council, the clerk shall call a special meeting for the purpose and at the time mentioned in the petition. 2006, c. 11, Sched. A, s. 191.

##### **Presiding officer**

**192 (1)** The head of council or other presiding officer designated under this section shall preside at all meetings of city council, except where otherwise provided. 2006, c. 11, Sched. A, s. 192 (1).

##### **Same**

(2) With the consent of the head of council, city council may designate another member of council to preside at meetings of the City, and the designation may be made by secret ballot. 2006, c. 11, Sched. A, s. 192 (2).

##### **Power to expel**

(3) The head of council or other presiding officer may expel any person for improper conduct at a meeting. 2006, c. 11, Sched. A, s. 192 (3).

##### **Absence of head**

**193** The City may, by by-law or resolution, appoint a member of city council to act in the place of the head of council or other member of council designated under section 192 to preside at meetings when the head of council or designated member is absent or refuses to act or the office is vacant, and while so acting such member has all the powers and duties of the head of council or designated member, as the case may be, with respect to the role of presiding at meetings. 2006, c. 11, Sched. A, s. 193; 2017, c. 10, Sched. 2, s. 24.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Voting**

**194 (1)** Despite any Act, every member of city council has only one vote. 2006, c. 11, Sched. A, s. 194 (1).

##### **Open voting**

(2) Except as provided by section 192, no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. 2006, c. 11, Sched. A, s. 194 (2).

##### **Tie votes**

(3) Any question on which there is a tie vote is deemed to be lost, except where otherwise provided by any Act. 2006, c. 11, Sched. A, s. 194 (3).

##### **Recorded vote**

(4) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote. 2006, c. 11, Sched. A, s. 194 (4).

##### **Failure to vote**

(5) A failure to vote under subsection (4) by a member who is present at the meeting at the time of the vote and who is qualified to vote is deemed to be a negative vote. 2006, c. 11, Sched. A, s. 194 (5).

## **BY-LAWS**

**Language of by-laws**

**195** (1) The by-laws and resolutions of the City shall be passed in English or in both English and French. 2006, c. 11, Sched. A, s. 195 (1).

**Official plan**

(2) An official plan adopted by the City shall be in English or in both English and French. 2006, c. 11, Sched. A, s. 195 (2).

**Proceedings**

(3) City council and every committee of council may conduct its proceedings in English or French or in both English and French. 2006, c. 11, Sched. A, s. 195 (3).

**Minutes**

(4) Despite subsection (3), the minutes of the proceedings shall be kept in English or in both English and French. 2006, c. 11, Sched. A, s. 195 (4).

**Proviso**

(5) Nothing in this section,

(a) affects an obligation imposed by or under any Act to make, keep, use, file, register or submit any record in the language or languages specified by or under the Act; or

(b) affects any requirement at law to give reasonable notice. 2006, c. 11, Sched. A, s. 195 (5).

**Translations**

(6) If the City submits a record to a provincial ministry in French, the City shall, at the request of the minister of that ministry, supply an English translation of it. 2006, c. 11, Sched. A, s. 195 (6).

**Municipal code**

**196** If the City passes a comprehensive general by-law that consolidates and includes the provisions of any by-law previously passed by the City,

(a) the provisions in the comprehensive general by-law are deemed to have come into force on the day the original by-law came into force; and

(b) any condition or approval required by law to the making of the original by-law is, where such condition was satisfied or approval obtained, deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general by-law. 2006, c. 11, Sched. A, s. 196.

**Seal of the City**

**197** (1) Every by-law of the City,

(a) shall be under the seal of the City; and

(b) shall be signed by the city clerk and by the head of council or presiding officer who was at the meeting at which the by-law was passed. 2006, c. 11, Sched. A, s. 197 (1).

**Failure to seal**

(2) If, by oversight, the seal of the City was not affixed to a by-law, it may be affixed at any time afterwards and when so affixed, the by-law is as valid as if it had been originally sealed. 2006, c. 11, Sched. A, s. 197 (2).

**By-laws upon application**

**198** (1) Where by this or any other Act a by-law may be passed by city council upon the application of a required number of electors or inhabitants of the City or a geographic area, the by-law shall not be finally passed until the clerk has certified that the application was sufficiently signed. 2006, c. 11, Sched. A, s. 198 (1).

**Application of *Public Inquiries Act, 2009***

(2) Section 33 of the *Public Inquiries Act, 2009* applies to an inquiry by the clerk into the sufficiency of the application. 2009, c. 33, Sched. 6, s. 46 (4).

**Effect of certificate**

(3) The certificate of the clerk is conclusive that the application was sufficiently signed. 2006, c. 11, Sched. A, s. 198 (3).

**Section Amendments with date in force (d/m/y) [ + ]****RECORDS****Inspection of records**

**199** (1) Subject to the *Municipal Freedom of Information and Protection of Privacy Act*, any person may, at all reasonable times, inspect any of the records under the control of the clerk, including,

- (a) by-laws and resolutions of the City and of its local boards;
- (b) minutes and proceedings of regular, special or committee meetings of the city council or of the city's local boards, whether the minutes and proceedings have been adopted or not;
- (c) records considered at a meeting, except those records considered during that part of a meeting that was closed to the public;
- (d) the records of city council;
- (e) statements of remuneration and expenses prepared under section 223. 2006, c. 11, Sched. A, s. 199 (1).

**Certified copies**

(2) Upon request, the clerk shall, within a reasonable time, provide a certified copy under seal of the City of any record referred to in subsection (1) to any applicant who pays the fee established by the City. 2006, c. 11, Sched. A, s. 199 (2).

**Retention of records**

**200** (1) The City shall retain and preserve the records of the City and its local boards in a secure and accessible manner and, if a local board is a local board of the City and one or more other municipalities, the City is jointly responsible with the other affected municipalities for complying with this subsection. 2006, c. 11, Sched. A, s. 200 (1).

**Same, local boards**

(2) Despite subsection (1), a local board of the City that has ownership and control of its records shall retain and preserve the records in a secure and accessible manner. 2006, c. 11, Sched. A, s. 200 (2).

**Agreement**

(3) If the City or a local board of the City has a duty to retain and preserve records under this section, the City or local board may enter into an agreement for archival services with respect to the records but a local board shall not enter into such an agreement without the consent of each of the municipalities of which it is a local board and the City shall not enter into such an agreement unless the other municipalities, if any, with whom the City has joint duty to retain and preserve the records also are party to the agreement. 2006, c. 11, Sched. A, s. 200 (3).

**Effect of transfer**

(4) Records transferred to a person pursuant to an agreement under subsection (3) remain, for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, under the ownership and control of the City or of a local board of the City if the local board falls within the definition of or is designated as an institution under that Act. 2006, c. 11, Sched. A, s. 200 (4).

**Duties of archivist**

(5) A person to whom records are transferred pursuant to an agreement under subsection (3) shall retain and preserve the records transferred to it in a secure and accessible manner. 2006, c. 11, Sched. A, s. 200 (5).

**Role of the City, local board**

(6) The City and a local board shall ensure that a person to whom records are transferred pursuant to an agreement under subsection (3) fulfils the obligations under subsection (5). 2006, c. 11, Sched. A, s. 200 (6).

#### **Interpretation**

(7) In this section, the requirement to retain and preserve records in an accessible manner means that the records can be retrieved within a reasonable time and that the records are in a format that allows the content of the records to be readily ascertained by a person inspecting the records. 2006, c. 11, Sched. A, s. 200 (7).

#### **Retention periods**

**201** (1) Except as otherwise provided, a record of the City or a local board of the City may only be destroyed in accordance with this section. 2006, c. 11, Sched. A, s. 201 (1).

#### **Destruction of records**

(2) Despite section 200, a record of the City or a local board of the City may be destroyed if a retention period for the record has been established under this section and,

- (a) the retention period has expired; or
- (b) the record is a copy of the original record. 2006, c. 11, Sched. A, s. 201 (2).

#### **Retention periods**

(3) The City may establish retention periods during which the records of the City and its local boards must be retained and preserved in accordance with section 200. 2006, c. 11, Sched. A, s. 201 (3); 2017, c. 10, Sched. 2, s. 25 (1).

#### **Joint local boards**

(4) Despite subsection (3), if a local board is a local board of the City and one or more other municipalities, a majority of the affected municipalities may establish retention periods during which the records of the local board must be retained and preserved in accordance with section 200. 2006, c. 11, Sched. A, s. 201 (4); 2017, c. 10, Sched. 2, s. 25 (2).

#### **Records transferred**

(5) Subsections (1) to (4) continue to apply to records transferred to a person under section 200. 2006, c. 11, Sched. A, s. 201 (5).

#### **Interpretation**

(6) In this section,

“record” does not include a record of the police services board of the City that is directly related to any law enforcement activity with respect to a person or body. 2006, c. 11, Sched. A, s. 201 (6).

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “record” in subsection 201 (6) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (13))**

#### **Section Amendments with date in force (d/m/y) [ + ]**

## ELIGIBILITY

#### **Eligibility for office**

**202** Every person is qualified to be elected or to hold office as a member of city council,

- (a) who is entitled to be an elector in the City under section 17 of the *Municipal Elections Act, 1996*; and
- (b) who is not disqualified by this or any other Act from holding the office. 2006, c. 11, Sched. A, s. 202.

#### **Ineligibility for office**

**203** (1) The following persons are not eligible to be elected as a member of city council or to hold office as a member of city council:

1. Except in accordance with section 30 of the *Municipal Elections Act, 1996*,
  - i. a city employee,
  - ii. a person who is not a city employee but who is the clerk, treasurer, Integrity Commissioner, Auditor General or Ombudsman or registrar referred to in section 168 or an investigator referred to in subsection 190.2 (1) of the City, or
  - iii. a person who is not a city employee but who holds any administrative position of the City.
2. A judge of any court.
3. A member of the Assembly as provided in the *Legislative Assembly Act* or of the Senate or House of Commons of Canada.
4. Except in accordance with Part V of the *Public Service of Ontario Act, 2006* and any regulations made under that Part, a public servant within the meaning of that Act. 2006, c. 11, Sched. A, s. 203 (1); 2006, c. 32, Sched. B, s. 44; 2006, c. 35, Sched. C, s. 15 (2).

**Disqualification**

(2) A member of city council is disqualified from holding office if, at any time during the term of office of that member, he or she,

- (a) ceases to be a Canadian citizen;
- (b) is not a resident, the owner or tenant of land or the spouse of an owner or tenant of land in the City; or
- (c) would be prohibited under this or any other Act from voting in an election for the office of member of city council if an election was held at that time. 2006, c. 11, Sched. A, s. 203 (2).

**Section Amendments with date in force (d/m/y) [ + ]****VACANCIES****Vacant seat**

**204** (1) The office of a member of city council becomes vacant if the member,

- (a) becomes disqualified from holding the office of a member of council under section 202 or 203;
- (b) fails to make the declaration of office before the deadline in section 186;
- (c) is absent from the meetings of council for three successive months without being authorized to do so by a resolution of council;
- (d) resigns from his or her office and the resignation is effective under section 205;
- (e) is appointed or elected to fill any vacancy in any other office on the council;
- (f) has his or her office declared vacant in any judicial proceeding;
- (g) forfeits his or her office under this or any other Act; or
- (h) dies, whether before or after accepting office and making the declaration of office required by section 186. 2006, c. 11, Sched. A, s. 204.

**Exception**

(2) Clause (1) (c) does not apply to vacate the office of a member of city council who is absent for 20 consecutive weeks or less and if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member. 2017, c. 10, Sched. 2, s. 26.

**Section Amendments with date in force (d/m/y) [ + ]****Resignation as member**

**205** (1) A member of city council may resign from office by notice in writing filed with the clerk. 2006, c. 11, Sched. A, s. 205 (1).

**Restriction**

(2) Despite subsection (1), a resignation is not effective if it would reduce the number of members of city council to less than a quorum. 2006, c. 11, Sched. A, s. 205 (2).

**Restriction on holding office**

**206** (1) Except where otherwise provided, no person may hold more than one office governed by the *Municipal Elections Act, 1996* at the same time anywhere in Ontario. 2006, c. 11, Sched. A, s. 206 (1).

**Election void**

(2) If a person is nominated for, and his or her name appears on the ballots for, more than one office and he or she is elected to any of those offices, his or her election is void and the office is vacant. 2006, c. 11, Sched. A, s. 206 (2).

**Declaration re vacancy**

**207** If the office of a member of city council becomes vacant under section 204, the council shall at its next meeting declare the office to be vacant, except if a vacancy occurs as a result of the death of a member, the declaration may be made at either of its next two meetings. 2006, c. 11, Sched. A, s. 207.

**Filling vacancies**

**208** (1) If a vacancy occurs in the office of a member of city council, the City shall, subject to this section,

- (a) fill the vacancy by appointing a person who has consented to accept the office if appointed; or
- (b) require a by-election to be held to fill the vacancy in accordance with the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 208 (1).

**Court-ordered election**

(2) If an order is made in any judicial proceeding requiring a by-election be held to fill a vacancy on city council, the clerk shall hold the by-election in accordance with the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 208 (2).

**Rules applying to filling vacancies**

(3) The following rules apply to filling vacancies:

1. Within 60 days after the day a declaration of vacancy is made with respect to the vacancy under section 207, the City shall,
  - i. appoint a person to fill the vacancy under subsection (1), or
  - ii. pass a by-law requiring a by-election be held to fill the vacancy under subsection (1).
2. Despite paragraph 1, if a court declares an office to be vacant, the City shall act under subsection (1) within 60 days after the day the court makes its declaration.
3. Despite subsections (1) and (2), if a vacancy occurs within 90 days before voting day of a regular election, the City is not required to fill the vacancy. 2006, c. 11, Sched. A, s. 208 (3).

**Term of office, vacancy**

**209** A person appointed or elected to fill a vacancy under section 208 holds office for the remainder of the term of the person he or she replaced. 2006, c. 11, Sched. A, s. 209.

**Application to court**

**210** (1) Any elector entitled to vote at the election of members of city council may apply to the Superior Court of Justice for a declaration that the office of a member of city council has become vacant in accordance with this Act. 2006, c. 11, Sched. A, s. 210 (1).

**Judicial finding**

(2) If the court finds that the office of a member of city council has become vacant, it may order the member removed from office and declare the office vacant. 2006, c. 11, Sched. A, s. 210 (2).

**Application of S.O. 1996, c. 32**

(3) Subsection 83 (3) and sections 85, 86 and 87 of the *Municipal Elections Act, 1996* apply to the application as if it were an application under section 83 of that Act. 2006, c. 11, Sched. A, s. 210 (3).

**Combined application**

(4) The application may be combined with an application under section 83 of the *Municipal Elections Act, 1996*, in which case the applications shall be heard and disposed of together. 2006, c. 11, Sched. A, s. 210 (4).

**Minister's order re by-election**

**211** (1) If city council is unable to hold a meeting for a period of 60 days because of a failure to obtain a quorum, the Minister of Municipal Affairs and Housing may by order declare all the offices of the members of the council to be vacant and a by-election shall be held in accordance with the *Municipal Elections Act, 1996*. 2006, c. 11, Sched. A, s. 211 (1).

**Timing**

(2) The 60-day period referred to in subsection (1) commences on the day of the first meeting that could not be held because of a failure to obtain a quorum. 2006, c. 11, Sched. A, s. 211 (2).

**Interim order**

(3) Where the Minister makes an order under subsection (1), or the offices of a majority of the members of city council are for any reason declared vacant, the Minister may by order exercise or appoint one or more persons to exercise the duties and obligations of the council until such time as a by-election is held in accordance with the *Municipal Elections Act, 1996*, and the members so elected have taken office. 2006, c. 11, Sched. A, s. 211 (3).

## POLICIES

**Adoption, etc., of policies****City policies**

**212** (1) The City shall adopt and maintain policies with respect to the following matters:

1. Its sale and other disposition of land.
2. Its hiring of employees.
- 2.1 The relationship between members of council and the officers and employees of the City.
3. Its procurement of goods and services.
4. The circumstances in which the City shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given.
5. The manner in which the City will try to ensure that it is accountable to the public for its actions, and the manner in which the City will try to ensure that its actions are transparent to the public.
6. REPEALED: 2009, c. 33, Sched. 21, s. 4 (12).
7. The delegation of its powers and duties.
8. The financing of capital works, including the limits on the annual costs associated with the financing.
9. The manner in which the City will protect and enhance the tree canopy and natural vegetation in the City.
10. Pregnancy leaves and parental leaves of members of city council. 2006, c. 11, Sched. A, s. 212 (1); 2009, c. 33, Sched. 21, s. 4 (12); 2017, c. 10, Sched. 2, s. 27.

**Policies of certain local boards**

(2) A local board (restricted definition) shall adopt and maintain policies with respect to the following matters:

1. Its sale and other disposition of land.
2. Its hiring of employees.

3. Its procurement of goods and services. 2006, c. 11, Sched. A, s. 212 (2).

#### Definition

(3) In this section,

“local board (restricted definition)” means,

(a) a local board other than a police services board and a hospital board,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) of the definition of “local board (restricted definition)” in subsection 212 (3) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (14))**

(b) a local housing corporation as defined in the *Housing Services Act, 2011*, despite clause 26 (b) of that Act, and

(c) any other prescribed body performing a public function. 2006, c. 11, Sched. A, s. 212 (3); 2011, c. 6, Sched. 1, s. 186 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

### INTEGRATED PLANNING FOR SERVICE DELIVERY

#### Regulations re integration of planning for service delivery

**212.1** The Minister may make regulations prescribing actions that the City must take which, in the opinion of the Minister, are necessary or desirable to support the integration of planning for municipal service delivery with planning for service delivery by other public bodies or by other persons. 2017, c. 10, Sched. 2, s. 28.

#### Section Amendments with date in force (d/m/y) [ + ]

### QUASHING BY-LAWS

#### Restriction on quashing by-law

**213** A by-law of the City or a local board of the City passed in good faith under any Act shall not be quashed or open to review in whole or in part by any court because of the unreasonableness or supposed unreasonableness of the by-law. 2006, c. 11, Sched. A, s. 213.

#### Application to quash by-law, etc.

**214** (1) Upon the application of any person, the Superior Court of Justice may quash a by-law, order or resolution of the City or a local board of the City in whole or in part for illegality. 2006, c. 11, Sched. A, s. 214 (1).

#### Inquiry

(2) If an application to quash alleges a contravention of subsection 90 (3) of the *Municipal Elections Act, 1996*, the Superior Court of Justice may direct an inquiry into the alleged contravention to be held before an official examiner or a judge of the court, and the evidence of the witnesses in the inquiry shall be given under oath and shall form part of the evidence in the application to quash. 2006, c. 11, Sched. A, s. 214 (2).

#### Other cases

(3) The court may direct that nothing shall be done under the by-law, order or resolution until the application is disposed of. 2006, c. 11, Sched. A, s. 214 (3).

#### Timing

(4) An application to quash a by-law, order or resolution in whole or in part, subject to section 250, shall be made within one year after the passing of the by-law, order or resolution. 2006, c. 11, Sched. A, s. 214 (4).

### JUDICIAL INVESTIGATION

#### Investigation by judge

**215** (1) If the City so requests by resolution, a judge of the Superior Court of Justice shall,

- (a) investigate any supposed breach of trust or other misconduct of a member of city council, a city employee or a person having a contract with the City in relation to the duties or obligations of that person to the City;
- (b) inquire into any matter connected with the good government of the City; or
- (c) inquire into the conduct of any part of the public business of the City, including business conducted by a commission appointed by city council or elected by the electors. 2006, c. 11, Sched. A, s. 215 (1).

**Application of *Public Inquiries Act, 2009***

(2) Section 33 of the *Public Inquiries Act, 2009* applies to the investigation or inquiry by the judge. 2009, c. 33, Sched. 6, s. 46 (5).

**Report**

(3) The judge shall report the results of the investigation or inquiry to the City as soon as practicable. 2006, c. 11, Sched. A, s. 215 (3).

**Counsel**

(4) The City may hire counsel to represent the City and pay fees for witnesses who are summoned to give evidence at the investigation or inquiry. 2006, c. 11, Sched. A, s. 215 (4).

**Representation by counsel**

(5) Any person whose conduct is called into question in the investigation or inquiry may be represented by counsel. 2006, c. 11, Sched. A, s. 215 (5).

**Costs**

(6) The judge may engage counsel and other persons to assist in the investigation or inquiry and the costs of engaging those persons and any incidental expenses shall be paid by the City. 2006, c. 11, Sched. A, s. 215 (6).

**Section Amendments with date in force (d/m/y) [ + ]****RESTRICTED ACTS AFTER NOMINATION DAY****Restricted acts**

**216** (1) City council shall not take any action described in subsection (3) after the first day during the election for a new council on which it can be determined that one of the following applies to the new council that will take office following the election:

1. If the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council.
2. If the new council will have more members than the outgoing council, the new council will include less than three-quarters of the members of the outgoing council or, if the new council will include at least three-quarters of the members of the outgoing council, three-quarters of the members of the outgoing council will not constitute, at a minimum, a majority of the members of the new council.
3. If the new council will have fewer members than the outgoing council, less than three-quarters of the members of the new council will have been members of the outgoing council or, if at least three-quarters of the members of the new council will have been members of the outgoing council, three-quarters of the members of the new council will not constitute, at a minimum, a majority of the members of the outgoing council. 2006, c. 11, Sched. A, s. 216 (1).

**Basis for determination**

(2) If a determination under subsection (1) is made,

- (a) after nomination day but before voting day, the determination shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or
- (b) after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation. 2006, c. 11, Sched. A, s. 216 (2).

**Restrictions**

(3) The actions referred to in subsection (1) are,

- (a) the appointment or removal from office of any city officer;
- (b) the hiring or dismissal of any city employee;
- (c) the disposition of any real or personal property of the City which has a value exceeding \$50,000 at the time of disposal; and
- (d) making any expenditures or incurring any other liability which exceeds \$50,000. 2006, c. 11, Sched. A, s. 216 (3).

#### Exception

(4) Clauses (3) (c) and (d) do not apply if the disposition or liability was included in the most recent budget adopted by city council before nomination day in the election. 2006, c. 11, Sched. A, s. 216 (4).

#### Powers unaffected

(5) Nothing in this section prevents the City taking any action in the event of an emergency. 2006, c. 11, Sched. A, s. 216 (5).

#### Same

(6) Nothing in this section prevents any person or body exercising authority of the City that is delegated to the person or body prior to nomination day for the election for the new council. 2006, c. 11, Sched. A, s. 216 (6).

## INSURANCE

#### Definitions

**217** In this section and in sections 218 to 221,

“designated employee” means any salaried officer, or any other person in the employ of the City or of a local board (extended definition) of the City and includes,

- (a) a member of the city police force,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (a) of the definition of “designated employee” in section 217 of the Act is amended by striking out “police force” at the end and substituting “police service”. (See: 2019, c. 1, Sched. 4, s. 10 (15))**

- (b) persons that provide their services on behalf of the City without remuneration, exclusive of reimbursement of expenses or honoraria, if city council has passed a by-law designating such persons or classes of persons as designated employees for the purposes of this section, and

- (c) any other person or class of persons designated as a designated employee by the Minister of Municipal Affairs and Housing; (“employé désigné”)

“designated former employee” means a person who was formerly a designated employee of the City or a local board (extended definition) of the City; (“ancien employé désigné”)

“former member” means a person who was formerly a member of city council or of a local board (extended definition) of the City; (“ancien membre”)

“local board (extended definition)” means a local board as defined in the *Municipal Affairs Act*. (“conseil local (définition élargie)”) 2006, c. 11, Sched. A, s. 217.

#### Section Amendments with date in force (d/m/y) [ + ]

#### Insurance

**218** (1) Despite the *Insurance Act*, the City may be or act as an insurer with respect to the following matters:

1. Protection against risks that may involve pecuniary loss or liability on the part of the City or any local board (extended definition) of the City.
2. The protection of its designated employees or designated former employees or those of any local board (extended definition) of the City against risks that may involve pecuniary loss or liability on the part of those employees.

3. Subject to section 14 of the *Municipal Conflict of Interest Act*, the protection of the members or former members of city council or of any local board (extended definition) of the City or any class of those members against risks that may involve pecuniary loss or liability on the part of the members.
4. Subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any damages or costs awarded against any of its designated employees, members, designated former employees or former members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as designated employees or members, including while acting in the performance of any statutory duty.
5. Subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any sum required in connection with the settlement of an action or other proceeding referred to in paragraph 4 and for assuming the cost of defending the designated employees or members in the action or proceeding. 2006, c. 11, Sched. A, s. 218 (1).

#### **Reciprocal contracts**

(2) The City may enter into agreements with other municipalities to exchange reciprocal contracts of indemnity or interinsurance in accordance with Part XIII of the *Insurance Act* with respect to the matters set out in subsection (1) for the City and the other municipalities and the local boards (extended definition) of all of them. 2006, c. 11, Sched. A, s. 218 (2).

#### **Limitation**

(3) Despite section 387 of the *Insurance Act*, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in accordance with regulations made under section 256. 2006, c. 11, Sched. A, s. 218 (3).

#### **Reserve funds**

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be spent, pledged or applied to a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the *Insurance Act* is complied with. 2006, c. 11, Sched. A, s. 218 (4).

#### **Insurance Act does not apply**

(5) *The Insurance Act* does not apply to the City acting as an insurer for the purpose of this section. 2006, c. 11, Sched. A, s. 218 (5).

#### **Powers re local boards (extended definition)**

**219** (1) The City may contract for insurance for, pay any part of the premiums for or pay for any part of the damages, risks or costs referred to in subsection 218 (1) for any local board (extended definition) of the City or for any of the members, former members, designated employees or designated former employees of a local board (extended definition) of the City. 2006, c. 11, Sched. A, s. 219 (1).

#### **Local board powers**

(2) A local board (extended definition) of the City has the same powers with respect to itself, its members, former members, designated employees and designated former employees to contract for insurance, pay premiums for the insurance, be or act as an insurer, exchange reciprocal contracts of indemnity and to pay damages and costs as are conferred upon the City by this Act. 2006, c. 11, Sched. A, s. 219 (2).

## **HEALTH BENEFITS**

#### **Sick leave credit gratuities**

**220** (1) Under a plan of sick leave credit gratuities established for designated employees by the City, on the termination of employment, no designated employee is entitled to more than an amount equal to the salary, wages or other remuneration for one-half the number of days standing to his or her credit up to a maximum of one-half year's earnings at the rate received by him or her immediately before termination of employment. 2006, c. 11, Sched. A, s. 220 (1).

#### **Local board**

(2) Any local board (extended definition) of the City may establish a plan of sick leave credit gratuities for designated employees or any class of them and this section applies with necessary modifications to the local board. 2006, c. 11, Sched. A, s. 220 (2).

**Insurance, health, etc.**

**221** (1) Subject to the *Health Insurance Act*, the City may provide, but only through contract either with an insurer licensed under the *Insurance Act* or with an association registered under the *Prepaid Hospital and Medical Services Act*,

- (a) group life insurance for members of city council or of any local board (extended definition) of the City, designated employees or designated former employees of the City or of such a local board or any class of them and their spouses and children;
- (b) group accident insurance or group sickness insurance for members of city council or of any local board (extended definition) of the City, designated employees or designated former employees of the City or of such a local board or any class of them and their spouses and children; and
- (c) hospital, medical, surgical, nursing or dental services or payments for those services for members of city council or of any local board (extended definition) of the City, designated employees or designated former employees of the City or of such a local board or any class of them and their spouses and children. 2006, c. 11, Sched. A, s. 221 (1).

**Local board**

(2) Any local board (extended definition) of the City may provide the insurance, services or payments referred to in subsection (1) and may pay for them in the same manner and for the same classes of persons as city council, and subsection (1) applies with necessary modifications to the local board. 2006, c. 11, Sched. A, s. 221 (2).

## REMUNERATION AND EXPENSES

**Remuneration and expenses**

**222** (1) The City may pay any part of the remuneration and expenses of the members of any local board of the City and of the officers and employees of the local board. 2006, c. 11, Sched. A, s. 222 (1).

**Limitations**

(2) Despite any Act, the City may only pay the expenses of the members of city council or of a local board of the City, of the officers and employees of the City and of the officers and employees of the local board if the expenses are of those persons in their capacity as members, officers or employees and if,

- (a) the expenses are actually incurred; or
- (b) the expenses are, in lieu of the expenses actually incurred, a reasonable estimate, in the opinion of the council or local board, of the actual expenses that would be incurred. 2006, c. 11, Sched. A, s. 222 (2).

**Local boards**

(3) A local board of the City may pay remuneration to and the expenses incurred by its members, officers and employees to the extent that the City is able to do so under this Act. 2006, c. 11, Sched. A, s. 222 (3).

**Limitations**

(4) No part of the remuneration of a member of city council or of a local board paid under this section is deemed to be for expenses incidental to his or her duties as a member and the City or local board shall not provide that any part of the remuneration is for such deemed expenses. 2006, c. 11, Sched. A, s. 222 (4).

**Statement of remuneration and expenses**

**223** (1) The treasurer shall in each year on or before March 31 provide to city council an itemized statement on remuneration and expenses paid in the previous year to,

- (a) each member of council in respect of his or her services as a member of the council or any other body, including a local board, to which the member has been appointed by council or on which the member holds office by virtue of being a member of council;
- (b) each member of council in respect of his or her services as an officer or employee of the City or as an officer or employee of another body described in clause (a); and

(c) each person, other than a member of council, appointed by the City to serve as a member of any body, including a local board, in respect of his or her services as a member of the body. 2006, c. 11, Sched. A, s. 223 (1).

**Mandatory item**

(2) The statement shall identify the by-law under which the remuneration or expenses were authorized to be paid. 2006, c. 11, Sched. A, s. 223 (2).

**Statement to be provided to City**

(3) If, in any year, any body, including a local board, pays remuneration or expenses to one of its members who was appointed by the City, the body shall on or before January 31 in the following year provide to the City an itemized statement of the remuneration and expenses paid for the year. 2006, c. 11, Sched. A, s. 223 (3).

**Public records**

(4) Despite the *Municipal Freedom of Information and Protection of Privacy Act*, statements provided under subsections (1) and (3) are public records. 2006, c. 11, Sched. A, s. 223 (4).

## REVIEW OR APPEAL RE DELEGATED AUTHORITY

**Power to authorize review or appeal**

**224** (1) Without limiting sections 7 and 8, those sections authorize the City to provide for a review or appeal of a decision made by a person or body in the exercise or intended exercise of a power or the performance or intended performance of a duty delegated to him, her or it by the City under this Act. 2006, c. 11, Sched. A, s. 224 (1).

**Scope of power**

(2) Without limiting sections 7 and 8, the power described in subsection (1) includes the power,

- (a) to designate the person or body, including city council, that will conduct the review or appeal provided that the City cannot designate a person or body without his, her or its consent;
- (b) to provide for the powers the person or body conducting the review or appeal may exercise;
- (c) to establish procedures with respect to the review or appeal;
- (d) to provide for rules for authorizing the person or body conducting the review or appeal to determine when decisions subject to review or appeal come into force, including a retroactive date not earlier than the day on which the by-law was passed. 2006, c. 11, Sched. A, s. 224 (2).

**Restriction**

(3) The City shall not provide for a review or appeal of such decisions as may be prescribed. 2006, c. 11, Sched. A, s. 224 (3).

**Reconsideration of decisions**

(4) Nothing in this section affects the authority of the person or body to reconsider his, her or its own decisions. 2006, c. 11, Sched. A, s. 224 (4).

## REGULATIONS

**Regulations re policies**

**225** The Minister of Municipal Affairs and Housing may make regulations prescribing bodies for the purpose of the definition of "local board (restricted definition)" in subsection 212 (3). 2006, c. 11, Sched. A, s. 225.

**Regulations re review or appeal**

**226** The Minister of Municipal Affairs and Housing may make regulations prescribing decisions for the purposes of subsection 224 (3). 2006, c. 11, Sched. A, s. 226.

## PART VII FINANCIAL ADMINISTRATION

## FISCAL YEAR

### Fiscal year

**227** (1) The fiscal year of the City and a local board of the City is January 1 to December 31. 2006, c. 11, Sched. A, s. 227 (1).

### Public hospitals

(2) Despite subsection (1), the fiscal year of a public hospital which is a local board of the City is the fiscal year of a public hospital under the *Public Hospitals Act*. 2006, c. 11, Sched. A, s. 227 (2).

## BUDGETS

### Yearly budget

**228** (1) For each year, the City shall in the year or the immediately preceding year prepare and adopt a budget including estimates of all sums required during the year for the purposes of the City, including,

- (a) amounts sufficient to pay all debts of the City falling due within the year;
- (b) amounts required to be raised for sinking funds or retirement funds;
- (c) amounts required for any board, commission or other body. 2006, c. 32, Sched. B, s. 45.

### Exception

(2) Despite subsection (1), a budget for a year immediately following a year in which a regular election is held may only be adopted in the year to which the budget applies. 2006, c. 32, Sched. B, s. 45.

### Detail and form

(3) The budget shall set out the following amounts:

1. The estimated revenues, including the amount the City intends to raise on all the rateable property in the City by its general local municipality levy and the amount it intends to raise on less than all the rateable property in the City by a special local municipality levy under section 277.
2. The estimated portion of the estimated revenues described in paragraph 1, if any, to be paid into the City's reserve, sinking and retirement funds.
3. The estimated expenses, subject to any regulation made under clause 241 (2) (a).
4. The estimated portion of the estimated expenses described in paragraph 3, if any, to be paid out of the City's reserve, sinking and retirement funds. 2009, c. 18, Sched. 4, s. 1.

### Reserve fund adjustment

(4) The total calculated under paragraph 1 shall be at least equal to the total calculated under paragraph 2:

1. The amount described in paragraph 1 of subsection (3), added to the amount described in paragraph 4 of subsection (3).
2. The amount described in paragraph 2 of subsection (3), added to the amount described in paragraph 3 of subsection (3). 2009, c. 18, Sched. 4, s. 1.

### Allowance

(5) In preparing the budget for a year, the City,

- (a) shall not include in the estimated revenues described in paragraph 1 of subsection (3) the estimated proceeds of any borrowing during the year;
- (b) shall treat as estimated revenues any surplus of any previous year that resulted because,
  - (i) revenues for that year were greater than the amount described in paragraph 1 of subsection (3) for that year, or
  - (ii) expenses for that year were less than the amount described in paragraph 3 of subsection (3) for that year;

(c) shall provide for any deficit of any previous year that resulted because,

(i) revenues for that year were less than the amount calculated by deducting for that year the amount described in paragraph 2 of subsection (3) from the amount described in paragraph 1 of subsection (3), or

(ii) expenses were incurred by the City that were not in the budget for that year and were not paid for that year from a reserve, sinking or retirement fund;

(d) shall provide for the cost of the collection of taxes and any abatement or discount of taxes;

(e) shall provide for taxes and other revenues that in the opinion of the treasurer are uncollectible and for which provision has not been previously made;

(f) may provide for taxes and other revenues that it is estimated will not be collected during the year; and

(g) may provide for such reserve funds as the City considers necessary. 2009, c. 18, Sched. 4, s. 1.

(6) REPEALED: 2017, c. 10, Sched. 2, s. 29.

#### **Yearly budget from boards, etc.**

(7) Despite any other Act, for the purpose of preparing and adopting its budget for a year, the City may by by-law require that the year's budget of every board, commission or other body, other than a school board, for which the City is required by law to levy a tax or provide money, be submitted to the City on or before a date specified by the City and that the budget shall be in such detail and form as the by-law provides. 2009, c. 18, Sched. 4, s. 1.

#### **Definitions**

(8) In this section,

“reserve fund” includes a reserve; (“fonds de réserve”)

“taxes” means taxes imposed under any Part of this Act. (“impôts”) 2009, c. 18, Sched. 4, s. 1.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Multi-year budget**

**229** (1) Despite section 228, the City may prepare and adopt a budget covering a period of two to five years in the first year to which the budget applies or in the year immediately preceding the first year to which the budget applies. 2006, c. 32, Sched. B, s. 45.

##### **Exception**

(2) Despite subsection (1), if the first year of a multi-year budget immediately follows a year in which a regular election is held, the budget may only be adopted in the first year to which the budget applies. 2006, c. 32, Sched. B, s. 45.

##### **First year**

(3) Except as provided in subsection (1), the provisions of the budget for the first year to which the multi-year budget applies shall comply with the requirements of section 228. 2006, c. 32, Sched. B, s. 45.

##### **Other years, mandatory review of annual budget**

(4) For the second and each subsequent year to which a multi-year budget applies, the City shall, in the year or the immediately preceding year,

(a) review the budget for that year;

(b) make such changes as are required for the purpose of making the provisions of the budget for that year comply with the requirements of section 228, except clause 228 (5) (b); and

(c) readopt the budget for that year and for subsequent years to which the budget applies. 2006, c. 32, Sched. B, s. 45; 2009, c. 18, Sched. 4, s. 2.

**Exception**

(5) Despite subsection (4), if a year for which a budget is being reviewed and changed is a year immediately following a year in which a regular election is held, the budget may only be readopted in the year for which the budget is being reviewed and changed. 2006, c. 32, Sched. B, s. 45.

**Power and duty not affected**

(6) Nothing in this section,

- (a) limits the power of the City to amend or revoke a budget adopted or readopted under this section; or
- (b) removes the obligation of the City to levy taxes in each year. 2006, c. 32, Sched. B, s. 45.

**Deemed adoption**

(7) The budget for the first year of a multi-year budget adopted under subsection (1) and the budget for the first year of the remaining years in a multi-year budget readopted under subsection (4) is deemed, for the purposes of this and every other Act, to be the budget or estimates adopted for the year under section 228 and, before a budget is adopted or readopted for the year under this section, the City is deemed, for the purposes of this and every other Act, not to have adopted a budget or estimates for that year under section 228. 2006, c. 32, Sched. B, s. 45.

**Submission of budgets of boards, etc.**

(8) Despite any other Act, for the purpose of adopting a multi-year budget for two or more years or readopting a multi-year budget for one or more remaining years, the City may by by-law require that a budget for the year or years of every board, commission or other body, other than a school board, for which the City is required by law to levy a tax or provide money, be submitted to the City on or before a date specified by the City and that the budget shall be in such detail and form as the by-law provides. 2006, c. 32, Sched. B, s. 45.

**Section Amendments with date in force (d/m/y) [ + ]****RETURNS AND FINANCIAL STATEMENTS****Annual return re financial information**

**230** The city treasurer shall in each year give the Minister of Municipal Affairs and Housing a return containing information designated by the Minister with respect to the financial affairs of the City, at the times and in the manner and form designated by the Minister. 2006, c. 11, Sched. A, s. 230.

**Annual financial statements**

**231** The City shall, for each fiscal year, prepare annual financial statements for the City in accordance with generally accepted accounting principles for local governments as recommended, from time to time, by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. 2006, c. 11, Sched. A, s. 231; 2017, c. 10, Sched. 2, s. 30.

**Section Amendments with date in force (d/m/y) [ + ]****Publication of financial statements, etc.**

**232** (1) Within 60 days after receiving the audited financial statements of the City for the previous year, the city treasurer,

- (a) shall publish in a newspaper having general circulation in the City,
  - (i) a copy of the audited financial statements, the notes to the financial statements, the auditor's report and the tax rate information for taxes imposed under any Part of this Act for the current and previous year as contained in the financial review, or
  - (ii) a notice that the information described in subclause (i) will be made available at no cost to any taxpayer or resident of the City upon request; and

(b) may provide the information described in subclause (a) (i) or (ii) to such persons and in such other manner as the treasurer considers appropriate. 2006, c. 11, Sched. A, s. 232 (1).

**Copy to be provided at no cost**

(2) If the request is made under subsection (1), the treasurer shall provide a copy of the information to the taxpayer or resident at no cost. 2006, c. 11, Sched. A, s. 232 (2).

**Auditing of financial statements, etc.**

**233** (1) Each year, the city auditor shall audit the accounts and transactions of the City and its local boards and express an opinion on the financial statements of these bodies, based on the audit. 2006, c. 11, Sched. A, s. 233 (1).

**Inspection**

(2) The reports of the city auditor provided to city council under subsection (1) are public records and may be inspected by any person at the clerk's office during normal office hours. 2006, c. 11, Sched. A, s. 233 (2).

**Copies**

(3) A person may make copies of the reports upon payment of the fee established by the city clerk which shall not exceed the lowest rate the clerk charges for copies of other records. 2006, c. 11, Sched. A, s. 233 (3).

**Separate opinion not required**

(4) The city auditor is not required in any report to city council to provide a separate opinion with respect to each reserve fund except as otherwise provided in any Act. 2006, c. 11, Sched. A, s. 233 (4).

**Auditing of local boards**

**234** (1) Where the city auditor audits a local board, the City shall pay the fees of the auditor and may collect the fees as a debt of the local board payable to the City. 2006, c. 11, Sched. A, s. 234 (1).

**Joint boards**

(2) If a local board is a local board of more than one municipality, only the auditor of the municipality that is responsible for the largest share of the expenses of the local board in the year is required to audit the local board in that year. 2009, c. 18, Sched. 4, s. 3.

**Consolidated statements**

(3) Where the financial statements of the City and a local board are consolidated, the City may require the local board to be audited as if it were part of the City, in which case, the auditor of the City is not required to provide a separate opinion with respect to the statements of the local board. 2006, c. 11, Sched. A, s. 234 (3).

**Separate auditor not required**

(4) Despite any Act, other than Part IX of the *Education Act*, a local board is not required to have its own auditor. 2006, c. 11, Sched. A, s. 234 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Auditor's right of access**

**235** (1) The city auditor has a right of access at all reasonable hours to all records of the City or any of its local boards. 2006, c. 11, Sched. A, s. 235 (1).

**Information**

(2) The auditor may require from the current and the former members of the council and local boards and from the current and former officers and employees of the City and its local boards such information and explanation as in his or her opinion is necessary to carry out the duties of the auditor. 2006, c. 11, Sched. A, s. 235 (2).

**Evidence on oath**

(3) The auditor may require any person to give evidence on oath respecting any of the information and explanation under subsection (2) and for that purpose has the powers under section 33 of the *Public Inquiries Act, 2009*, in which case that section applies to the proceeding. 2009, c. 33, Sched. 6, s. 46 (6).

**Auditor may attend meetings**

(4) The auditor may attend any meeting of members of council or any local board of the City and is entitled,

(a) to receive all notices relating to the meeting that any member is entitled to receive; and

(b) to make representations at that meeting on any matter that concerns him or her as auditor. 2006, c. 11, Sched. A, s. 235 (4).

**Section Amendments with date in force (d/m/y) [ + ]****GENERAL****Default in providing information**

**236** The Minister of Finance may retain any money payable to the City if the City or any officer of the City has not provided the Minister of Municipal Affairs and Housing with any information that the City or officer is required to provide under this Part. 2006, c. 11, Sched. A, s. 236.

**Information re municipal operations**

**237** (1) In this section,

“local board (extended definition)” includes a conservation authority and any other body performing a public function designated by the Minister of Municipal Affairs and Housing. 2006, c. 11, Sched. A, s. 237 (1).

**Information to be provided**

(2) The City and a local board (extended definition) of the City shall provide the Minister of Municipal Affairs and Housing with information designated by the Minister which, in the Minister’s opinion, relate to efficiency and effectiveness of the City’s or local board’s operations, at the times and in the manner and form designated by the Minister. 2006, c. 11, Sched. A, s. 237 (2).

**Publication**

(3) The City and a local board (extended definition) of the City shall publish all or such portion of the information as may be designated by the Minister at the times designated by the Minister but in the manner and form determined by the City. 2006, c. 11, Sched. A, s. 237 (3).

**Scope**

(4) A designation by the Minister under this section may be general or specific in its application. 2006, c. 11, Sched. A, s. 237 (4).

**Financial assistance**

**238** (1) In this section,

“local board (extended definition)” includes a school board, a conservation authority and any other body performing a prescribed public function. 2006, c. 11, Sched. A, s. 238 (1).

**Grants and loans**

(2) The Minister of Municipal Affairs and Housing may, upon such conditions as may be considered advisable, make grants and loans and provide other financial assistance to the City, a local board (extended definition) of the City and a First Nation. 2006, c. 11, Sched. A, s. 238 (2).

**Mechanical endorsement of cheques**

**239** The City may provide that the signatures on a cheque of the City be mechanically or electronically reproduced. 2006, c. 11, Sched. A, s. 239.

**Use of a collection agency**

**240** If the City uses a registered collection agency in good standing under the *Collection and Debt Settlement Services Act* to recover a debt payable to the City, including taxes imposed under any Part of this Act, the collection agency may also recover its reasonable costs of collecting the debt but those costs shall not exceed an amount approved by the City. 2006, c. 11, Sched. A, s. 240; 2013, c. 13, Sched. 1, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

### **REGULATIONS**

#### **Regulations re changes in financial reporting requirements**

**241** (1) If changes in the financial reporting requirements of the City or a local board of the City affect the surplus or deficit of the City or local board, the Minister of Municipal Affairs and Housing may make regulations,

- (a) phasing in or authorizing the City or local board to phase in the changes to its budgets over a period of years;
- (b) governing the phase-in. 2009, c. 18, Sched. 4, s. 4.

#### **Regulations re budgets**

(2) The Minister of Municipal Affairs and Housing may make regulations,

- (a) prescribing types of expenses that the City or local board may exclude from the estimated expenses described in paragraph 3 of subsection 228 (3);
- (b) prescribing conditions that must be met before the City or local board may exclude from the estimated expenses the types of expenses prescribed under clause (a);
- (c) prescribing a date for the purposes of subsection (4). 2009, c. 18, Sched. 4, s. 4.

#### **Retroactive**

(3) A regulation made under this section may be retroactive to January 1 of the year in which the regulation is made. 2009, c. 18, Sched. 4, s. 4.

#### **Review**

(4) The Minister of Municipal Affairs and Housing shall, on or before a prescribed date, initiate a review of any regulation made under clause (2) (a) or (b). 2009, c. 18, Sched. 4, s. 4.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Regulations re reserve fund**

**242** The Minister of Municipal Affairs and Housing may make regulations,

- (a) requiring the City to establish a reserve fund designated for prescribed liabilities of the City which are incurred but not payable until later years;
- (b) defining "liabilities" of the City which are incurred for the purpose of clause (a);
- (c) requiring the City to make payments into the reserve fund to fund all or part of a prescribed liability at the prescribed times and in the prescribed manner;
- (d) prohibiting the City from changing the purpose for which the reserve fund is designated;
- (e) prescribing the conditions under which and the purposes for which the City may,
  - (i) change the designation of all or any part of the reserve fund, and
  - (ii) borrow from the reserve fund. 2006, c. 11, Sched. A, s. 242.

#### **Regulations re financial information**

**243** The Minister of Finance may by regulation require the City to provide to the Minister of Finance, at the times and in the manner and form prescribed, copies of by-laws made under Parts XI (Traditional Municipal Taxes) and XII (Limits on Traditional Municipal Taxes) and such other information as may be specified in the regulation. 2006, c. 11, Sched. A, s. 243.

#### **Regulations re financial assistance**

**244** The Minister of Municipal Affairs and Housing may make regulations prescribing public functions for the purposes of the definition of "local board (extended definition)" in subsection 238 (1). 2006, c. 11, Sched. A, s. 244.

## **PART VIII FINANCES**

### **AUTHORIZED FINANCIAL ACTIVITIES**

#### **Authorized financial activities**

**245** Without limiting sections 7 and 8, those sections authorize the City to undertake the following financial activities in accordance with such conditions and restrictions as may be prescribed:

1. Borrowing or investing money.
2. Selling debt.
3. Incurring debt without borrowing money for the purpose of obtaining long term financing of any capital undertaking.
4. Entering into financial agreements or using financial instruments for the purpose of minimizing costs or financial risk associated with incurring debt or making investments.
5. Engaging in such other financial activities as may be prescribed. 2006, c. 11, Sched. A, s. 245.

#### **Authorized borrowing**

**246** The City may borrow money for the purposes of a school board if the school board exercises jurisdiction in all or part of the City and requires permanent improvements as defined in subsection 1 (1) of the *Education Act*. 2006, c. 11, Sched. A, s. 246.

#### **Ranking of debentures, etc.**

**247** (1) Despite any Act or any differences in date of issue or maturity, every debenture issued by the City ranks concurrently and equally in respect of payment of principal and interest with all other debentures of the City. 2006, c. 11, Sched. A, s. 247 (1).

#### **Exceptions**

(2) Subsection (1) does not apply to money in a sinking or retirement fund for a particular issue of debentures. 2006, c. 11, Sched. A, s. 247 (2).

#### **Definition**

(3) In this section,

"debenture" includes any financial instrument for long term borrowing that the City describes as a debenture in a borrowing by-law. 2006, c. 11, Sched. A, s. 247 (3).

#### **Limitation on term**

**247.1** The term of a debt of the City or any debenture or other financial instrument for long-term borrowing issued for it shall not extend beyond the lifetime of the capital work for which the debt was incurred and shall not exceed 40 years. 2006, c. 32, Sched. B, s. 46; 2009, c. 18, Sched. 4, s. 5.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Use of money received**

**248** (1) Money received by the City from the sale of debentures or as proceeds of other long-term borrowing, including any premium, and any earnings derived from the investment of that money, shall be applied only,

- (a) for the purposes for which the debentures were issued or the other long-term borrowing was undertaken; or
- (b) to repay outstanding temporary borrowing with respect to the debentures or the other long-term borrowing. 2009, c. 18, Sched. 4, s. 6.

#### **Money not required**

(2) If the money received by the City as described in subsection (1) is in excess of or is not required for the purposes for which the debentures were issued or the other long term borrowing was undertaken, it shall be applied,

- (a) to repay the principal or interest of the debentures or other long term borrowing; or
- (b) to repay any other capital expenditure of the City. 2006, c. 11, Sched. A, s. 248 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Restrictions**

**248.1** (1) After a debt has been contracted under a by-law, the City shall not, until the debt and interest have been paid,

- (a) repeal the by-law or any by-law appropriating money from any source for the payment of the debt or the interest, including the surplus income from any work financed by the debt; or
- (b) alter any by-law referred to in clause (a) so as to diminish the amount to be raised annually. 2006, c. 32, Sched. B, s. 47.

##### **Repeal where only part of amount raised**

(2) If a debenture by-law authorizes the City to raise an amount but the amount realized from the sale or loan of the debentures is less than the amount authorized, the City may repeal the debenture by-law with respect to the unused debentures and with respect to any amount that would have been required to be raised annually to repay the unused debentures. 2006, c. 32, Sched. B, s. 47.

##### **Repeal, surplus from other borrowing**

(3) Despite subsection (1), the City may repeal a debenture by-law or other by-law for long-term borrowing to reduce or eliminate the amount that would have been required to be raised annually to repay the debentures or other long-term borrowing, to the extent that an amount applied in accordance with subsection 248 (2) reduces or eliminates the requirements for repayment of principal and interest for the borrowing. 2006, c. 32, Sched. B, s. 47.

##### **Repeal, sinking or retirement fund in surplus**

(4) Despite subsection (1), the City may repeal a debenture by-law or other by-law for long-term borrowing with respect to amounts that would have been required to be raised for a sinking or retirement fund, to the extent that the balance of the fund as audited by the city auditor, including any estimated revenue, is or will be sufficient to entirely repay the principal of the debt for which the fund was established on the date or dates the principal becomes due. 2006, c. 32, Sched. B, s. 47.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Use of sinking and retirement funds**

**249** (1) Except as provided in this section, the City shall apply an amount raised for a sinking or retirement fund of the City, including earnings or proceeds derived from the investment of those funds, only towards repayment of the principal of the fund at maturity. 2009, c. 18, Sched. 4, s. 7 (1).

##### **Exception, surplus**

(2) Despite subsection (1), if the balance of a sinking or retirement fund, including any estimated revenue, as audited by the city auditor is or will be sufficient to entirely repay the principal of the debt for which the fund was established on the date or dates the principal becomes due, the City may apply any surplus in the fund to one or both of the following purposes:

1. Repayment of the principal and interest of any other sinking or retirement fund.
2. Payment for any capital expenditure of the City. 2006, c. 32, Sched. B, s. 48.

##### **Same**

(3) If there is any amount that remains in the fund after the City makes payments in accordance with subsection (2), the City may use the amount for any of its purposes. 2009, c. 18, Sched. 4, s. 7 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Registration of debenture by-law**

**250** (1) Within four weeks after the passing of a debenture by-law, the clerk may register a duplicate original or a certified copy of the by-law under seal of the City in the land registry office for the City. 2006, c. 11, Sched. A, s. 250 (1).

##### **Application to quash**

(2) Subject to section 22 of the *Local Planning Appeal Tribunal Act, 2017*, if a by-law is registered under subsection (1) before the sale or other disposition of the debentures issued under it,

(a) the debentures are valid according to the terms of the by-law; and

(b) the by-law shall not be quashed unless, within three months after the registration, an application is made to a competent court to quash the by-law and a certified copy of the application under seal of the court is registered in the land registry office within that period. 2006, c. 11, Sched. A, s. 250 (2); 2017, c. 23, Sched. 5, s. 14.

##### **Timing**

(3) After the expiration of the period referred to in clause (2) (b), if no application to quash the by-law has been made, the by-law is valid. 2006, c. 11, Sched. A, s. 250 (3).

##### **Quashing part of by-law**

(4) If application is made to quash only part of a by-law, the remainder of the by-law is valid after the expiration of the period referred to in clause (2) (b). 2006, c. 11, Sched. A, s. 250 (4).

##### **Dismissal of application**

(5) If the application is dismissed in whole or in part, a certificate of the dismissal may be registered and, if the period referred to in clause (2) (b) has expired, the by-law or so much of it as is not quashed is valid. 2006, c. 11, Sched. A, s. 250 (5).

##### **Illegal by-law not validated**

(6) Nothing in this section makes valid a by-law that requires but has not received the assent of the electors or a by-law which, on the face of it, does not substantially conform to any requirements that may be prescribed with respect to,

(a) the term of the debt or any debenture issued for it;

(b) raising a levy for the amounts of principal and interest payable in a year under a debenture by-law; and

(c) the instalments of principal and interest payable under a debenture by-law. 2006, c. 11, Sched. A, s. 250 (6).

##### **Failure to register**

(7) Failure to register a by-law under this section does not invalidate it. 2006, c. 11, Sched. A, s. 250 (7).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Status of by-law and debenture**

**251** If the interest on a debenture issued under a by-law has been paid for one year or more by the City or any part of the principal has been paid, the by-law and the debenture issued under it are valid and binding on the City. 2006, c. 11, Sched. A, s. 251.

## **FINANCING MUNICIPAL CAPITAL FACILITIES**

##### **Agreements for municipal capital facilities**

**252** (1) This section applies to an agreement entered into by the City for the provision of municipal capital facilities by any person, including another municipality, if the agreement provides for one or more of the following:

1. Lease payments in foreign currencies as provided for in subsection (2).
2. Assistance as provided for in subsection (3).
3. Tax exemptions as provided for in subsection (6).
4. Development charges exemptions as provided for in subsection (7). 2006, c. 11, Sched. A, s. 252 (1); 2006, c. 32, Sched. B, s. 49 (1).

**Contents of agreements**

(2) An agreement may allow for the lease, operation or maintenance of the facilities and for the lease payments to be expressed and payable partly or wholly in one or more prescribed foreign currencies. 2006, c. 11, Sched. A, s. 252 (2).

**Assistance by the City**

(3) Despite section 82, the City may provide financial or other assistance at less than fair market value or at no cost to any person who has entered into an agreement to provide facilities under this section and such assistance may include,

- (a) giving or lending money and charging interest;
- (b) giving, lending, leasing or selling property;
- (c) guaranteeing borrowing; and
- (d) providing the services of employees of the City. 2006, c. 11, Sched. A, s. 252 (3).

**Restriction**

(4) The assistance shall only be in respect of the provision, lease, operation or maintenance of the facilities that are the subject of the agreement. 2006, c. 11, Sched. A, s. 252 (4).

**Notice of agreement by-law**

(5) Upon the passing of a by-law permitting the City to enter into an agreement under this section, the city clerk shall give written notice of the by-law to the Minister of Finance. 2006, c. 11, Sched. A, s. 252 (5); 2015, c. 27, Sched. 5, s. 3 (1).

**Tax exemption**

(6) Despite any Act, the City may exempt from all or part of the taxes levied for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located that,

- (a) is the subject of an agreement under subsection (1);
- (b) is owned or leased by a person who has entered an agreement to provide facilities under subsection (1); and
- (c) is entirely occupied and used or intended for use for a service or function that may be provided by the City. 2006, c. 11, Sched. A, s. 252 (6); 2006, c. 32, Sched. B, s. 49 (2).

**Development charges exemption**

(7) Despite the *Development Charges Act, 1997*, the City may exempt from the payment of all or part of the development charges imposed by the city under that Act land or a portion of it on which municipal capital facilities are or will be located that,

- (a) is the subject of an agreement under subsection (1);
- (b) is owned or leased by a person who has entered an agreement to provide facilities under subsection (1); and
- (c) is entirely occupied and used or intended for use for a service or function that may be provided by the City. 2006, c. 32, Sched. B, s. 49 (3).

**Notice of tax exemption by-law**

(8) Upon passing a by-law under subsection (6), the city clerk shall give written notice of the contents of the by-law to,

- (a) the assessment corporation; and

- (b) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law. 2006, c. 11, Sched. A, s. 252 (8).

**When agreement entered into**

(9) If a municipality designated as a service manager under the *Housing Services Act, 2011* has entered into an agreement under section 110 of the *Municipal Act, 2001* with respect to housing capital facilities, if the City has not entered into an agreement under this section with respect to the capital facilities and if the City contains all or part of the land on which the capital facilities are or will be located, the City may exercise the power under subsections (3), (6) and (7) with respect to the land and the capital facilities but,

- (a) a tax exemption under subsection (6) applies to taxation for municipal purposes; and  
(b) clause (8) (b) does not apply. 2006, c. 11, Sched. A, s. 252 (9); 2011, c. 6, Sched. 1, s. 186 (3).

**Reserve fund**

(10) The City may establish a reserve fund to be used for the exclusive purpose of renovating, repairing or maintaining facilities that are provided under an agreement under this section. 2006, c. 11, Sched. A, s. 252 (10).

**Same**

(11) An agreement under this section may provide for contributions to the reserve fund by any person. 2006, c. 11, Sched. A, s. 252 (11).

**Tax exemption by school board**

(12) Despite any Act, a school board that exercises jurisdiction in all or part of the City and that is authorized to enter into agreements for the provision of school capital facilities by any person may, by resolution, exempt from all or part of the taxes levied for municipal and school purposes land or a portion of the land on which the school capital facilities are or will be located in the City and that,

- (a) is the subject of the agreement;  
(b) is owned or leased by a person who has entered an agreement to provide school capital facilities; and  
(c) is entirely occupied and used or intended for use for a service or function that may be provided by a school board. 2006, c. 11, Sched. A, s. 252 (12); 2006, c. 32, Sched. B, s. 49 (4).

**Education development charges exemption**

(13) Despite Division E of Part IX of the *Education Act*, a school board that is authorized to enter into agreements for the provision of school capital facilities by any person may exempt from the payment of all or part of the education development charges imposed by the school board under that Part land or a portion of it on which school capital facilities are or will be located that,

- (a) is the subject of the agreement;  
(b) is owned or leased by a person who has entered an agreement to provide school capital facilities; and  
(c) is entirely occupied and used or intended for use for a service or function that may be provided by a school board. 2006, c. 32, Sched. B, s. 49 (5).

**Notice of tax exemption by school board**

(14) Upon the passing of a resolution under subsection (12), the secretary of the school board shall give written notice of the contents of the resolution to,

- (a) the assessment corporation;  
(b) the city clerk and the city treasurer; and  
(c) the secretary of any other school board if the area of jurisdiction of the board includes the land exempted by the resolution. 2006, c. 11, Sched. A, s. 252 (14).

**Restriction on tax exemption**

(15) The tax exemption under subsection (6) or (12) shall not be in respect of a special levy under section 277 for sewer and water. 2006, c. 11, Sched. A, s. 252 (15).

**Effective date**

(16) A by-law passed under subsection (6) or (7) or a resolution passed under subsection (12) or (13) shall specify an effective date which shall be the date of passing of the by-law or resolution or a later date. 2006, c. 32, Sched. B, s. 49 (6).

**Tax refund, etc.**

(17) Section 323 applies with necessary modifications to allow for a cancellation, reduction or refund of taxes that are no longer payable as a result of a by-law or resolution passed under this section. 2006, c. 11, Sched. A, s. 252 (17).

**Taxes struck from roll**

(18) Until the assessment roll has been revised, the city treasurer shall strike taxes from the tax roll that are exempted by reason of a by-law or resolution passed under this section. 2006, c. 11, Sched. A, s. 252 (18).

**Deemed exemption**

(19) Subject to subsection (15), the tax exemption under subsection (6) or (12) is deemed to be an exemption under section 3 of the *Assessment Act*, but shall not affect a payment required under section 27 of that Act. 2006, c. 11, Sched. A, s. 252 (19).

**Section Amendments with date in force (d/m/y) [ + ]****ENFORCEMENT****Offence re borrowing by-law**

**253** Every officer of the City whose duty it is to carry into effect any provision of a by-law for the borrowing of money who neglects or refuses to do so is guilty of an offence, even if the reason the officer neglects or refuses to fulfil his or her duty is the apparent authority to do so under a by-law that is illegally attempting to repeal or amend the borrowing by-law. 2006, c. 11, Sched. A, s. 253.

**Prohibition re temporary borrowing**

**254** (1) If a regulation provides for a maximum amount of temporary borrowing by the City for current expenditures, a member of city council who knowingly votes to authorize the borrowing of any amount larger than that maximum amount is disqualified from holding any municipal office for two years. 2006, c. 11, Sched. A, s. 254 (1).

**Exception**

(2) Subsection (1) does not apply to a member of council acting under an order or direction issued under Part III of the *Municipal Affairs Act*. 2006, c. 11, Sched. A, s. 254 (2).

**Liability of members for diversion of funds**

**255** (1) If city council applies any money raised for a special purpose or collected for a sinking or retirement fund otherwise than permitted by this Act, each member who votes for the application,

- (a) is personally liable for the amount so applied which may be recovered in a court of competent jurisdiction; and
- (b) is disqualified from holding any municipal office for two years. 2006, c. 11, Sched. A, s. 255 (1); 2009, c. 18, Sched. 4, s. 8.

**Action by ratepayer**

(2) If city council, on the request in writing of a ratepayer, refuses or neglects for one month to bring a court action under clause (1) (a), the action may be brought by any ratepayer on behalf of all ratepayers. 2006, c. 11, Sched. A, s. 255 (2).

**Penalty**

(3) If city council neglects in any year to levy the amount required to be raised for a sinking or retirement fund, each member of the council is disqualified from holding any municipal office for two years, unless the member shows that he or she made reasonable efforts to procure the levying of the amount. 2006, c. 11, Sched. A, s. 255 (3).

**Statement of treasurer**

(4) If in any year an amount is or will be required by law to be raised for a sinking fund or retirement fund of the City, the city treasurer shall prepare for city council, before the budget for the year is adopted, a statement of the amount. 2006, c. 11, Sched. A, s. 255 (4).

**Offence**

(5) A treasurer who contravenes subsection (4) is guilty of an offence. 2006, c. 11, Sched. A, s. 255 (5).

**Section Amendments with date in force (d/m/y) [ + ]****REGULATIONS****Regulations re financial activities**

**256** (1) The Lieutenant Governor in Council may make regulations governing the financial activities of the City described in section 245 and any other financial activities of the City, including regulations,

- (a) prescribing and defining types of investment, borrowing, debt financing and sale of debt, and financial activities;
- (b) prescribing and defining financial agreements and instruments that the City may issue or enter for or in relation to its financial activities;
- (c) prescribing rules, conditions and procedures for or in relation to its financial activities. 2006, c. 11, Sched. A, s. 256 (1).

**Same, Minister**

(2) The Minister of Municipal Affairs and Housing may make regulations prescribing financial activities for the purposes of paragraph 5 of section 245. 2006, c. 11, Sched. A, s. 256 (2).

**Regulations re municipal capital facilities**

**257** The Lieutenant Governor in Council may make regulations,

- (a) defining municipal capital facilities for the purposes of section 252;
- (b) prescribing eligible municipal capital facilities that may and may not be the subject of agreements under subsection 252 (1);
- (c) prescribing rules, procedures, conditions and prohibitions for the City entering agreements under subsection 252 (1);
- (d) prescribing for the purposes of subsection 252 (2) foreign currencies in which the City may make lease payments under such conditions as may be prescribed;
- (e) prescribing eligible municipal capital facilities for which the City may and may not grant tax exemptions under subsection 252 (6) or development charges exemptions under subsection 252 (7);
- (f) defining and prescribing eligible school capital facilities for which school boards may and may not grant tax exemptions under subsection 252 (12) or exemptions from education development charges under subsection 252 (13). 2006, c. 11, Sched. A, s. 257; 2006, c. 32, Sched. B, s. 50.

**Section Amendments with date in force (d/m/y) [ + ]****PART IX  
FEES AND CHARGES****Definitions**

**258** In this Part,

“by-law” includes a resolution for the purpose of a local board; (“règlement municipal”)

“fee or charge” means, in relation to the City, a fee or charge imposed by the City under sections 7 and 8 and, in relation to a local board (extended definition), means a fee or charge imposed by the local board under subsection 259 (1.1); (“droits ou redevances”)

“local board (extended definition)” includes any prescribed body performing a public function and a school board but, for the purpose of passing by-laws imposing fees or charges under this Part, does not include a school board or hospital board; (“conseil local (définition élargie)”)

“person” includes a municipality, a local board (extended definition) and the Crown. (“personne”) 2006, c. 11, Sched. A, s. 258; 2006, c. 32, Sched. B, s. 51.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **By-laws re fees and charges**

**259** (1) Without limiting sections 7 and 8, those sections authorize the City to pass by-laws imposing fees or charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control. 2006, c. 32, Sched. B, s. 52 (1).

##### **Local board**

(1.1) A local board (extended definition) of the City may impose fees or charges on persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any municipality or other local board (extended definition); and
- (c) for the use of its property including property under its control. 2006, c. 32, Sched. B, s. 52 (2).

##### **Same**

(2) A fee or charge imposed for capital costs related to services or activities may be imposed on persons not receiving an immediate benefit from the services or activities but who will receive a benefit at some later point in time. 2006, c. 11, Sched. A, s. 259 (2).

##### **Same**

(3) The costs included in a fee or charge may include costs incurred by the City or local board (extended definition) related to administration, enforcement and the establishment, acquisition and replacement of capital assets. 2006, c. 11, Sched. A, s. 259 (3); 2006, c. 32, Sched. B, s. 52 (3).

##### **Fees for mandatory services, etc.**

(4) A fee or charge may be imposed whether or not it is mandatory for the City or local board (extended definition) imposing the fee or charge to provide or do the service or activity, pay the costs or allow the use of its property. 2006, c. 11, Sched. A, s. 259 (4); 2006, c. 32, Sched. B, s. 52 (4).

##### **Conflict**

(5) In the event of a conflict between a fee or charge by-law and this Act, other than this Part, or any other Act or a regulation made under any other Act, the by-law prevails. 2006, c. 32, Sched. B, s. 52 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Restriction, poll tax**

**260** No fee or charge by-law shall impose a poll tax or similar fee or charge, including a fee or charge which is imposed on an individual by reason only of his or her presence or residence in the City or part of it. 2006, c. 11, Sched. A, s. 260; 2006, c. 32, Sched. B, s. 53.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Restriction, fees and charges**

**261** (1) No fee or charge by-law shall impose a fee or charge that is based on, is in respect of or is computed by reference to,

- (a) the income of a person, however it is earned or received, except that the City or local board (extended definition) may exempt, in whole or in part, any class of persons from all or part of a fee or charge on the basis of inability to pay;
- (b) the use, purchase or consumption by a person of property other than property belonging to or under the control of the City or local board (extended definition) that passes the by-law;
- (c) the use, consumption or purchase by a person of a service other than a service provided or performed by or on behalf of or paid for by the City or local board (extended definition) that passes the by-law;
- (d) the benefit received by a person from a service other than a service provided or performed by or on behalf of or paid for by the City or local board (extended definition) that passes the by-law; or
- (e) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources. 2006, c. 11, Sched. A, s. 261 (1); 2006, c. 32, Sched. B, s. 54.

**Basis of fee not limited**

(2) Nothing in clause (1) (b) prevents the imposition of a fee or charge that is based on, is in respect of or is computed by reference to the location of the property, the physical characteristics of the property, including buildings and structures on the property, or the zoning of property or other land use classification. 2006, c. 11, Sched. A, s. 261 (2).

**Section Amendments with date in force (d/m/y) [ + ]**

**Restriction, charges for gas**

**262** Nothing in this Act authorizes the City or a local board (extended definition) to impose a fee or charge for supplying natural and artificial gas which exceeds the amount for the supply permitted by the Ontario Energy Board. 2006, c. 11, Sched. A, s. 262; 2006, c. 32, Sched. B, s. 55.

**Section Amendments with date in force (d/m/y) [ + ]**

**Approval of by-law of local board**

**263** (1) The City may pass a by-law providing that a by-law of a local board (extended definition) of the City which is not a local board (extended definition) of any other municipality imposing fees or charges under this Part does not come into force until the City passes a resolution approving the by-law of the local board. 2006, c. 11, Sched. A, s. 263 (1).

**Exception**

(2) A by-law under subsection (1) does not apply with respect to fees or charges that are subject to approval under any federal Act or under a regulation made under section 266. 2006, c. 11, Sched. A, s. 263 (2).

**Debt**

**264** (1) Fees and charges imposed by the City or a local board (extended definition) on a person constitute a debt of the person to the City or local board, respectively. 2006, c. 11, Sched. A, s. 264 (1); 2006, c. 32, Sched. B, s. 56 (1).

**Amount owing added to tax roll**

(2) The city treasurer may, and upon the request of a local board (extended definition) whose area of jurisdiction includes any part of the City shall, add fees and charges imposed by the City or a local board (extended definition), respectively, to the tax roll for the following property in the City and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a service or thing to a property, the property to which the service or thing was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges. 2006, c. 11, Sched. A, s. 264 (2); 2006, c. 32, Sched. B, s. 56 (2); 2017, c. 10, Sched. 2, s. 31.

**Section Amendments with date in force (d/m/y) [ + ]**

**265** REPEALED: 2017, c. 23, Sched. 5, s. 15.

**Section Amendments with date in force (d/m/y) [ + ]****Regulations re fees and charges**

**266** The Minister of Municipal Affairs and Housing may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes of this Part, including,

- (a) providing that the City or a local board (extended definition) does not have the power to impose fees or charges for services or activities, for costs payable for services or activities, for use of municipal property or on the persons prescribed in the regulation;
- (b) imposing conditions and limitations on the powers of the City or a local board (extended definition) to impose fees or charges;
- (c) providing that a body is a local board (extended definition) for the purpose of this Part;
- (d) providing that fees or charges in a prescribed class of fees or charges which are added to the tax roll under subsection 264 (2) have priority lien status and designating all or any of those fees or charges to be fees or charges relating to a local improvement;
- (e) providing that fees or charges that have priority lien status under clause (d) are payable with respect to property that is exempt from taxation under section 3 of the *Assessment Act*;
- (f) requiring the City or a local board (extended definition) to give the prescribed notice of its intention to pass a by-law imposing the fees and charges which have priority lien status under clause (d) to the prescribed persons in the manner and form and at the times prescribed;
- (g) providing for a process of appealing a by-law to the extent that it imposes the fees or charges that have priority lien status under clause (d) and providing that the appeal may apply to all or any aspect of the by-law specified in the regulations;
- (h) providing for the powers the person or body hearing the appeal under clause (g) may exercise;
- (i) providing for rules or authorizing the person or body hearing the appeal under clause (g) to determine when by-laws subject to appeal come into force, including a retroactive date not earlier than the day on which the by-law was passed;
- (j) without limiting any of clauses (a) to (i), providing for any matter provided for in the *Local Improvement Act*, as it read immediately before its repeal on January 1, 2003, including delegations of authority. 2006, c. 11, Sched. A, s. 266; 2006, c. 32, Sched. B, s. 57.

**Section Amendments with date in force (d/m/y) [ + ]**

**PART X  
POWER TO IMPOSE TAXES**

**Power to impose taxes**

**267** (1) The City may, by by-law, impose a tax in the City in accordance with this Part if the tax is a direct tax. 2006, c. 11, Sched. A, s. 267 (1); 2017, c. 8, Sched. 4, s. 4 (1).

**Exclusions, types of tax**

(2) The City is not authorized to impose any of the following taxes:

1. A tax imposed on a person in respect of the person's income, revenue, profits, receipts or other similar amounts.
2. A tax imposed on a person in respect of the person's paid up capital, reserves, earned surplus, capital surplus or any other surplus, indebtedness or in respect of similar amounts.
3. A tax imposed on a person in respect of machinery and equipment used in research and development or used in manufacturing and processing and in respect of any assets used to enhance productivity, including computer hardware and software.
4. A tax imposed on a person in respect of remuneration for services, including non-monetary remuneration, that is paid or payable by the person or that is conferred or to be conferred by the person.
5. A sales tax imposed on a person in respect of the acquisition or purchase of any tangible personal property, any service or any intangible property, other than a tax imposed on the person,
  - i. for the purchase of admission to a place of amusement as defined in the *Retail Sales Tax Act*,

- ii. for the purchase of liquor as defined in section 1 of the *Liquor Licence Act* for use or consumption,

**Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 5 ii of subsection 267 (2) of the Act is repealed and the following substituted: (See: 2019, c. 15, Sched. 22, s. 90 (2))**

- ii. for the purchase of liquor as defined in subsection 1 (1) of the *Liquor Licence and Control Act, 2019* for use or consumption,
- iii. for the production by the person of beer or wine, as defined in section 1 of the *Liquor Licence Act*, at a brew on premise facility, as defined in section 1 of that Act, for use or consumption,

**Note: On a day to be named by proclamation of the Lieutenant Governor, subparagraph 5 iii of subsection 267 (2) of the Act is repealed and the following substituted: (See: 2019, c. 15, Sched. 22, s. 90 (2))**

- iii. for the production by the person of beer or wine, as defined in subsection 1 (1) of the *Liquor Licence and Control Act, 2019*, at a ferment on premises facility, as defined in subsection 1 (1) of that Act, for use or consumption,
- iv. for the purchase of tobacco as defined in section 1 of the *Tobacco Tax Act* for use or consumption, or
- v. in respect of the purchase of transient accommodation.

6. REVOKED: 2017, c. 8, Sched. 4, s. 4 (3).

7. A tax imposed on a person in respect of the acquisition of any gas or liquid that may be used for the purpose of generating power by means of internal combustion and in respect of any special product or any substance that may be added to the gas or liquid.

8. A tax imposed on a person in respect of the person's consumption or use of energy, including electricity.

9. A tax on a person's wealth, including an inheritance tax and a tax in respect of,

- i. the total value of assets or the total value of two or more classes of assets owned by the person, or
- ii. any monetary assets or financial instruments owned by the person.

10. A poll tax imposed on an individual by reason only of his or her presence or residence in the City or in part of it.

11. A tax on the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

12. A tax on the supply of natural gas or artificial gas.

13. A tax on the use of a highway (as defined in subsection 1 (1) of the *Highway Traffic Act*) by a person in respect of equipment placed under, on or over the highway for the purpose of supplying a service to the public. 2006, c. 11, Sched. A, s. 267 (2); 2017, c. 8, Sched. 4, s. 4 (2, 3).

#### **Requirements for by-law**

(3) A by-law described in subsection (1) must satisfy the following criteria:

1. It must state the subject of the tax to be imposed.
2. It must state the tax rate or the amount of tax payable.
3. It must state the manner in which the tax is to be collected, including the designation of any persons or entities who are authorized to collect the tax as agents for the City and any collection obligations of persons or entities who are required to collect the tax under subsection (5). 2006, c. 11, Sched. A, s. 267 (3); 2017, c. 8, Sched. 4, s. 4 (4).

#### **Other contents of by-law**

(4) A by-law described in subsection (1) may provide for,

- (a) exemptions from the tax;
- (b) rebates of tax;

- (c) penalties for failing to comply with the by-law;
- (d) interest on outstanding taxes or penalties;
- (e) the assessment of outstanding tax, penalties or interest;
- (f) audit and inspection powers;
- (g) the establishment and use of dispute resolution mechanisms;
- (h) the establishment and use of such enforcement measures as the city council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due, including measures such as garnishment, the seizure and sale of property and the creation and registration of liens;
- (i) such other matters as city council considers appropriate. 2006, c. 11, Sched. A, s. 267 (4).

#### **By-law may require persons or entities to collect tax**

(5) Subject to subsection (6), a by-law described in subsection (1) may require certain persons or entities to collect the tax as agents for the City. 2017, c. 8, Sched. 4, s. 4 (5).

#### **Exception**

(6) The by-law shall not require the collection of the tax, as an agent for the City, by the Crown, any agency of the Crown or any authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council. 2017, c. 8, Sched. 4, s. 4 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Persons, etc., not subject to tax**

**268** The City is not authorized to impose taxes under section 267 on any of the following:

1. The Crown, every agency of the Crown in right of Ontario and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council.
2. Every board as defined in subsection 1 (1) of the *Education Act*.
3. Every university in Ontario and every college of applied arts and technology and post-secondary institution in Ontario whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants entitlements from the Crown.
4. Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 4 of section 268 of the Act is amended by striking out “every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*” at the end and substituting “every community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017* that was formerly licensed under the *Private Hospitals Act*”. (See: 2017, c. 25, Sched. 9, s. 89)**

5. Every long-term care home as defined in subsection 2 (1) of the *Long-Term Care Homes Act, 2007*.
6. Such other persons and entities as may be prescribed. 2006, c. 11, Sched. A, s. 268; 2007, c. 8, s. 198 (4); 2009, c. 33, Sched. 18, s. 4.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Effect re Part XI**

**269** This Part does not limit the authority of the City under Part XI (Traditional Municipal Taxes). 2006, c. 11, Sched. A, s. 269.

##### **Enforcement measures**

**270** (1) The use of one or more enforcement measures established by a by-law under section 267 does not prevent the City from using any other remedy available in law to enforce the payment of amounts owing under this Part. 2006, c. 11, Sched. A, s. 270 (1).

**Priority of outstanding amounts**

(2) A by-law under section 267 cannot provide that outstanding taxes, interest or penalties have priority lien status for the purposes of subsections 3 (5), (6) and (7) and cannot provide that such taxes, interest or penalties have a higher priority than they would otherwise have in law in relation to other claims, liens or encumbrances. 2006, c. 11, Sched. A, s. 270 (2).

**Enforcement by court**

(3) If any tax, penalty or interest imposed pursuant to a by-law under this Part remains unpaid after it is due, the City may bring an action for the recovery of those amounts in any court in which a debt or money demand of a similar amount may be collected. 2009, c. 33, Sched. 21, s. 4 (13).

**Limitation period**

(4) An action under subsection (3) shall not be commenced against any person after the fourth anniversary of the day on which those amounts first became due and payable to the City unless, within that four-year period, the City makes a written demand for payment of those amounts by the person, in which case the action may be commenced at any time before the sixth anniversary of the day on which those amounts first became due and payable to the City. 2009, c. 33, Sched. 21, s. 4 (13).

**Section Amendments with date in force (d/m/y) [ + ]**

**Agreements re tax collection, etc.**

**271** The City may enter into agreements with another person or entity, including the Crown, providing for the collection of taxes imposed under section 267 and the administration and enforcement of the by-law imposing the taxes and the agreement may authorize the person or entity to collect taxes and administer and enforce the by-law on the City's behalf. 2006, c. 11, Sched. A, s. 271.

**Regulations re power to impose taxes**

**272** On the recommendation of the Minister of Finance, the Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this Part, including,

- (a) prescribing conditions and limits with respect to the imposition of a tax under a by-law made under subsection 267 (1);
- (b) governing the collection of a tax imposed under this Part;
- (c) prescribing, for the purposes of paragraph 6 of section 268, persons and entities who are not subject to taxes imposed under section 267;
- (d) defining any word or expression used in this Part;
- (e) governing the sharing of revenue from a tax on transient accommodation between the City and one or more non-profit entities for the exclusive purpose of the non-profit entity in promoting tourism in Ontario or in the City. 2017, c. 8, Sched. 4, s. 5.

**Section Amendments with date in force (d/m/y) [ + ]**

**PART XI  
TRADITIONAL MUNICIPAL TAXES**

**Definitions**

**273** In this Part,

“assessment” means the assessment for real property made under the *Assessment Act* according to the last returned assessment roll; (“évaluation”)

“commercial property class” means the commercial property class prescribed under the *Assessment Act*; (“catégorie des biens commerciaux”)

“general reassessment” means the updating of assessments in a year in respect of which a new valuation date, as specified under subsection 19.2 (1) of the *Assessment Act*, applies; (“réévaluation générale”)

“payment in lieu of taxes” means an amount referred to in subparagraph 24 iii of subsection 3 (1) of the *Assessment Act*, taxes for municipal and school purposes payable by a designated electricity utility within the meaning of section 19.0.1 of the *Assessment Act* or by a corporation referred to in clause (d) of the definition of “municipal electricity utility” in section 88 of the *Electricity Act, 1998* or an amount that the City receives under,

(a) subsection 27 (3), section 27.1 or 27.2 of the *Assessment Act*,

(b) section 285 and subsection 286 (4) of this Act,

(c) section 4 of the *Municipal Tax Assistance Act*,

(d) section 71 of the *Ontario Water Resources Act*,

(e) section 84 of the *Electricity Act, 1998*,

(f) REPEALED: 2006, c. 32, Sched. B, s. 58.

(g) the *Payments in Lieu of Taxes Act* (Canada), or

(h) any Act of Ontario or of Canada or any agreement where the payment is from any government or government agency and is in lieu of taxes on real property, but not including a payment referred to in section 336; (“paiement tenant lieu d’impôts”)

“property class” means a class of real property prescribed under the *Assessment Act*; (“catégorie de biens”)

“residential property class” means the residential property class prescribed under the *Assessment Act*; (“catégorie des biens résidentiels”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*; (“conseil scolaire”)

“tax rate” means the tax rate to be levied against property expressed as a percentage, to six decimal places, of the assessment of the property. (“taux d’imposition”, “taux de l’impôt”) 2006, c. 11, Sched. A, s. 273; 2006, c. 32, Sched. B, s. 58; 2017, c. 10, Sched. 2, s. 32.

## Section Amendments with date in force (d/m/y) [ + ]

### Taxes to be levied equally

**274** (1) All taxes shall, unless expressly provided otherwise, be levied upon the whole of the assessment for real property or other assessments made under the *Assessment Act* according to the amounts assessed and not upon one or more kinds of property or assessment or in different proportions. 2006, c. 11, Sched. A, s. 274 (1).

### Tax ratios

(2) If, in this or any other Act or any by-law passed under any Act, taxes, fees or charges are expressly or in effect directed or authorized to be levied upon rateable property of the City for municipal purposes, unless expressly provided otherwise,

(a) such taxes, fees or charges shall be calculated as percentages of the assessment for real property in each property class; and

(b) the tax rates and the rates to raise the fees or charges shall be in the same proportion to each other as the tax ratios established under section 275 for the property classes are to each other. 2006, c. 11, Sched. A, s. 274 (2).

### Deemed imposition

(3) Taxes imposed for a year are deemed to have been imposed and to be due on January 1 of the year unless the by-law imposing the tax provides otherwise. 2006, c. 11, Sched. A, s. 274 (3).

### Establishment of tax ratios

#### Definitions

**275** (1) In this section,

“commercial classes” means the commercial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the commercial property class; (“catégories commerciales”)

“industrial classes” means the industrial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the industrial property class; (“catégories industrielles”)

“optional property class” means a property class that city council may opt to have apply within the City under regulations made under the *Assessment Act*. (“catégorie de biens facultative”) 2006, c. 11, Sched. A, s. 275 (1).

#### **Tax ratios**

(2) A set of tax ratios for the City shall be established in accordance with this section. 2006, c. 11, Sched. A, s. 275 (2).

#### **What tax ratios are**

(3) The tax ratios are the ratios that the tax rate for each property class must be to the tax rate for the residential property class where the residential property class tax ratio is one. 2006, c. 11, Sched. A, s. 275 (3).

#### **By-law authority**

(4) The City shall pass a by-law in each year to establish the tax ratios for that year for the City. 2009, c. 33, Sched. 21, s. 4 (14).

#### **Limitations**

(5) The City shall not pass a by-law under subsection (4) until transition ratios are established for the property classes that apply within the City, other than the residential property class, the farm property class and the managed forests property class prescribed under the *Assessment Act*. 2006, c. 11, Sched. A, s. 275 (5).

#### **Ratios within prescribed ranges**

(6) The tax ratio for a property class must be within the allowable range prescribed for the property class. 2006, c. 11, Sched. A, s. 275 (6).

#### **Exception**

(7) Despite subsection (6), the tax ratio for a property class for the City may be outside the allowable range in the following circumstances:

1. For the first year for which the property class applies with respect to the City, the tax ratio may be,
  - i. above the range if it is less than or equal to the prescribed transition ratio for the property class for the City, or
  - ii. below the range if it is greater than or equal to the prescribed transition ratio for the property class for the City.
2. For a subsequent year the tax ratio may be,
  - i. above the range if it is less than or equal to the tax ratio for the property class for the previous year, or
  - ii. below the range if it is greater than or equal to the tax ratio for the property class for the previous year. 2006, c. 11, Sched. A, s. 275 (7).

#### **Exception, subsequent reassessment**

(8) Despite subsections (6) and (7), the Minister of Finance may prescribe a new transition ratio, including the average transition ratio, for a taxation year or any previous taxation year for a property class for the City and,

- (a) for the first year in respect of which the transition ratio is prescribed, the tax ratio may be,
  - (i) above the allowable range if it is less than or equal to the prescribed transition ratio for the property class for the City, or

(ii) below the allowable range if it is greater than or equal to the prescribed transition ratio for the property class for the City;  
and

(b) for a subsequent year, the tax ratio may be,

(i) above the allowable range if it is less than or equal to the tax ratio for the property class for the previous year, or

(ii) below the allowable range if it is greater than or equal to the tax ratio for the property class for the previous year. 2006, c. 11, Sched. A, s. 275 (8).

#### **Average transition ratios**

(9) For the City, there shall be an average transition ratio for the commercial classes and an average transition ratio for the industrial classes, determined in accordance with the following:

1. For the first year that an optional property class applies or, subject to subsection (15) or (16), ceases to apply in the City, the average transition ratio shall be the prescribed average transition ratio.
2. For a subsequent year, the average transition ratio shall be the weighted average, for the previous year, of the tax ratios for the property classes to which the average transition ratio relates. 2006, c. 11, Sched. A, s. 275 (9).

#### **Special rule, commercial classes**

(10) The tax ratio for a property class that is one of the commercial classes may be greater than what would be allowed under subsection (6), (7) or (8) if the following are satisfied:

1. The tax ratio is less than or equal to the average transition ratio for the commercial classes for the year.
2. The weighted average, for the year, of the tax ratios for the commercial classes does not exceed the average transition ratio for the commercial classes for the year. 2006, c. 11, Sched. A, s. 275 (10).

#### **Special rule, industrial classes**

(11) The tax ratio for a property class that is one of the industrial classes may be greater than what would be allowed under subsection (6), (7) or (8) if the following are satisfied:

1. The tax ratio is less than or equal to the average transition ratio for the industrial classes for the year.
2. The weighted average, for the year, of the tax ratios for the industrial classes does not exceed the average transition ratio for the industrial classes for the year. 2006, c. 11, Sched. A, s. 275 (11).

#### **Weighted average**

(12) For the purposes of subsections (9) to (11), the weighted average, for a year, of the tax ratios for property classes shall be determined as follows:

1. For each property class, multiply the tax ratio for the property class for the year by the total assessment of the properties in the property class for the year.
2. Add the amounts determined under paragraph 1 for each property class together.
3. Add the total assessments of the properties in the property classes for the year, used in the calculation under paragraph 1, together.
4. The weighted average is the amount determined under paragraph 2 divided by the amount determined under paragraph 3. 2006, c. 11, Sched. A, s. 275 (12).

#### **Optional classes, regulations**

(13) The Minister of Finance may make regulations prescribing transition ratios for a year,

- (a) for the commercial classes if the City opts to have a property class that is one of the commercial classes apply for the year and the property class did not apply within the City for the previous year;
- (b) for the industrial classes if the City opts to have a property class that is one of the industrial classes apply for the year and the property class did not apply within the City for the previous year. 2006, c. 11, Sched. A, s. 275 (13).

**Effect of new transition ratios**

(14) If new transition ratios are prescribed under subsection (13), paragraph 1 of subsection (7) applies, with necessary modifications, for the year with respect to which they apply. 2006, c. 11, Sched. A, s. 275 (14).

**Opting out, commercial classes**

(15) If all optional property classes that contain property that would otherwise be in the commercial property class cease to apply for a year in the City, the transition ratio for the commercial property class for the year shall be equal to the average transition ratio for the commercial classes for the previous year under subsection (9), and subsection (7) or (8) applies, with necessary modifications, for the year. 2006, c. 11, Sched. A, s. 275 (15).

**Opting out, industrial classes**

(16) If all optional property classes that contain property that would otherwise be in the industrial property class cease to apply for a year in the City, the transition ratio for the industrial property class for the year shall be equal to the average transition ratio for the industrial classes for the previous year under subsection (9), and subsection (7) or (8) applies, with necessary modifications, for the year. 2006, c. 11, Sched. A, s. 275 (16).

**Regulations**

(17) The Minister of Finance may make regulations,

- (a) REPEALED: 2009, c. 33, Sched. 21, s. 4 (15).
- (b) governing the determination of the tax ratios by the City for a taxation year;
- (c) prescribing, for the purposes of subsection (6), the allowable ranges for the tax ratios for the property classes;
- (d) prescribing transition ratios for the property classes for the purposes of subsections (7) and (8) or prescribing a method for determining such ratios;
- (e) prescribing average transition ratios for the purposes of subsection (9). 2006, c. 11, Sched. A, s. 275 (17); 2009, c. 33, Sched. 21, s. 4 (15).

**Regulations can be retroactive**

(18) A regulation under clauses (17) (c) to (e) may be retroactive to a date not earlier than January 1 of the year in which the regulation was made. 2006, c. 11, Sched. A, s. 275 (18).

**Regulations**

(19) The Minister of Municipal Affairs and Housing may make regulations,

- (a) requiring the City to provide the Minister with the information prescribed at the times and in the manner prescribed;
- (b) requiring the City to give notice of the tax ratios to such persons and in such manner as prescribed. 2006, c. 11, Sched. A, s. 275 (19).

**Section Amendments with date in force (d/m/y) [ + ]****Restriction, tax ratios for certain property classes**

**276** (1) This section applies despite subsections 275 (4), (6), (7) and (8). 2006, c. 11, Sched. A, s. 276 (1).

**Managed forests property class**

(2) The tax ratio for the managed forests property class prescribed under the *Assessment Act* is 0.25. 2006, c. 11, Sched. A, s. 276 (2).

**Farm property class**

(3) The tax ratio for the farm property class prescribed under the *Assessment Act* is 0.25 or such lower tax ratio as the City may establish. 2006, c. 11, Sched. A, s. 276 (3).

#### **By-law authority**

(4) If the City intends to apply a tax ratio of less than 0.25 to the farm property class for a tax year, the City shall pass a by-law in the year to establish the tax ratio for the farm property class for that year for the City. 2006, c. 11, Sched. A, s. 276 (4); 2009, c. 33, Sched. 21, s. 4 (16).

(5) REPEALED: 2009, c. 33, Sched. 21, s. 4 (17).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Local municipality levies**

##### **Definitions**

**277 (1)** In this section,

“commercial classes” has the meaning given to that expression by subsection 275 (1); (“catégories commerciales”)

“general local municipality levy” means the amount the City decided to raise in its budget for the year under section 228 on all rateable property in the City; (“impôt général local”)

“industrial classes” has the meaning given to that expression by subsection 275 (1); (“catégories industrielles”)

“optional property class” has the meaning given to that expression by subsection 275 (1); (“catégorie de biens facultative”)

“special local municipality levy” means, where the City is authorized under a provision of any Act, other than this section, or under a regulation under section 287 or any other Act to raise an amount for any purpose on less than all the rateable property in the City, the amount the City decided to raise in its budget for the year under section 228 for that purpose on less than all the rateable property. (“impôt extraordinaire local”) 2006, c. 11, Sched. A, s. 277 (1).

#### **General local municipality levies**

(2) For purposes of raising the general local municipality levy, the City shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the City rateable for municipal purposes. 2006, c. 11, Sched. A, s. 277 (2).

#### **Assessment for general local municipality levy purposes**

(3) For the purposes of subsection (2), the assessment in each property class includes any adjustments made under section 32, 33, 34, 39.1 or 40 of the *Assessment Act* to the assessments on the assessment roll as returned for the taxation year if the adjustments are made on the tax roll before the by-law mentioned in subsection (2) is passed for the taxation year. 2006, c. 11, Sched. A, s. 277 (3).

#### **Special local municipality levies**

(4) For purposes of raising a special local municipality levy, the City shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on all or part of the assessment, as specified in the by-law, in each property class in the City rateable for municipal purposes. 2006, c. 11, Sched. A, s. 277 (4).

#### **Assessment for special local municipality levy purposes**

(5) For the purposes of subsection (4), the assessment in each property class includes any adjustments made under section 32, 33, 34, 39.1 or 40 of the *Assessment Act* to the assessments on the assessment roll as returned for the taxation year if the adjustments are made on the tax roll before the by-law mentioned in subsection (4) is passed for the taxation year. 2006, c. 11, Sched. A, s. 277 (5).

#### **Restrictions on rates**

(6) The tax rates to be levied under subsection (2) or (4) are subject to the following restrictions:

1. The rates must be set so that, when they are levied on the applicable assessment rateable for municipal purposes, an amount equal to the general local municipality levy or special local municipality levy, as the case may be, is raised.

2. The rates on the different classes of property must be in the same proportion to each other as the tax ratios established under section 275 for the property classes are to each other. 2006, c. 11, Sched. A, s. 277 (6).

**Exception, tax increases**

(7) Despite subsection (6), if the tax ratio or average tax ratio for the property class for a year is above the tax ratio for the property class as prescribed under clause (10) (a), tax rates to be levied on property in the property class shall be determined in the manner provided under clause (10) (b). 2006, c. 11, Sched. A, s. 277 (7).

**Average tax ratio**

(8) For the purpose of subsection (7), the average tax ratio shall be equal to the average transition ratio for the City determined under subsection 275 (9) for the commercial classes or for the industrial classes. 2006, c. 11, Sched. A, s. 277 (8).

**Exception**

(9) Despite subsection (8), if the City opts to have an optional property class apply within a taxation year, the City may establish an average tax ratio for the commercial classes or for the industrial classes for that year, whichever includes the optional property class, using the assessment as determined under subsection (3), and the average tax ratio must not exceed the tax ratio prescribed under clause (10) (a). 2006, c. 11, Sched. A, s. 277 (9).

**Regulations**

(10) The Minister of Finance may make regulations,

- (a) prescribing a tax ratio for a property class for the purpose of subsection (7), including a single tax ratio for the commercial classes or industrial classes;
- (b) providing the manner in which the tax rates on property in a property class are to be determined under subsection (7);
- (c) providing for the determination of changes in taxes for municipal purposes for a property class. 2006, c. 11, Sched. A, s. 277 (10).

**Regulations, funding of rebates**

(11) The Minister of Finance may make regulations allowing, subject to conditions prescribed in the regulations, the tax rate for a property class to be greater than would be allowed under paragraph 2 of subsection (6) for the purpose of allowing additional taxes to be levied on property in the property class to fund rebates under section 329 on the following property:

1. Property in the property class.
2. If the property class is one of the commercial classes within the meaning of subsection 275 (1), property in those classes.
3. If the property class is one of the industrial classes within the meaning of subsection 275 (1), property in those classes. 2006, c. 11, Sched. A, s. 277 (11).

**Funding of rebates, commercial**

(12) The tax rates for the commercial classes, within the meaning of subsection 275 (1), shall be set as allowed under the regulations under subsection (11) so that the tax rates are higher than would be allowed under paragraph 2 of subsection (6) to the extent necessary to raise additional taxes to fund the City's share of the cost of rebates under section 329 on property in the commercial classes. 2006, c. 11, Sched. A, s. 277 (12).

**Funding of rebates, industrial**

(13) The tax rates for the industrial classes, within the meaning of subsection 275 (1), shall be set as allowed under the regulations under subsection (11) so that the tax rates are higher than would be allowed under paragraph 2 of subsection (6) to the extent necessary to raise additional taxes to fund the City's share of the cost of rebates under section 329 on property in the industrial classes. 2006, c. 11, Sched. A, s. 277 (13).

**Special reductions**

(14) The City may, with the written approval of the Minister of Finance, set a tax rate for a property class that is lower than would otherwise be allowed under this section. 2006, c. 11, Sched. A, s. 277 (14).

#### **Prescribed subclass tax reductions**

**278 (1)** The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subsection 8 (1) of the *Assessment Act* shall be reduced in accordance with the following rules:

1. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under paragraph 1 of subsection 8 (1) of the *Assessment Act* shall be reduced by the percentages prescribed by, or determined in accordance with, the regulations.
2. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 2 i of subsection 8 (1) of the *Assessment Act* shall be reduced by 30 per cent or such other percentage prescribed by, or determined in accordance with, the regulations.
3. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 2 ii of subsection 8 (1) of the *Assessment Act* shall be reduced by 35 per cent or such other percentage prescribed by, or determined in accordance with, the regulations.
4. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 3 i of subsection 8 (1) of the *Assessment Act* shall be reduced by 30 per cent or such other percentage prescribed by, or determined in accordance with, the regulations.
5. The tax rates that would otherwise be levied for municipal purposes for the subclasses prescribed under subparagraph 3 ii of subsection 8 (1) of the *Assessment Act* shall be reduced by 35 per cent or such other percentage prescribed by, or determined in accordance with, the regulations. 2006, c. 11, Sched. A, s. 278 (1); 2016, c. 5, Sched. 5, s. 1 (1); 2017, c. 8, Sched. 4, s. 6 (1), (2).

#### **City option**

(1.1) Despite subsection (1), the City may pass a by-law providing for the application of a single percentage that is not less than 30 per cent and not more than 35 per cent instead of the percentages described in paragraphs 2, 3, 4 and 5 of subsection (1). 2016, c. 37, Sched. 3, s. 1.

#### **Same**

(1.2) Despite subsection (1), the City may pass a by-law providing for the application of a percentage within a range prescribed by, or determined in accordance with, the regulations instead of the percentage described in paragraph 1, 2, 3, 4 or 5 of subsection (1), as the case may be. 2017, c. 8, Sched. 4, s. 6 (3).

#### **Same**

(1.2.1) If the Minister of Finance prescribes a range or a manner of determining a range of percentages with respect to a subclass described in paragraph 1 of subsection (1), but does not prescribe a percentage or manner of determining a percentage for the subclass for the purposes of paragraph 1 of subsection (1), and the City does not pass a by-law described in subsection (1.2) with respect to the subclass, the tax rate that would otherwise be levied for municipal purposes for the subclass shall be reduced by the highest percentage in the range prescribed by, or determined in accordance with, the regulation. 2017, c. 8, Sched. 4, s. 6 (3).

#### **Same**

(1.3) Despite subsection (1), the City may, if authorized by the regulations, pass a by-law providing that a tax rate reduction in paragraph 1, 2, 3, 4 or 5 of subsection (1) does not apply. 2016, c. 37, Sched. 3, s. 1; 2017, c. 8, Sched. 4, s. 6 (4).

#### **Regulations**

(2) The Minister of Finance may make regulations,

- (a) prescribing percentages or the manner of determining percentages for the purposes of subsection (1);
- (b) prescribing ranges of percentages or the manner of determining ranges of percentages for the purposes of subsection (1.2);

(c) prescribing ranges for the purposes of subsection (1.2);

(d) authorizing the City to pass a by-law referred to in subsection (1.3);

(e) imposing conditions on the ability of the City to pass a by-law referred to in this section. 2016, c. 37, Sched. 3, s. 1; 2017, c. 8, Sched. 4, s. 6 (5).

(3) REPEALED: 2017, c. 8, Sched. 4, s. 6 (6).

(4) REPEALED: 2016, c. 5, Sched. 5, s. 1 (4).

#### **Overlap with graduated tax rates**

(5) The Minister of Finance may make regulations governing the application of this section and section 279 and regulations or by-laws made under those sections in situations in which both of those sections, or the regulations or by-laws made under them, apply. 2006, c. 11, Sched. A, s. 278 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Further prescribed subclass tax reductions**

**278.1** (1) Subject to subsection (2), the tax rate that would be levied for municipal purposes for a subclass prescribed under subsection 8 (1.1) of the *Assessment Act* because of the class to which the subclass belongs shall be reduced by either,

(a) the percentage prescribed by, or determined in accordance with, the regulations; or

(b) if the regulations prescribe a range of percentages, and the City passes a by-law providing for the application in the City of a percentage within the range, the percentage set out in the by-law. 2017, c. 8, Sched. 4, s. 7.

##### **Same**

(2) The City may, if authorized by the regulations, pass a by-law providing that subsection (1) does not apply to a specified tax rate for a subclass. 2017, c. 8, Sched. 4, s. 7.

##### **Regulations**

(3) The Minister of Finance may make regulations,

(a) prescribing percentages, ranges of percentages or the manner of determining percentages or ranges for the purposes of subsection (1); and

(b) authorizing the City to pass a by-law referred to in subsection (2). 2017, c. 8, Sched. 4, s. 7.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Graduated tax rates**

**279** (1) The City may, by by-law passed in the year to which it relates,

(a) establish two or three bands of assessment of property for the purposes of facilitating graduated tax rates for any one or more of the classes prescribed under clause (4) (0.a) or included in the commercial classes or the industrial classes; and

(b) set the ratios that the tax rates for each band must bear to each other. 2006, c. 11, Sched. A, s. 279 (1); 2009, c. 33, Sched. 21, s. 4 (18); 2016, c. 37, Sched. 3, s. 2 (1).

##### **Restrictions on bands**

(2) The bands for each property class are subject to the following:

1. The lowest band must be the portion of the assessment of a property that is less than or equal to an amount set out in the by-law.

2. The highest band must be the portion of the assessment of a property that is greater than an amount set out in the by-law.

3. If there is a third band, it must cover the portion of the assessment between the lowest and highest bands.

4. The bands must be established so that they cover all of the assessment of a property and do not overlap.
5. The bands must be the same for all properties in the property class. 2006, c. 11, Sched. A, s. 279 (2).

#### **Setting of rates for bands**

(3) Instead of setting a single tax rate under section 277 for a property class for which bands are established, the City shall set a separate tax rate for each band in accordance with the ratios set under clause (1) (b). 2006, c. 11, Sched. A, s. 279 (3).

#### **Regulations**

(4) The Minister of Finance may make regulations,

- (0.a) prescribing classes of real property for the purposes of clause (1) (a), other than the residential property class, the multi-residential property class, the farm property class, the pipe line property class or the managed forests property class;
- (a) governing the ratios set under clause (1) (b);
- (b) governing the setting of tax rates in accordance with the ratios set under clause (1) (b);
- (c) varying the application of subsection (5) with respect to a unit or proposed unit within the meaning of the *Condominium Act, 1998*. 2006, c. 11, Sched. A, s. 279 (4); 2016, c. 37, Sched. 3, s. 2 (2).

#### **Determination of taxes**

(5) The taxes for municipal purposes on a property shall be determined by applying the tax rate for each band to the portion of the assessment of the property within that band. 2006, c. 11, Sched. A, s. 279 (5).

(6) REPEALED: 2009, c. 33, Sched. 21, s. 4 (19).

#### **Definitions**

(7) In this section,

“commercial classes” has the meaning given to that expression by subsection 275 (1); (“catégories commerciales”)

“industrial classes” has the meaning given to that expression by subsection 275 (1). (“catégories industrielles”) 2006, c. 11, Sched. A, s. 279 (7).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Taxation of certain railway, power utility lands**

**280** (1) The City shall impose taxes, in accordance with the regulations, on the following land:

1. The roadway or right-of-way of a railway company, other than the structures, substructures and superstructures, rails, ties, poles and other property on the roadway or right-of-way, not including land leased by the railway company to another person for rent or other valuable consideration.
2. Land owned by a power utility prescribed by the Minister of Finance, other than a public utility defined in subsection 27 (1) of the *Assessment Act*, and used as a transmission or distribution corridor, not including land leased by the power utility to another person for rent or other valuable consideration. 2006, c. 11, Sched. A, s. 280 (1).

#### **Regulations**

(2) The Minister of Finance may make regulations,

- (a) prescribing the rate of tax to be imposed by the City on the land described in subsection (1);
- (b) prescribing the rate of tax to be imposed by the City on certain land described in subsection (1) instead of the rate of tax prescribed under clause (a);
- (c) prescribing power utilities for the purposes of paragraph 2 of subsection (1). 2006, c. 11, Sched. A, s. 280 (2).

#### **Scope**

(3) A regulation under subsection (2) may provide for land described in paragraph 1 of subsection (1) to be taxed differently from land described in paragraph 2 of subsection (1). 2006, c. 11, Sched. A, s. 280 (3).

**Tax roll**

(4) The city treasurer shall, for land described in subsection (1), enter on the tax roll the number of acres or other measure showing the extent of the land and the amounts of the taxes under this section. 2006, c. 11, Sched. A, s. 280 (4).

**Retroactive**

(5) Regulations under this section are, if they so provide, effective with reference to periods before they are filed. 2006, c. 11, Sched. A, s. 280 (5).

**Interim levy**

**281** (1) The City, before the adoption of the estimates for the year under section 228, may pass a by-law levying amounts on the assessment of property in the City rateable for municipal purposes. 2006, c. 11, Sched. A, s. 281 (1).

**By-law**

(2) A by-law under subsection (1) shall be passed in the year that the amounts are to be levied or may be passed in November or December of the previous year if it provides that it does not come into force until a specified day in the following year. 2006, c. 11, Sched. A, s. 281 (2).

**Rules**

(3) The amounts to be levied are subject to the following rules:

1. The amount levied on a property shall not exceed the prescribed percentage, or 50 per cent if no percentage is prescribed, of the total amount of taxes for municipal and school purposes levied on the property for the previous year.
2. The percentage under paragraph 1 may be different for different property classes but shall be the same for all properties in a property class.
3. For the purposes of calculating the total amount of taxes for the previous year under paragraph 1, if any taxes for municipal and school purposes were levied on a property for only part of the previous year because assessment was added to the tax roll during the year, an amount shall be added equal to the additional taxes that would have been levied on the property if the taxes for municipal and school purposes had been levied for the entire year. 2006, c. 11, Sched. A, s. 281 (3).

**By-law passed before assessment roll returned**

(4) If a by-law is passed under subsection (1) before the assessment roll for taxation in the current year is returned, the amounts under subsection (1) shall be levied on the assessment according to,

- (a) the tax roll for taxation in the previous year as most recently revised before the by-law is passed; or
- (b) a preliminary assessment roll provided by the assessment corporation for that purpose. 2006, c. 11, Sched. A, s. 281 (4).

**Added assessment**

(5) A by-law under subsection (1) may provide for the levying of amounts on assessment added, after the by-law is passed, to the tax roll for the current year that was not on the assessment roll upon which the amounts are levied. 2006, c. 11, Sched. A, s. 281 (5).

**Deduction**

(6) An amount levied under subsection (1) on a property in a year shall be deducted from other amounts levied on the property for the year that are payable to the City. 2006, c. 11, Sched. A, s. 281 (6).

**Refund**

(7) If the amount levied under subsection (1) on a property exceeds the other amounts levied on the property that are payable to the City, the city treasurer shall refund that excess amount not later than 21 days after giving a notice of demand of taxes payable for the year. 2006, c. 11, Sched. A, s. 281 (7).

**Application after municipal restructuring**

(8) If, as a result of a municipal restructuring, parts of the City as it exists on January 1 of a year were, at any time in the preceding year, in different local municipalities, this section applies for the purposes of the current year with respect to each such area as though it were a separate municipality. 2006, c. 11, Sched. A, s. 281 (8).

**Adjustments to interim levy**

(9) If city council is of the opinion that the taxes levied under subsection (1) on a property are too high or too low in relation to its estimate of the total taxes that will be levied on the property, the council may adjust the taxes on the property under subsection (1) to the extent it considers appropriate. 2006, c. 11, Sched. A, s. 281 (9).

**Regulations to vary interim powers**

(10) The Minister of Municipal Affairs and Housing may make regulations with respect to a taxation year for which there is a general reassessment prescribing a percentage for the purpose of paragraph 1 of subsection (3). 2006, c. 11, Sched. A, s. 281 (10).

**Retroactive**

(11) A regulation under this section may be retroactive to a date not earlier than November 1 of the year before the year in which the regulation is made. 2006, c. 11, Sched. A, s. 281 (11).

**Phase-in of tax changes resulting from reassessments**

**282** (1) On or before December 31 of the taxation year, the City may pass a by-law to phase in tax increases or decreases for eligible properties for a taxation year in respect of which there is a general reassessment. 2006, c. 11, Sched. A, s. 282 (1).

**Definitions**

(2) In this section,

“eligible property” means property classified in any property class prescribed under the *Assessment Act*; (“bien admissible”)

“first taxation year” means a taxation year in respect of which there is a general reassessment; (“première année d’imposition”)

“preceding year” means the taxation year immediately preceding the first taxation year. (“année précédente”) 2006, c. 11, Sched. A, s. 282 (2).

**Tax increase to be phased in**

(3) If the total taxes for municipal and school purposes for the first taxation year for an eligible property, but for the application of this section, exceed its total taxes for municipal and school purposes for the preceding year, the maximum amount of the tax increase to be phased in is the amount of the difference. 2006, c. 11, Sched. A, s. 282 (3).

**Tax decrease to be phased in**

(4) If the total taxes for municipal and school purposes for the preceding year for an eligible property exceed its total taxes for municipal and school purposes for the first taxation year, but for the application of this section, the maximum amount of the tax decrease to be phased in is the amount of the difference. 2006, c. 11, Sched. A, s. 282 (4).

**Amounts to be phased in**

(5) For properties subject to Part XII (Limits on Traditional Municipal Taxes) and for the purposes of subsections (3) and (4), the taxes for municipal and school purposes for that year shall be determined under subsection 291 (2). 2006, c. 11, Sched. A, s. 282 (5).

**Same**

(6) For properties that are not subject to Part XII (Limits on Traditional Municipal Taxes) and for the purposes of subsections (3) and (4), the taxes for municipal and school purposes for the preceding year shall be determined as follows:

1. Determine the taxes for municipal and school purposes that were levied on the property in the year.

2. If a supplementary assessment or change in classification was made under section 34 of the *Assessment Act* during that year or if an assessment or change in classification could have been made under section 34 of that Act and the appropriate change is made to the assessment roll for taxation in the first taxation year, recalculate the taxes determined under paragraph 1 as if the increase in the assessment or change in classification, as the case may be, had applied to the property for all of the year.
3. If city council cancels, reduces or refunds taxes under section 323 for the year on an application under clause 323 (1) (a), (c), (d) or (f) or under section 325 for the year, recalculate the taxes determined under paragraph 1 as if the event that caused the cancellation, reduction or refund had occurred on January 1 of that year. 2006, c. 11, Sched. A, s. 282 (6).

**By-law requirements**

(7) A by-law under subsection (1) is subject to the following:

1. The by-law may apply to the first taxation year and up to the next seven taxation years.
2. The by-law may replace a by-law made under section 318 of the *Municipal Act, 2001* or made under this section so long as the first-mentioned by-law applies for at least the same number of years as remains outstanding under the by-law made under section 318 or this section.
3. The by-law may modify the phase-in on individual properties subject to a phase-in under a by-law made under section 318 of the *Municipal Act, 2001* or made under this section in order to reflect tax increases or decreases determined under subsection (3) or (4).
4. The amount to be phased in in a year, other than in the first taxation year, must be the same or less than the amount phased in in the previous year.
5. The amount phased in in the last year in which a tax increase or decrease is phased in plus the total amounts phased in in the previous years must equal the tax increase or decrease for each property as determined under subsection (3) or (4).
6. The by-law may treat different property classes differently and it may provide for no phase-ins for some classes but, if the by-law applies to property in a property class, it must apply to all properties in the property class.
7. For the purposes of paragraph 6, the residential property class, the farm property class and the managed forests property class shall be treated as a single property class.
8. In the first taxation year, the amounts recovered from all properties in the property class whose tax decreases are being phased in shall not exceed the revenues foregone from all properties in the property class whose tax increases are being phased-in for the City.
9. The by-law may provide for a threshold amount in each taxation year, determined in dollars or as a percentage.
10. For the purposes of paragraph 9, the threshold amount for eligible properties in a property class in the City to which subsection (3) applies may be different from the threshold amount for eligible properties in the property class in the City to which subsection (4) applies.
11. If an assessment is made for a property under subsection 32 (2) or 33 (1) of the *Assessment Act* in or after the first taxation year but the assessment applies to a year prior to the first taxation year,
  - i. the by-law made under subsection (1) shall apply to the property, and
  - ii. the taxes for municipal and school purposes on the property shall be recalculated for the first taxation year and for any subsequent taxation year that is subject to the by-law under subsection (1). 2006, c. 11, Sched. A, s. 282 (7).

**If change in use, character, classification of property**

(8) If there has been a change in the use or character of any eligible property or in its classification under the *Assessment Act* that, in the opinion of city council, makes a phase-in or the continuation of a phase-in in respect of the property inappropriate, the council may, in the by-law under subsection (1) or in another by-law, exclude such property from the application of the phase-in. 2006, c. 11, Sched. A, s. 282 (8).

**Improvements replaced after scheme begins**

(9) If an improvement to an eligible property is substantially destroyed before a by-law under subsection (1) is passed and, before the end of the last year in which a tax increase or decrease is phased in, the improvement is replaced, city council may amend the by-law under subsection (1) so that the by-law applies to the property as though the improvement had not been substantially destroyed. 2006, c. 11, Sched. A, s. 282 (9).

**Exception**

(10) Subsection (9) does not apply with respect to an improvement if the destruction of the improvement is by the owner, is permitted by the owner or is done by a person who had a right to destroy the improvement. 2006, c. 11, Sched. A, s. 282 (10).

**Information on notice of demand**

(11) A notice of demand of taxes payable in respect of which there is a phase-in shall indicate the amount of taxes that would have been payable without the phase-in, the amount of taxes that are payable and the difference. 2006, c. 11, Sched. A, s. 282 (11).

**List to be kept**

(12) The city treasurer shall maintain a list of the tax increases or decreases for each eligible property to which the by-law under subsection (1) applies. 2006, c. 11, Sched. A, s. 282 (12).

**Application to payments in lieu of taxes**

(13) This section applies to payments in lieu of taxes, other than an amount referred to in subparagraph 24 iii of subsection 3 (1) of the *Assessment Act* or an amount received under section 285 or subsection 286 (4) of this Act, as though they were taxes, but a by-law under subsection (1) may provide that it does not apply to payments in lieu of taxes. 2006, c. 11, Sched. A, s. 282 (13); 2017, c. 10, Sched. 2, s. 33.

**Taxes for school purposes**

(14) No phase-in of a tax increase or decrease under this section shall affect the amount the City is required to pay a school board. 2006, c. 11, Sched. A, s. 282 (14).

**Certain changes in first taxation year assessments**

(15) The following apply if the assessment of an eligible property for the first taxation year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act or an application under section 46 of that Act:

1. The tax increase or decrease for the property shall be redetermined under subsection (3) or (4) using the new assessment for the property.
2. The taxes on the property shall be recalculated using the amount determined under paragraph 1 for each year in which there is a tax increase or decrease.
3. The tax roll shall be amended to reflect the recalculated taxes. 2006, c. 11, Sched. A, s. 282 (15); 2008, c. 7, Sched. C, s. 1.

**Certain changes in assessment in preceding year**

(16) The following apply if the assessment of an eligible property for the preceding year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act or an application under section 46 of that Act:

1. The tax increase or decrease for the property shall be redetermined under subsection (3) or (4) using the new assessment for the property to determine the taxes for the preceding year.
2. The taxes on the property shall be recalculated using the amount determined under paragraph 1 for each year in which there is a tax increase or decrease.
3. The tax roll shall be amended to reflect the recalculated taxes. 2006, c. 11, Sched. A, s. 282 (16); 2008, c. 7, Sched. C, s. 1.

**Mixed use**

(17) If portions of an eligible property are classified in different property classes on the assessment roll for the first taxation year, each portion is deemed to be a separate property for the purposes of this section. 2006, c. 11, Sched. A, s. 282 (17).

**Regulations**

(18) The Minister of Finance may make regulations,

- (a) prescribing a later deadline for the purposes of subsection (1), either before or after the deadline has passed;
  - (b) governing by-laws under this section and the calculation of tax increases and decreases to be phased in under such by-laws.
- 2006, c. 11, Sched. A, s. 282 (18).

**Restructuring orders**

(19) Despite section 186 of the *Municipal Act, 2001* and section 151 of this Act, a by-law under this section may be made instead of any phase-in authority or requirement set out in an order under section 173 of the *Municipal Act, 2001* or section 149 of this Act, but the by-law under this section must apply for at least the same number of years as remains outstanding under the phase-in authority or requirement. 2006, c. 11, Sched. A, s. 282 (19).

**Section Amendments with date in force (d/m/y) [ + ]****Tax deferrals, relief of financial hardship**

**283** (1) For the purposes of relieving financial hardship, the City may pass a by-law providing for deferrals or cancellation of, or other relief in respect of, all or part of a tax increase for a year on property in the residential property class for persons assessed as owners who are, or whose spouses are,

- (a) low-income seniors as defined in the by-law; or
- (b) low-income persons with disabilities as defined in the by-law. 2006, c. 11, Sched. A, s. 283 (1).

**Tax relief must be given**

(2) The City shall pass a by-law under subsection (1). 2006, c. 11, Sched. A, s. 283 (2).

**Tax increases**

(3) For a tax increase beginning in a taxation year in which a general reassessment occurs, the tax increase is the tax increase determined under subsection 282 (3) reduced, if the tax increase is being phased in under a by-law made under subsection 282 (1), by the amount not yet phased in. 2006, c. 11, Sched. A, s. 283 (3).

**Subsequent years**

(4) The Minister of Finance may make regulations determining the amount of tax increases beginning in a year subsequent to the taxation year referred to in subsection (3). 2006, c. 11, Sched. A, s. 283 (4).

**Amounts transferred by City adjusted**

(5) If the City levies a tax rate for school purposes in respect of which there is a deferral or cancellation of tax increases or other relief in respect of tax increases, the amount of taxes the City shall pay the school boards shall be reduced accordingly. 2006, c. 11, Sched. A, s. 283 (5).

**Deferred taxes, payments to school boards**

(6) If the City levies a tax rate for school purposes in respect of which there is a deferral of tax increases, the City shall pay the school boards their share of any deferred taxes and interest when they are paid. 2006, c. 11, Sched. A, s. 283 (6).

**Deferred taxes, etc., shown on tax certificates**

(7) If the city treasurer issues a tax certificate in respect of a property for which taxes have been deferred, the certificate shall show the amount of the deferred taxes and any accrued interest. 2006, c. 11, Sched. A, s. 283 (7).

**Interest**

(8) Interest may be charged on taxes for taxation years before 2001 that are deferred under a city by-law at a rate not exceeding the market rate as determined by the City, but no such interest may be charged for the 2001 or subsequent taxation years. 2006, c. 11, Sched. A, s. 283 (8).

**Part payments credited to interest first**

(9) An amount received in part payment of deferred taxes and interest shall be credited towards the interest before being credited towards the taxes. 2006, c. 11, Sched. A, s. 283 (9).

**By-law may apply to taxes already paid**

(10) A by-law may provide for the cancellation or deferral of, or other relief in respect of, taxes that have already been paid. 2006, c. 11, Sched. A, s. 283 (10).

**Interest and penalties**

(11) If the City passes a by-law under subsection (1), the City,

(a) may waive interest and penalties on amounts that were not paid when they were due and that, as a result of the deferral, cancellation or other relief, are no longer owed; and

(b) may pay interest on amounts paid on account of taxes that, as a result of the deferral, cancellation or other relief, exceed the taxes. 2006, c. 11, Sched. A, s. 283 (11).

**Different due dates**

(12) For the purposes of clause (11) (a), if different parts of the taxes were due at different times, the amounts that are no longer owed are deemed to have been the latest taxes due. 2006, c. 11, Sched. A, s. 283 (12).

**Special lien**

(13) Subsection 314 (3) applies with necessary modifications with respect to deferred taxes and interest on such taxes. 2006, c. 11, Sched. A, s. 283 (13).

**Payments in lieu of taxes, distribution**

**284** (1) The Minister of Finance may make regulations governing the distribution of payments in lieu of taxes received by the City. 2006, c. 11, Sched. A, s. 284 (1).

**Same**

(2) Regulations under this section may,

(a) govern which school boards payments in lieu of taxes shall be distributed to;

(b) govern how much shall be distributed to each school board;

(c) govern when the distribution shall be made. 2006, c. 11, Sched. A, s. 284 (2).

**Different rules for different payments**

(3) Regulations under this section may treat different payments in lieu of taxes differently. 2006, c. 11, Sched. A, s. 284 (3).

**Variation of time of distribution**

(4) Regulations under clause (2) (c) may provide for the time the distribution shall be made to be varied by all or some of the school boards. 2006, c. 11, Sched. A, s. 284 (4).

**Amount to be distributed is a debt**

(5) An amount that the City is required to pay under this section is a debt of the City to the school board to which the amount is required to be paid. 2006, c. 11, Sched. A, s. 284 (5).

**Overpayments by City**

(6) If the City distributes more than is required under this section, the City shall notify the school board to which the overpayment was distributed of the amount of the overpayment and the school board shall promptly pay that amount to the City. 2006, c. 11, Sched. A, s. 284 (6).

**Default**

(7) If the City fails to make any payment, or portion of it, as required under this section, the City shall pay to the school board to which the amount is required to be paid, interest on the amount in default at the rate of 15 per cent per year, or such lower rate as the school board to which the amount is required to be paid may by by-law determine, from the date payment is due until it is made. 2006, c. 11, Sched. A, s. 284 (7).

#### **Payments credited to general funds**

(8) The portion of payments in lieu of taxes received and not distributed by the City shall be credited to its general fund. 2006, c. 11, Sched. A, s. 284 (8).

#### **End of year statement**

(9) On or before December 31 in each year, the city treasurer shall give each school board to which the City is required to distribute payments in lieu of taxes a statement setting out sufficient information to enable a school board to which a statement is given to determine the amount that the City is required to distribute to the school board under this section. 2006, c. 11, Sched. A, s. 284 (9).

#### **Conflict**

(10) In the event of a conflict between a regulation made under this section and a provision of this or of any other Act or regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 284 (10).

#### **Universities, etc., liable to tax**

**285** (1) Despite any Act, if there is situate in the City a university designated by the Minister of Training, Colleges and Universities or a college of applied arts and technology, the City may by by-law levy an annual tax payable on or after July 1 upon the university or college, not exceeding the prescribed amount for each full-time student enrolled in the university or college in the year preceding the year of levy, as determined by the Minister of Training, Colleges and Universities. 2006, c. 11, Sched. A, s. 285 (1).

#### **Annual levy on correctional institutions, etc.**

(2) Despite any Act, if there is situate in the City a correctional institution that is designated by the Minister of Community Safety and Correctional Services or a training school or a youth custody facility (designated under subsection 85 (2) of the *Youth Criminal Justice Act* (Canada)) that is designated by the Minister of Community and Social Services, the City may by by-law levy an annual amount payable on or after July 1 upon such institution, school or facility, not exceeding the prescribed amount for each resident placed in such institution, school or facility as determined by the Minister of Community Safety and Correctional Services or the Minister of Community and Social Services, as the case may be. 2006, c. 11, Sched. A, s. 285 (2).

#### **Annual levy on public hospitals, etc.**

(3) Despite any Act, if there is situate in the City a public hospital or provincial mental health facility designated by the Minister of Health and Long-Term Care, the City may by by-law levy an annual amount payable on or after July 1 upon such hospital or facility, not exceeding the prescribed amount for each provincially rated bed in the hospital or facility as determined by the Minister of Health and Long-Term Care. 2006, c. 11, Sched. A, s. 285 (3).

#### **Annual levy on residences for the developmentally disabled**

(4) Despite any Act, if there are situate in the City one or more residences that are supported group living residences or intensive support residences under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* and that are designated by the Minister of Community and Social Services, the City may by by-law levy an annual amount payable on or after July 1 upon those residences, not exceeding the prescribed amount for each provincially rated bed in the residences as determined by the Minister of Community and Social Services. 2009, c. 33, Sched. 8, s. 10 (1).

(4.1) REPEALED: 2008, c. 14, s. 49 (2).

#### **Annual levy on provincial education institutions**

(5) Despite any Act, if there is situate in the City a provincial education institution designated by the Minister under whose jurisdiction that institution falls, the City may by by-law levy an annual amount payable on or after July 1 upon such institution, not exceeding the prescribed amount for each place in the institution as determined by that Minister. 2006, c. 11, Sched. A, s. 285 (5).

**Agreement for municipal services authorized**

(6) If an institution designated under subsection (2), (3), (4) or (5) is situated in the City, the institution may enter into an agreement with one or more municipalities for providing municipal service or services to that institution. 2006, c. 11, Sched. A, s. 285 (6).

**Minister may direct agreement be entered into**

(7) If an institution designated under subsection (2), (3), (4) or (5) is situated in the City, the Minister of Municipal Affairs and Housing may direct the City to enter into an agreement with another municipality to provide any municipal service or services to that institution on such terms as the Minister may stipulate. 2006, c. 11, Sched. A, s. 285 (7).

**Application to L.P.A.T**

(8) If the Minister has directed that an agreement be entered into under subsection (7) and the City and the other municipality fail to reach agreement within 60 days after the Minister's direction, the City, the other municipality or the Minister may apply to the Local Planning Appeal Tribunal and the Tribunal shall settle the terms of the agreement. 2017, c. 23, Sched. 5, s. 16.

**Termination of existing agreements**

(9) If a municipality has entered into an agreement under subsection (6) or (7), the Province may terminate any agreement between the Province and that municipality to provide any service or services to institutions designated under subsection (2), (3), (4) or (5). 2006, c. 11, Sched. A, s. 285 (9).

**Regulations**

(10) The Minister of Finance may make regulations prescribing amounts for the purposes of this section. 2006, c. 11, Sched. A, s. 285 (10).

**Section Amendments with date in force (d/m/y) [ + ]****Non-profit hospital service corporation****Definition**

**286 (1)** In this section,

"non-profit hospital service corporation" means a corporation without share capital that provides laundry or food services to one or more public hospitals, as defined in the *Public Hospitals Act*. 2006, c. 11, Sched. A, s. 286 (1).

**Tax exemption**

(2) Real property occupied by a non-profit hospital service corporation and used chiefly by the corporation for providing laundry or food services, or both, is exempt from taxation for municipal and school purposes but, subject to subsection (3), is not exempt from a fee or charge under Part IX (Fees and Charges) in relation to sewage or water. 2006, c. 11, Sched. A, s. 286 (2).

**Exemption from sewer, water fees and charges**

(3) If the City imposes a fee or charge described in subsection (2), the City may by by-law exempt the property exempted from taxation for municipal and school purposes under subsection (2) from all or part of the fee or charge based on the amount of service received or the amount of benefit derived or derivable from the construction of the sewage works or water works. 2006, c. 11, Sched. A, s. 286 (3).

**Payment in lieu of taxes**

(4) In each year, if there is real property in the City exempt from taxation under subsection (2), the Minister of Municipal Affairs and Housing may pay the City an amount equal to the taxes for municipal purposes that would have been payable in respect of that real property in that year if the real property had been subject to municipal taxation. 2006, c. 11, Sched. A, s. 286 (4).

**By-laws re special services**

**287 (1)** The City may by by-law,

(a) identify a special service;

- (b) determine which of the costs, including capital costs, debenture charges, charges for depreciation or a reserve fund, of the City are related to that special service;
- (c) designate the area of the City in which the residents and property owners receive or will receive an additional benefit from the special service that is not received or will not be received in other areas of the City;
- (d) determine the portion and set out the method of determining the portion of the costs determined in clause (b) which represent the additional costs to the City of providing the additional benefit in the area designated in clause (c);
- (e) determine whether all or a specified portion of the additional costs determined in clause (d) shall be raised under subsection (4). 2006, c. 11, Sched. A, s. 287 (1).

**Definitions**

(2) In this section,

“benefit” means a direct or indirect benefit that is currently available or will be available in the future; (“avantage”)

“special service” means a service or activity of the City or a local board of the City that is,

- (a) not being provided or undertaken generally throughout the City, or
- (b) being provided or undertaken at different levels or in a different manner in different parts of the City. (“service spécial”) 2006, c. 11, Sched. A, s. 287 (2).

**Limitation**

(3) An area designated by the City for a year under clause (1) (c) cannot include an area in which the residents and property owners do not currently receive an additional benefit but will receive it in the future unless the expenditures necessary to make the additional benefit available appear in the budget of the City for the year adopted under section 228 or the City has established a reserve fund to finance the expenditures over a period of years. 2006, c. 11, Sched. A, s. 287 (3).

**Levies**

(4) For each year a city by-law under this section remains in force, the City shall, except as otherwise authorized by regulation, levy a special local municipality levy under section 277 on the rateable property in the area designated in clause (1) (c) to raise the costs determined in clause (1) (e). 2006, c. 11, Sched. A, s. 287 (4).

**Regulations**

(5) The Minister of Municipal Affairs and Housing may make regulations providing for any matters which, in the opinion of the Minister, are necessary or desirable for the purposes of this section, including,

- (a) prescribing services that cannot be identified as a special service under clause (1) (a);
- (b) establishing conditions and limits on the exercise of the City's powers under this section, including making the exercise of the powers subject to the approval of any person or body;
- (c) prescribing the amount of the costs or the classes of costs for the purpose of clause (1) (b);
- (d) prescribing the area or rules for determining the area for the purpose of clause (1) (c);
- (e) prescribing the amount of the additional costs or the rules for determining the additional costs for the purpose of clause (1) (d);
- (f) providing for a process of appealing a by-law under this section and the powers the person or body hearing the appeal may exercise;
- (g) providing that an appeal under clause (f) may apply to all or any aspect of the by-law;
- (h) providing for rules or authorizing the person or body hearing an appeal under clause (f) to determine when by-laws subject to appeal come into force, including a retroactive date not earlier than the day on which the by-law was passed;
- (i) for the purpose of subsection (4), exempting or delegating to the City the power to exempt specified rateable property from all or part of a special local municipality levy for a specified special service. 2006, c. 11, Sched. A, s. 287 (5).

**Retroactive**

(6) A regulation under this section may be retroactive to a date not earlier than January 1 of the year in which the regulation is made. 2006, c. 11, Sched. A, s. 287 (6).

#### **Deemed services**

(7) If the City or a local board of the City pays for a service or activity provided or undertaken by another municipality or a local board of another municipality, the service or activity is deemed to be a service or activity of the City or local board of the City. 2006, c. 11, Sched. A, s. 287 (7).

## **PART XII LIMITS ON TRADITIONAL MUNICIPAL TAXES**

#### **Interpretation**

**288** (1) In this Part,

“commercial classes” means the commercial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the commercial property class; (“catégories commerciales”)

“industrial classes” means the industrial property class prescribed under the *Assessment Act* and optional property classes that contain property that, if city council did not opt to have the optional property class apply, would be in the industrial property class; (“catégories industrielles”)

“optional property class” means a property class that city council may opt to have apply within the City under regulations made under the *Assessment Act*; (“catégorie de biens facultative”)

“payment in lieu of taxes” and “property class” have the same meaning as in section 273. (“paiement tenant lieu d’impôts”, “catégorie de biens”) 2006, c. 11, Sched. A, s. 288 (1); 2006, c. 32, Sched. B, s. 59.

#### **Reference to property class**

(2) A reference to a specific property class, other than a reference to the commercial classes or industrial classes, is a reference to the property class prescribed under section 7 of the *Assessment Act*. 2006, c. 11, Sched. A, s. 288 (2).

#### **Portions of a property**

(3) If portions of a property are classified in different property classes on the assessment roll, each portion is deemed to be a separate property for the purposes of this Part. 2006, c. 11, Sched. A, s. 288 (3).

(4) REPEALED: 2016, c. 37, Sched. 3, s. 3.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Application to traditional municipal taxes**

**289** (1) This Part applies with respect to taxes for municipal and school purposes that are levied under Part XI. 2006, c. 11, Sched. A, s. 289 (1).

#### **Property that Part applies to**

(2) This Part applies with respect to property in the City in the commercial classes, the industrial classes, the multi-residential property class and any other class prescribed under clause (8) (a). 2016, c. 37, Sched. 3, s. 4 (1).

#### **Non-application**

(3) This Part does not apply to,

(a) property in the subclasses prescribed under paragraph 1 of subsection 8 (1) of the *Assessment Act*;

- (b) property or a portion of the property to which a payment in lieu of taxes relates, except the property of a designated electricity utility within the meaning of subsection 19.0.1 (5) of the *Assessment Act* or a corporation referred to in clause (d) of the definition of “municipal electricity utility” in section 88 of the *Electricity Act, 1998*;
- (c) an eligible convention centre that is exempt from taxes for school purposes under subsection 257.6 (6) of the *Education Act*;
- (d) despite clause (b), land, buildings and structures to which subsection 19.0.1 (1) of the *Assessment Act* applies; and
- (e) property classified in the residential property class, the farm property class, the managed forests property class or the pipe line property class. 2006, c. 11, Sched. A, s. 289 (3).

#### **Exception**

(4) Despite clause (3) (b), this Part applies to a property or portion of a property in the commercial classes, the industrial classes or a class prescribed under clause (8) (a) to which subsection 4 (3) of the *Municipal Tax Assistance Act* applies, but the portion of a property to which that subsection applies is deemed to be a separate property for the purposes of this Part. 2016, c. 37, Sched. 3, s. 4 (2).

#### **Regulations, payments in lieu of taxes**

(5) Despite clause (3) (b), the Minister of Finance may make regulations providing clause (3) (b) does not apply to the City or prescribing circumstances with respect to which clause (3) (b) does not apply, varying the application of this Part with respect to payments in lieu of taxes and varying the amounts of payments in lieu of taxes with respect to which this Part applies. 2006, c. 11, Sched. A, s. 289 (5).

#### **Payments in lieu of taxes required**

(6) If an Act of Ontario or Canada or an agreement provides for, but does not require, a payment in lieu of taxes to be paid by the Government of Ontario or Canada, a government agency of Ontario or Canada or any other person, the government, government agency or person is required, despite that Act or agreement, to pay the payment in lieu of taxes. 2006, c. 11, Sched. A, s. 289 (6).

#### **Same**

(7) Subsection (6) applies with respect to payments in lieu of taxes with respect to which this Part, but for clause (3) (b), would have applied. 2006, c. 11, Sched. A, s. 289 (7).

#### **Regulations**

(8) The Minister of Finance may by regulation,

- (a) prescribe classes of real property that this Part applies to, other than the residential property class, the farm property class, the pipe line property class or the managed forests property class;
- (b) exempt property, including a portion of a property, from the application of this Part;
- (c) provide that this Part does not apply in the City. 2016, c. 37, Sched. 3, s. 4 (3).

#### **Same**

(9) A regulation under clause (8) (b) or (c) may provide that property is exempt or that this Part does not apply only if prescribed circumstances exist. 2016, c. 37, Sched. 3, s. 4 (3).

#### **Exempt property deemed not in classes**

(10) The commercial classes, the industrial classes, the multi-residential property class and any class prescribed under clause (8) (a) are deemed, for the purposes of this Part, not to include property exempted from the application of this Part under this section. 2016, c. 37, Sched. 3, s. 4 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Determination of taxes**

**290** Except as otherwise provided in this Part, the taxes for municipal and school purposes for a year for a property in the City to which this Part applies shall be determined in accordance with Part XI of this Act and Division B of Part IX of the *Education Act*. 2006, c. 11, Sched. A, s. 290.

**Determination of maximum taxes**

**291** (1) Except as otherwise provided in this section and under sections 293 and 294, the taxes for municipal and school purposes for a taxation year to be levied on a property in the City shall be the amount determined in accordance with the following:

1. Determine the taxes for the previous year in accordance with subsection (2).
2. Add 5 per cent of the amount determined under paragraph 1 to the amount determined under paragraph 1.
3. The amount determined under paragraph 2 shall be adjusted, in accordance with the regulations, in respect of changes in taxes for municipal and school purposes.
4. The taxes for the property for the taxation year shall be equal to the amount determined under paragraph 2 and adjusted under paragraph 3, if applicable.
5. Despite paragraph 4, in such circumstances as may be prescribed, the amount of taxes for the property for the taxation year is determined in accordance with the regulations if the difference between the amount of the uncapped taxes and the taxes determined under paragraph 4 for the taxation year exceeds the difference between the amount of the uncapped taxes and the taxes determined under this section for the previous year.
6. Despite paragraphs 4 and 5, in such circumstances as may be prescribed, the amount of taxes for the property for the taxation year is determined in accordance with the regulations in connection with the phasing out of the application of this Part. 2006, c. 11, Sched. A, s. 291 (1); 2016, c. 5, Sched. 5, s. 2 (1); 2017, c. 34, Sched. 6, s. 1 (1).

**Previous year**

(2) The taxes for the previous year for a property shall be determined as follows:

1. Determine the taxes for municipal and school purposes that were levied on the property for the year.
2. If a supplementary assessment or change in classification is made under section 34 of the *Assessment Act* during the year or if an assessment or change in classification could have been made under section 34 of that Act and the appropriate change is made on the assessment roll for taxation in the taxation year, recalculate the taxes determined under paragraph 1 as if the increase in the assessment or change in classification, as the case may be, had applied to the property for all of the year.
- 2.1 If there is a change to the permitted uses of the land in the year that would result in the assessment made under section 36 of the *Assessment Act* for the taxation year differing from the assessment made for the year, recalculate the taxes determined under paragraph 1 as if the change to the permitted uses of the land had applied for the entire year.
3. If section 294 applied to the property for a part of the year, recalculate the taxes determined under paragraph 1 as if section 294 had applied to the property for all of the year.
4. If the assessment of a property whose classification is in the subclass for vacant land on the assessment roll for taxation in the taxation year increases as a result of an improvement to that property during the year and if no portion of any building on the property begins to be used for any purpose during the year, recalculate the taxes determined under paragraph 1 as if the increase in the assessment had applied to the property for all of the year.
5. If city council cancels, reduces or refunds taxes under section 323 for the year on an application under clause 323 (1) (a), (b), (c), (d) or (f) or under section 325 for the year, recalculate the taxes determined under paragraph 1 as if the event that caused the cancellation, reduction or refund had occurred on January 1 of the year. 2006, c. 11, Sched. A, s. 291 (2); 2019, c. 15, Sched. 6, s. 1.

**Regulations re: adjustments**

(3) The Minister of Finance may make regulations,

- (a) providing for adjustments under paragraph 3 of subsection (1) in respect of changes in taxes for municipal and school purposes;
- (b) governing the calculation of taxes for a taxation year in the circumstances described in paragraph 5 of subsection (1);
- (c) governing the calculation of taxes for a taxation year under paragraph 6 of subsection (1) in prescribed circumstances in connection with the phasing out of the application of this Part. 2016, c. 5, Sched. 5, s. 2 (2); 2016, c. 37, Sched. 3, s. 5; 2017, c. 34, Sched. 6, s. 1 (2).

**Adjustment**

(4) If the taxes for municipal and school purposes for a property for the previous year are recalculated as a result of one of the following, the amount under paragraph 1 of subsection (2) shall be adjusted accordingly:

1. A request under section 39.1 of the *Assessment Act*.
2. An appeal under section 40 of the *Assessment Act*.
3. An application under section 46 of the *Assessment Act*.
4. An application under section 297 of this Act or section 447.26 of the old *Municipal Act*.
5. A determination under section 447.26.1 of the old *Municipal Act*. 2006, c. 11, Sched. A, s. 291 (4); 2008, c. 7, Sched. C, s. 2.

**Omitted assessments**

(5) If, as a result of an assessment under subsection 32 (2) or section 33 of the *Assessment Act*, the total taxes for municipal and school purposes for a property for the previous year are altered, the amount under paragraph 1 of subsection (2) shall be adjusted accordingly. 2006, c. 11, Sched. A, s. 291 (5).

**Cancellation, reduction or refund of tax under s. 323**

(6) If the City cancels, reduces or refunds taxes for a taxation year on an application made under clause 323 (1) (d) or under such other provision of this Act as the Minister of Finance may prescribe, the amount of the cancellation, reduction or refund is calculated using the formula,

$$B/C \times D$$

in which,

“B” is the amount of the cancellation, reduction or refund of taxes for the year but for the application of this Part,

“C” is the amount of taxes for the year (without deducting the amount of the cancellation, reduction or refund of taxes) that would have been payable but for the application of this Part, and

“D” is the amount of taxes for the year that would be payable under this Part if no application were made.

2006, c. 11, Sched. A, s. 291 (6).

**Prescribed provision**

(7) The Minister of Finance may prescribe by regulation one or more provisions of this Act for the purposes of subsection (6). 2006, c. 11, Sched. A, s. 291 (7).

**Omitted and supplementary assessments in the taxation year**

(8) If an assessment is made in respect of property, other than property described in subsection 293 (2), under section 33 or 34 of the *Assessment Act* increasing the assessment of the property in the taxation year,

- (a) subsection (1) does not apply to the additional taxes for municipal and school purposes attributable to the increase in the assessment; and
- (b) the additional taxes for municipal and school purposes shall be determined in accordance with the following formula:

$$T = \frac{CT}{NT} \times CVAT$$

where,

“T” is the additional taxes for municipal and school purposes,

“CT” is the amount determined under subsection (1),

“NT” is the uncapped taxes, but does not include CVAT,

“CVAT” is the supplementary taxes for municipal and school purposes that would be payable but for the application of this subsection.

2006, c. 11, Sched. A, s. 291 (8).

**Same**

(9) Despite subsection (8), the taxes for municipal and school purposes for the property for the taxation year or portion of the taxation year shall be recalculated under section 294 if,

- (a) there was an additional assessment that relates to a new building or structure erected on the property that was, prior to the assessment, assessed for the taxation year as being in the subclass for vacant land under paragraph 2 of subsection 8 (1) of the *Assessment Act*; or
- (b) as a result of an additional assessment for the taxation year or for the previous year and the taxation year or any portion thereof, the assessment of the property is increased by an amount equal to or greater than 50 per cent of the assessment on the assessment roll before the additional assessment was made. 2006, c. 11, Sched. A, s. 291 (9).

**Additional assessment**

(10) If an additional assessment is made for the previous year and for the taxation year, the percentage for the purposes of clause (9) (b) shall be determined as follows:

1. Determine the additional assessment for the previous year.
2. Determine the assessment on the assessment roll for taxation in the previous year before the additional assessment referred to in paragraph 1 was made.
3. Divide the amount in paragraph 1 by the amount in paragraph 2.
4. Multiply the quotient in paragraph 3 by 100.
5. Add the amounts in paragraphs 1 and 2.
6. Divide the amount in paragraph 2 by the amount in paragraph 5.
7. Multiply the quotient determined in paragraph 6 by the assessment on the assessment roll for taxation in the taxation year.
8. Determine the additional assessment for the taxation year.
9. Divide the amount in paragraph 8 by the amount in paragraph 7.
10. Multiply the quotient in paragraph 9 by 100.
11. Add the percentages in paragraphs 4 and 10. 2006, c. 11, Sched. A, s. 291 (10).

**Same**

(11) If the percentage in paragraph 11 of subsection (10) is equal to or greater than 50, subsection (7) applies for the taxation year. 2006, c. 11, Sched. A, s. 291 (11).

**If s. 294 applied in previous year**

(12) If section 294 applied to the property for the previous year or a part of the previous year, subsection (9) does not apply for the taxation year. 2006, c. 11, Sched. A, s. 291 (12).

**Limitation**

(13) Despite subsection (1) but subject to section 293, if the amount determined under subsection (1) exceeds the uncapped taxes, the taxes for municipal and school purposes under this Part shall be equal to the uncapped taxes. 2006, c. 11, Sched. A, s. 291 (13).

**Definitions**

(14) In this section,

“additional assessment” means one or more assessments made under section 33 or 34 of the *Assessment Act*; (“évaluation additionnelle”)

“previous year” means the year immediately preceding the taxation year; (“année précédente”)

“taxation year” means the year in respect of which taxes are determined under subsection (1); (“année d’imposition”)

“uncapped taxes” means the taxes for municipal and school purposes that would have been imposed for the taxation year but for the application of this Part. (“impôts non plafonnés”) 2006, c. 11, Sched. A, s. 291 (14).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **City option: application of certain provisions of the Act**

**292 (1)** The City may pass a by-law to have one or more of the following paragraphs apply in the calculation of the amount of taxes for municipal and school purposes payable in respect of property in the commercial classes, the industrial classes, the multi-residential property class or a class prescribed under clause 289 (8) (a) for a taxation year:

1. In determining the amount of taxes for municipal and school purposes for the year under subsection 291 (1) and the amount of the tenant’s cap under subsection 295 (5),
  - i. 10 per cent or such other percentage as may be prescribed, or a percentage specified in the by-law for the purposes of this paragraph that exceeds 5 per cent, whichever is lower, shall be used, instead of 5 per cent, in determining the amount to be added under paragraph 2 of subsection 291 (1), and
  - ii. the same percentage used under subparagraph i, instead of 5 per cent, shall be used in increasing under paragraph 2 of subsection 295 (5) the amount calculated under paragraph 1 of that subsection.
2. In determining the amount of taxes for municipal and school purposes for the year under subsection 291 (1) and the amount of the tenant’s cap under subsection 295 (5),
  - i. the amount to be added under paragraph 2 of subsection 291 (1) shall be the greatest of,
    - A. the amount of the taxes for municipal and school purposes that would have been levied in respect of the property for the previous year but for the application of this Part, subject to such adjustments as may be prescribed, multiplied by 5 per cent or such other percentage as may be prescribed, or a percentage specified in the by-law for the purposes of this subparagraph that is less than 5 per cent or than such other percentage as may be prescribed,
    - B. the amount that would be added under paragraph 2 of subsection 291 (1) for the year using the percentage used under subparagraph 1 i, if the City passes a by-law to have paragraph 1 apply for the year to property in the class in which the property is included, and
    - C. 5 per cent of the amount determined under paragraph 1 of subsection 291 (1) for the property for the year, and
  - ii. the amount determined under paragraph 1 of subsection 295 (5) shall be increased under paragraph 2 of that subsection by the amount determined under the following, instead of the amount specified in paragraph 2 of that subsection:
    - A. the amount on account of taxes levied for municipal and school purposes that the tenant would have been required to pay under the tenant’s lease in the previous year but for the application of section 295 multiplied by the percentage used in determining the amount under sub-subparagraph i A, if the amount determined under sub-subparagraph i A is the greatest of the amounts determined under subparagraph i,
    - B. the amount calculated under paragraph 1 of subsection 295 (5) multiplied by the percentage used in determining the amount under sub-subparagraph i B, if the amount determined under sub-subparagraph i B is the greatest of the amounts determined under subparagraph i, or

C. the amount calculated under paragraph 1 of subsection 295 (5) multiplied by the percentage used under subparagraph i C, if the amount determined under subparagraph i C is the greatest of the amounts determined under subparagraph i.

3. The amount of the taxes for municipal and school purposes for a property for a taxation year shall be the amount of the uncapped taxes for the property for the year if the amount of the uncapped taxes exceeds the amount of the taxes for municipal and school purposes for the property for the taxation year as determined under section 291 by the lesser of,
  - i. \$250 or such other amount as may be prescribed, and
  - ii. the amount, if any, specified in the by-law for the purposes of this paragraph.
4. The amount of the taxes for municipal and school purposes for a property for a taxation year shall be the amount of the uncapped taxes for the property for the year if the amount of the taxes for municipal and school purposes for the property for the taxation year as determined under section 293 exceeds the amount of the uncapped taxes by the lesser of,
  - i. \$250 or such other amount as may be prescribed, and
  - ii. the amount, if any, specified in the by-law for the purposes of this paragraph.
5. REPEALED: 2015, c. 38, Sched. 2, s. 2 (5).
6. If, for all or part of 2008 or a subsequent taxation year, a property becomes an eligible property within the meaning of subsection 294 (19), the taxes for municipal and school purposes for the year or portion of the year shall be the greater of,
  - i. the amount of the taxes determined for the property for the taxation year under subsection 294 (2), and
  - ii. the amount of the uncapped taxes for the property for the taxation year multiplied by 100 per cent or the percentage specified in the by-law for the purposes of this subparagraph, whichever is lower. 2006, c. 11, Sched. A, s. 292 (1); 2015, c. 38, Sched. 2, s. 2; 2016, c. 37, Sched. 3, s. 6.

#### **Time limit for passing by-law**

(2) A by-law under subsection (1) must be passed in the year to which the by-law applies. 2009, c. 33, Sched. 21, s. 4 (20).

#### **Application of ss. 291 and 295 as modified**

(3) If the City passes a by-law under subsection (1),

- (a) a reference to section 291 in any section of this Part other than section 291 and this section is deemed to be a reference to section 291 as modified by the application of the paragraph or paragraphs specified in the by-law, if applicable; and
- (b) the reference to subsection 295 (5) in subsection 337 (12) is deemed to be a reference to subsection 295 (5) as modified by the application of the paragraph or paragraphs specified in the by-law, if applicable. 2006, c. 11, Sched. A, s. 292 (3).

#### **Regulations**

(4) The Minister of Finance may make regulations prescribing, for the purposes of subparagraph 2 i A of subsection (1), adjustments to be made in determining the amount of taxes for municipal and school purposes that would have been levied in the previous year on a property but for the application of this Part and prescribing the circumstances in which those adjustments are to be made. 2009, c. 33, Sched. 21, s. 4 (21).

(5) REPEALED: 2009, c. 33, Sched. 21, s. 4 (21).

#### **Definition**

(6) In this section,

“uncapped taxes” means, in respect of a taxation year, the taxes for municipal and school purposes that would be levied for the taxation year but for the application of this Part. 2006, c. 11, Sched. A, s. 292 (6).

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **By-law to provide for recoveries**

**293** (1) The City may pass a by-law to establish a percentage by which tax decreases are limited for a taxation year in respect of properties in any property class subject to this Part in order to recover all or part of the revenues foregone as a result of the application of section 291 to other properties in the property class. 2006, c. 11, Sched. A, s. 293 (1).

#### **Application**

(2) A by-law under subsection (1) shall apply to all properties in the property class whose taxes for municipal and school purposes for the previous year, as determined under subsection 291 (2), exceed their taxes for municipal and school purposes for the taxation year as adjusted in accordance with the regulations in respect of changes in taxes for municipal purposes and changes in taxes for school purposes. 2006, c. 11, Sched. A, s. 293 (2).

#### **Single percentage**

(3) A by-law under subsection (1) shall establish the same percentage for all properties in a property class, but different percentages may be established for different property classes. 2006, c. 11, Sched. A, s. 293 (3).

#### **Limitation**

(4) The percentage established by a by-law under subsection (1) shall be limited as follows:

1. Calculate the total revenues foregone as a result of the application of section 291 to properties in the property class.
2. Calculate the total difference between the taxes for municipal and school purposes for all properties in the property class referred to in subsection (2) for the previous year, as determined under subsection 291 (2), and the taxes for municipal and school purposes for properties in the same property class for the taxation year as adjusted in accordance with the regulations in respect of changes in taxes for municipal purposes and changes in taxes for school purposes.
3. Calculate the percentage of the amount determined under paragraph 2 that would yield sufficient revenues to recover all of the foregone revenues calculated under paragraph 1.
4. The percentage established under the by-law shall not exceed the percentage determined under paragraph 3 or 100 per cent, whichever is the lesser percentage, unless otherwise prescribed by the Minister of Finance. 2006, c. 11, Sched. A, s. 293 (4).

#### **Single property class**

(5) For the purposes of this section, the commercial classes are deemed to be a single property class and the industrial classes are deemed to be a single property class. 2006, c. 11, Sched. A, s. 293 (5).

#### **Taxes for the taxation year**

(6) The taxes for municipal and school purposes for the taxation year on a property to which a by-law made under this section applies shall be determined as follows:

1. Determine the taxes for municipal and school purposes for the property for the previous year under subsection 291 (2).
2. Determine the amount of the difference between the taxes for municipal and school purposes for the property for the previous year, as determined under subsection 291 (2), and the taxes for municipal and school purposes for the property for the taxation year, as adjusted in accordance with the regulations, in respect of changes in the taxes for municipal purposes and for school purposes.
3. Multiply the percentage established for the property class the property is in under subsection (1) by the amount determined under paragraph 2.
4. Deduct the amount determined under paragraph 3 from the amount determined under paragraph 2.
5. Deduct the amount determined under paragraph 4 from the amount determined under paragraph 1.

6. The amount determined under paragraph 5 shall be adjusted, in accordance with the regulations, in respect of changes in taxes for municipal purposes and for school purposes.
7. The taxes for municipal and school purposes for the taxation year shall be equal to the amount determined under paragraph 5 and adjusted under paragraph 6, if applicable. 2006, c. 11, Sched. A, s. 293 (6).

**Regulations**

(7) The Minister of Finance may make regulations,

- (a) providing for adjustments under subsection (2), (4) or (6) in respect of changes in taxes for municipal purposes or for school purposes;
- (b) governing the determination of the percentage under subsection (1) and the limitation on such percentage under subsection (4). 2006, c. 11, Sched. A, s. 293 (7).

**Taxes for school purposes**

(8) No by-law made under this section shall affect the amount that the City is required to pay to a school board. 2006, c. 11, Sched. A, s. 293 (8).

**Supplementary and omitted assessments in the taxation year**

(9) If an assessment is made under section 33 or 34 of the *Assessment Act* to a property subject to a by-law under this section that increases the assessment of that property for the taxation year, subsection (6) does not apply to the additional taxes for municipal and school purposes for the year attributable to the assessment. 2006, c. 11, Sched. A, s. 293 (9).

**Taxes on eligible properties**

**294** (1) The purpose of this section is to ensure that eligible properties are taxed at the same level as comparable properties. 2006, c. 11, Sched. A, s. 294 (1).

**Determination of taxes**

(2) Despite any other provision in this Part, the City shall determine the taxes for municipal and school purposes for each eligible property for the year or portion of the year as follows:

1. Determine the level of taxation for each property identified by the assessment corporation under subsection (6) as a comparable property by dividing the taxes for municipal and school purposes levied for the year by the taxes for municipal and school purposes that would have been imposed but for the application of this Part.
2. Determine the average of the levels of taxation for all comparable properties determined under paragraph 1.
3. Determine the taxes for municipal and school purposes for the eligible property for the year by multiplying the average level of taxation determined under paragraph 2 by the taxes for municipal and school purposes that would have been imposed on the eligible property but for the application of this Part.
4. The taxes for municipal and school purposes for an eligible property for the year shall be the lesser of the amount determined for the year or portion of the year but for the application of this Part and the amount determined under paragraph 3. 2006, c. 11, Sched. A, s. 294 (2).

**Adjustments**

(3) The City shall make the necessary adjustments on the tax roll for the year or portion of the year in accordance with the determination under subsection (2). 2006, c. 11, Sched. A, s. 294 (3).

**Limits to apply**

(4) The taxes for municipal and school purposes on a property to which this section applies for a taxation year shall be calculated under section 291 for subsequent years. 2006, c. 11, Sched. A, s. 294 (4).

**Determination of taxes for the subsequent year**

(5) For the purposes of paragraph 2 of subsection 291 (2), taxes are to be recalculated as if the amount determined under paragraph 4 of subsection (2) of this section had been determined on a full year basis. 2006, c. 11, Sched. A, s. 294 (5).

**Comparable properties identified**

(6) The assessment corporation shall identify six comparable properties with respect to an eligible property for the purposes of this section or, if there are fewer than six comparable properties, as many comparable properties as there are. 2006, c. 11, Sched. A, s. 294 (6).

**Mixed use properties**

(7) For the purposes of this section,

- (a) if an eligible property or a comparable property is classified in more than one class of real property under section 7 of the *Assessment Act*, each portion shall be treated as a separate property; and
- (b) up to six comparable properties or, if there are fewer than six comparable properties, as many as there are, shall be identified for each portion of an eligible property under clause (a). 2006, c. 11, Sched. A, s. 294 (7).

**List provided to City**

(8) The assessment corporation shall provide a list of the comparable properties under subsection (6) or (7) with respect to an eligible property to the City as soon as is practicable,

- (a) after the return of the assessment roll for eligible properties that are on the assessment roll; or
- (b) after the mailing of the notice of the assessment of the eligible property under section 33 or 34 of the *Assessment Act*. 2006, c. 11, Sched. A, s. 294 (8).

**List to be mailed to the owner**

(9) The City shall mail to the owner of each eligible property the list of the comparable properties and the determination made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the City. 2006, c. 11, Sched. A, s. 294 (9).

**If no comparable property**

(10) If the assessment corporation determines that there are no comparable properties with respect to an eligible property,

- (a) the assessment corporation shall give notice to the City of its determination; and
- (b) the City shall, within 60 days of receiving the notice under clause (a), give notice to the owner of the property of the assessment corporation's determination and of the amount determined for the year or portion of the year under this Part. 2006, c. 11, Sched. A, s. 294 (10).

**Complaint**

(11) The owner of an eligible property or the City may, within 90 days of the mailing of information under subsection (9), complain to the Assessment Review Board in writing concerning the properties on the list and request that up to six alternative properties be used as comparable properties for the purposes of this section. 2006, c. 11, Sched. A, s. 294 (11).

**Same**

(12) If the assessment corporation has determined that there are no comparable properties with respect to an eligible property, the owner of the eligible property or the City may, within 90 days after the owner is given a notice of determination under subsection (10), complain to the Assessment Review Board in writing concerning the determination and request that up to six properties be used as comparable properties for the purpose of this section. 2006, c. 11, Sched. A, s. 294 (12).

**Deemed appeal under s. 40 of *Assessment Act***

(13) Section 40 of the *Assessment Act* applies to a complaint under subsection (11) or (12) as if it were an appeal under subsection 40 (1) of that Act. 2008, c. 7, Sched. C, s. 3.

**Appeal**

(14) Section 43.1 of the *Assessment Act* applies to a decision of the Assessment Review Board. 2006, c. 11, Sched. A, s. 294 (14).

**Authority of the Assessment Review Board**

(15) In a complaint under this section, the Assessment Review Board shall,

- (a) identify up to six comparable properties from among the comparable properties proposed by the complainant or by the assessment corporation; or
- (b) determine that there are no comparable properties. 2006, c. 11, Sched. A, s. 294 (15).

**Application to court**

(16) The City or the owner of the eligible property may apply to the Superior Court of Justice for a determination of any matter relating to the application of this section, except a matter that could be the subject of a complaint under this section. 2006, c. 11, Sched. A, s. 294 (16).

**Same**

(17) Section 46 of the *Assessment Act* applies with necessary modifications to an application under subsection (16). 2006, c. 11, Sched. A, s. 294 (17).

**Determination by City**

(18) The City shall determine the taxes for municipal and school purposes for the year or portion of the year in accordance with a decision of the Assessment Review Board or court under this section. 2006, c. 11, Sched. A, s. 294 (18).

**Definitions**

(19) In this section,

“comparable properties” means properties identified by the assessment corporation to be similar lands in the vicinity of the eligible property; (“biens comparables”)

“eligible property” means a property,

- (a) to which subsection 291 (9) applies,
- (b) that ceases to be exempt from taxation,
- (c) that was subdivided or was subject to a severance,
- (d) whose classification changes, or
- (e) that is prescribed by the Minister of Finance; (“bien admissible”)

“vicinity” has the same meaning as under subsection 44 (2) of the *Assessment Act*, except that the vicinity shall not exceed the boundaries of the City. (“à proximité”) 2006, c. 11, Sched. A, s. 294 (19); 2006, c. 32, Sched. B, s. 60.

**Regulations**

(20) The Minister of Finance may make regulations,

- (a) prescribing properties and classes of properties that are deemed to be “eligible property” for the purposes of this section;
- (b) prescribing properties and classes of properties that are deemed not to be “eligible property” for the purposes of this section. 2006, c. 11, Sched. A, s. 294 (20).

**Retroactivity**

(21) A regulation under subsection (20) is, if it so provides, effective with reference to a period before it is filed. 2006, c. 11, Sched. A, s. 294 (21).

**Section Amendments with date in force (d/m/y) [ + ]**

**Tenants of leased premises**

**295** (1) This section applies with respect to a tenant of leased premises that form all or part of a property in the City if,

- (a) Part XXII.1 or XXII.2 of the old *Municipal Act* applied and this Part applies to the leased premises; and
- (b) the tenant's tenancy commenced on or before December 31, 1997 and has been continuous since that date. 2006, c. 11, Sched. A, s. 295 (1).

**Exception**

(2) This section does not apply if the leased premises are classified in the multi-residential property class. 2006, c. 11, Sched. A, s. 295 (2).

**New leases of property**

(3) This section applies with respect to a tenant described in subsection (1) even if the tenant enters into a new lease for the leased premises after December 31, 1997. 2006, c. 11, Sched. A, s. 295 (3).

**Limitation on requirement to pay taxes**

(4) No tenant referred to in subsection (1) is required under any lease, despite any provision in the lease, to pay an amount on account of taxes levied for municipal and school purposes that is greater than the tenant's cap determined under subsection (5). 2006, c. 11, Sched. A, s. 295 (4).

**Tenant's cap**

(5) For each taxation year, the tenant's cap referred to in subsection (4) shall be determined in accordance with the following:

1. Calculate the amount the tenant was required to pay on account of taxes for the immediately preceding year.
2. Increase the amount calculated under paragraph 1 by 5 per cent.
3. Adjust the amount determined under paragraph 2 in respect of any changes in taxes for municipal purposes applicable to the property as provided for in regulations referred to in paragraph 3 of subsection 291 (1).
4. The tenant's cap is the amount determined under paragraph 2 and adjusted under paragraph 3. 2006, c. 11, Sched. A, s. 295 (5).

**Recouping of landlord's shortfall**

(6) A landlord may require a tenant to pay an amount on account of taxes levied for municipal and school purposes that is more than the tenant would otherwise be required to pay under the tenant's lease subject to the following:

1. The landlord may not require the tenant to pay an amount that would result in the tenant paying more on account of taxes levied for municipal and school purposes than is allowed under subsection (4).
2. The landlord may require a tenant to pay an amount under this subsection only to the extent necessary for the landlord to recoup any shortfall, within the meaning of paragraph 3, in respect of other leased premises that form part of the property.
3. The shortfall referred to in paragraph 2 shall be calculated by,
  - i. determining, for each of the other leased premises to which this section applies that form part of the property, the amount, if any, by which the amount that the landlord could have required the tenant to pay under the tenant's lease in the absence of subsection (4) exceeds the amount that the landlord may require the tenant to pay under the tenant's lease under subsection (4), and
  - ii. adding together the amounts determined under subparagraph i. 2006, c. 11, Sched. A, s. 295 (6).

**Same**

(7) The following apply with respect to the amount a tenant is required to pay under subsection (6):

1. The amount is deemed to be additional rent.

2. The amount is payable in the proportions and at the times that amounts in respect of taxes are payable under the lease.
3. If the lease does not provide for the payment of amounts in respect of taxes, the amount the tenant is required to pay under subsection (6) is due on the last day of the year. 2006, c. 11, Sched. A, s. 295 (7).

**Amounts under gross lease flow-through**

(8) The following apply with respect to amounts a tenant is required to pay under section 337 or 338:

1. For the purposes of subsections (4), (5) and (6), an amount the tenant is required to pay under section 337 is deemed to be an amount the tenant is required to pay under the lease on account of taxes levied for municipal and school purposes.
2. For the purposes of subsections (4), (5) and (6), an amount the tenant is required to pay under section 338 is deemed not to be an amount the tenant is required to pay under the lease on account of taxes levied for municipal and school purposes. 2006, c. 11, Sched. A, s. 295 (8).

**Partial year**

(9) If this section applies with respect to taxes attributable to part of a year, the tenant's cap determined under subsection (5) for the year shall be reduced proportionally. 2006, c. 11, Sched. A, s. 295 (9).

**When section ceases to apply**

(10) If the tenant ceases to lease any part of the leased premises, this section does not apply with respect to the taxes attributable to the part of the year after the tenant ceases to lease that part of the leased premises and this section does not apply with respect to taxes for subsequent years. 2006, c. 11, Sched. A, s. 295 (10).

**Clarification of application**

(11) Subsection (10) applies with respect to all the taxes for the leased premises and not just the taxes attributable to the part of the leased premises the tenant ceases to lease. 2006, c. 11, Sched. A, s. 295 (11).

**Exception**

(12) This section does not apply to any part of the leased premises that was not a part of the tenant's leased premises on December 31, 1997. 2006, c. 11, Sched. A, s. 295 (12).

**Recouping of landlord's shortfall**

**296** (1) A landlord may require a tenant to pay an amount on account of taxes levied for municipal and school purposes that is more than the tenant would otherwise be required to pay under the tenant's lease to the extent necessary for the landlord to recoup any shortfall, within the meaning of paragraph 3 of subsection 295 (6), in respect of other leased premises that form part of the property. 2006, c. 11, Sched. A, s. 296 (1).

**Same**

(2) Subsection 295 (7) applies, with necessary modifications, with respect to an amount a tenant is required to pay under subsection (1). 2006, c. 11, Sched. A, s. 296 (2).

**Application**

(3) This section applies with respect to a tenant only if,

- (a) section 295 does not apply with respect to the tenant; and
- (b) the tenant's lease was entered into before June 11, 1998 if Part XXII.1 of the old *Municipal Act* applied to the property or before December 18, 1998 if Part XXII.2 of the old *Municipal Act* applied to the property and the tenant's tenancy has been continuous since that date. 2006, c. 11, Sched. A, s. 296 (3).

**Application for cancellation, etc.**

**297 (1)** An application to the City treasurer for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by a person who was overcharged by reason of a gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error in the calculation of taxes under this Part. 2006, c. 11, Sched. A, s. 297 (1).

#### **Procedures**

(2) Section 323 applies to an application made under subsection (1). 2006, c. 11, Sched. A, s. 297 (2).

#### **Part prevails**

**298** Despite section 151, this Part prevails over an order of the Minister of Municipal Affairs and Housing under section 149 of this Act or under section 173 of the *Municipal Act, 2001*. 2006, c. 11, Sched. A, s. 298.

#### **Conflicts**

**299** This Part prevails over an order made under section 14 of the *Municipal Boundary Negotiations Act*, as that section read immediately before its repeal under the *Municipal Act, 2001*. 2006, c. 11, Sched. A, s. 299.

#### **Where person undercharged**

**300** Section 326 applies to taxes to which this Part applies. 2006, c. 11, Sched. A, s. 300.

#### **Adjustments**

**301 (1)** If the City is required to make payments to a body under section 318, the City shall,

- (a) in the case of a deficiency of taxes for the body caused by the cancellation, reduction, refund or writing off of taxes, charge back to every such body its share of the deficiency in the same proportions as the bodies share in the revenues from taxes;
- (b) in the case of a surplus of taxes for the body caused by the application of this Part, credit every such body with its share of the surplus in the same proportions as the bodies share in the revenues from taxes. 2006, c. 11, Sched. A, s. 301 (1).

#### **Interpretation**

(2) For the purpose of this section, any deficiency or surplus shall be determined by reference to the taxes determined under this Part and not to the taxes that would have been imposed but for the application of this Part. 2006, c. 11, Sched. A, s. 301 (2).

#### **Regulations**

**302 (1)** The Minister of Finance may make regulations,

- (a) governing and clarifying the application of this Part;
- (b) prescribing anything that, under this Part, may or must be prescribed;
- (c) varying the application of this Part if, in the opinion of the Minister, it is necessary or desirable to do so in order to further the purposes of this Part, including varying the application of this Part in connection with a municipal restructuring or a general reassessment. 2006, c. 11, Sched. A, s. 302 (1).

#### **Regulations re: maximum taxes and tenant's cap**

(1.1) The Minister of Finance may make regulations that provide for the determination of amounts to be added under paragraph 2 of subsection 291 (1) that are different from the amount set out under that paragraph, and for increases to the amount calculated under paragraph 1 of subsection 295 (5) that are different from the increase provided for in paragraph 2 of that subsection. 2015, c. 38, Sched. 2, s. 3.

#### **Same**

(1.2) A regulation under subsection (1.1) may,

- (a) provide for different amounts for a property for different years; or

(b) set out the circumstances in which the regulation prevails over paragraph 2 of subsection 291 (1), paragraph 2 of subsection 295 (5) or over an option adopted in a by-law passed under section 292.

(c) REPEALED: 2016, c. 37, Sched. 3, s. 7 (1).

2015, c. 38, Sched. 2, s. 3; 2016, c. 37, Sched. 3, s. 7 (1).

#### **Application of regulations under this Part**

(1.3) A regulation made under this Part may provide that a provision of the regulation or of this Part does not apply in the City unless the City passes a by-law to have it apply, subject to any prescribed conditions. 2016, c. 37, Sched. 3, s. 7 (2).

#### **Definitions**

(2) In this section,

“general reassessment” has the same meaning as in section 273; (“réévaluation générale”)

“municipal restructuring” means,

- (a) the amalgamation of the City and another municipality,
- (b) the alteration of the boundaries of the City, or
- (c) the dissolution of the City. (“restructuration municipale”) 2006, c. 11, Sched. A, s. 302 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

### **PART XII.1 OPTIONAL TAX ON VACANT RESIDENTIAL UNITS**

#### **Power to impose tax, vacant residential units**

**302.1** (1) In addition to taxes imposed under Part XI, the City may, by by-law passed in the year to which it relates, impose a tax in the City on the assessed value, as determined under the *Assessment Act*, of vacant units that are classified in the residential property class and that are taxable under that Act for municipal purposes. 2017, c. 8, Sched. 4, s. 8.

#### **Requirements for by-law**

(2) A by-law described in subsection (1) must satisfy the following criteria:

- 1. It must state the tax rate.
- 2. It must state the conditions of vacancy that, if met, make a unit subject to the tax. 2017, c. 8, Sched. 4, s. 8.

#### **Other contents of by-law**

(3) A by-law described in subsection (1) may provide for such matters as city council considers appropriate, including,

- (a) exemptions from the tax;
- (b) rebates of tax;
- (c) audit and inspection powers; and
- (d) except as otherwise provided for in the regulations, the establishment and use of dispute resolution mechanisms. 2017, c. 8, Sched. 4, s. 8.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Regulations re power to impose tax**

**302.2** (1) The Minister of Finance may make regulations prescribing such matters as the Minister considers necessary or desirable in relation to this Part, including,

- (a) prescribing conditions and limits with respect to the imposition of a tax under a by-law made under this Part;
- (b) prescribing persons and entities who are not subject to a tax imposed under this Part;

- (c) defining “vacant unit” for the purposes of this Part;
- (d) governing the collection of a tax imposed under this Part;
- (e) prescribing provisions of this Act that apply or do not apply for the purposes of this Part and providing for such modifications to those provisions as the Minister considers appropriate;
- (f) governing the manner for apportioning an assessment that is attributable to vacant units;
- (g) governing dispute resolution. 2017, c. 8, Sched. 4, s. 8.

**Same**

(2) On the recommendation of the Minister of Finance, the Lieutenant Governor in Council may make regulations defining any word or expression used in this Part. 2017, c. 8, Sched. 4, s. 8.

**Retroactive**

(3) A regulation under this section may be retroactive to a date not earlier than January 1 of the year in which the regulation is made. 2017, c. 8, Sched. 4, s. 8.

**Conflicts**

(4) In the event of a conflict between a regulation made under this section and a provision of any Act or regulation, the regulation made under this section prevails. 2017, c. 8, Sched. 4, s. 8.

**Section Amendments with date in force (d/m/y) [ + ]****Effect re part XI**

**302.3** This Part does not limit the authority of the City under Part XI (Traditional Municipal Taxes). 2017, c. 8, Sched. 4, s. 8.

**Section Amendments with date in force (d/m/y) [ + ]**

**PART XIII**  
**COLLECTION OF TRADITIONAL MUNICIPAL TAXES**

**Non-application re certain taxes**

**303** This Part does not apply with respect to taxes imposed under Part X (Power to Impose Taxes). 2006, c. 11, Sched. A, s. 303.

**Definitions**

**304** In this Part,

“property class” means a class of real property prescribed under the *Assessment Act*; (“catégorie de biens”)

“taxpayer” means a person whose name is shown on the tax roll. (“contribuable”) 2006, c. 11, Sched. A, s. 304.

**Tax roll**

**305** (1) The city treasurer shall prepare a tax roll for each year based on the last returned assessment roll for the year. 2006, c. 11, Sched. A, s. 305 (1).

**Contents**

(2) The tax roll shall show for each separately assessed property in the City,

- (a) the assessment roll number of the property;
- (b) a description of the property sufficient to identify it;
- (c) the name of every person against whom land is assessed, including a tenant assessed under section 18 of the *Assessment Act*;
- (d) the assessed value of the property;
- (e) the total amount of taxes payable;

(f) the amounts of taxes payable for,

- (i) the general local municipality levy,
- (ii) each special local municipality levy,
- (iii) each school board,
- (iv) all other purposes; and

(g) if parts of the property are in two or more property classes, the matters set out in clauses (d), (e) and (f) for each part. 2006, c. 11, Sched. A, s. 305 (2).

#### **Certification**

(3) The treasurer shall certify the tax roll for a year in the manner determined by the treasurer. 2006, c. 11, Sched. A, s. 305 (3).

#### **Collection**

(4) The treasurer shall collect the taxes once the tax roll has been prepared. 2006, c. 11, Sched. A, s. 305 (4).

#### **Adjustments to roll**

**306** (1) The treasurer shall adjust the tax roll for a year to reflect changes to the assessment roll for that year made under the *Assessment Act* after the tax roll is prepared. 2006, c. 11, Sched. A, s. 306 (1).

#### **Consequences of adjustments**

(2) Taxes for the year shall be collected in accordance with the adjusted tax roll as if the adjustments had formed part of the original tax roll and the City,

- (a) shall refund any overpayment to the owner of the land as shown on the tax roll on the date the adjustment is made; or
- (b) shall send another tax bill to raise the amount of any underpayment. 2006, c. 11, Sched. A, s. 306 (2); 2006, c. 32, Sched. B, s. 61.

#### **Same, refund to include credit**

(3) The City may credit all or part of the amount of a tax refund owing under clause (2) (a) to an outstanding tax liability of the owner. 2017, c. 10, Sched. 2, s. 34.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **By-laws re instalments**

**307** (1) The City may pass by-laws providing for,

- (a) the payment of taxes in one amount or by instalments and the date or dates in the year for which the taxes are imposed on which the taxes or instalments are due;
- (b) alternative instalments and due dates in the year for which the taxes are imposed other than those established under clause (a) to allow taxpayers to spread the payment of taxes more evenly over the year;
- (c) the division of the City into parts and for each part establishing a different due date for the payment of any instalment;
- (d) an extension of the due dates for any instalments if earlier instalments are paid on time;
- (e) the immediate payment of any instalments if earlier instalments are not paid on time; and
- (f) if the use of the alternative instalments and due dates under clause (b) ceases other than at the end of a year, the recalculation of late payment charges and discounts for advance payments as if the instalments and due dates under clause (c) had applied for the full year. 2006, c. 11, Sched. A, s. 307 (1).

**Differing instalment, due dates**

(2) A by-law under clause (1) (a) may establish different instalments and due dates for taxes on property,

- (a) for municipal purposes and for school purposes;
- (b) in different property classes; and
- (c) in a property class to which section 294 applies and to which that section does not apply. 2006, c. 11, Sched. A, s. 307 (2).

**Payment**

(3) A taxpayer shall pay taxes in accordance with the instalments and due dates established under clause (1) (a) unless the City has established alternative instalments and due dates under clause (1) (b) and the treasurer receives and approves the taxpayer's request to use the alternative instalments and due dates. 2006, c. 11, Sched. A, s. 307 (3).

**Alternative method**

(4) If a request is approved under subsection (3), the taxes of the taxpayer are payable in accordance with the alternative instalments and due dates established under clause (1) (b). 2006, c. 11, Sched. A, s. 307 (4).

**Cessation**

(5) The use by a taxpayer of the alternative instalments and due dates under clause (1) (b) ceases if,

- (a) the taxpayer requests the cessation in writing;
- (b) the taxes of the taxpayer are unpaid after the due date and the treasurer gives written notice to the taxpayer that the alternative instalments and due dates may no longer be used; or
- (c) the City, for any year, does not establish such alternative instalments and due dates. 2006, c. 11, Sched. A, s. 307 (5).

**Tax bill**

**308** (1) The city treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due. 2006, c. 11, Sched. A, s. 308 (1).

**Contents of tax bill**

(2) A tax bill shall contain,

- (a) the name of the taxpayer;
- (b) the assessment roll number of the property;
- (c) a description of the property sufficient to identify it;
- (d) the assessed value of the property;
- (e) the total amount of taxes payable;
- (f) the amounts of the new taxes required to be shown separately on the tax roll unless the bill is for an interim tax;
- (g) the amount of any taxes previously billed for the year, including any accrued late payment charges;
- (h) the date or dates on which the taxes are due and any alternative schedule of due dates;
- (i) the place or places where the taxes may be paid;
- (j) the late payment charges which will be imposed on overdue taxes;
- (k) the discount which will be given for taxes paid in advance; and
- (l) if portions of the property are in two or more property classes, the matters set out in clauses (d), (e), (f) and (g) for each portion. 2006, c. 11, Sched. A, s. 308 (2).

**Separate tax bills**

(3) The City may pass a by-law providing for separate tax bills for municipal purposes and for school purposes. 2006, c. 11, Sched. A, s. 308 (3).

**By-law re separate billing**

(4) The City may pass a by-law providing for the billing of a property class separately from the other property classes. 2006, c. 11, Sched. A, s. 308 (4).

**Separate tax bills may be issued**

(5) If a by-law has been passed under subsection (4), the collector for the City may issue separate tax bills for separate property classes and may issue a tax bill for a property to which section 294 applies at a different time than that for other property in the same property class. 2006, c. 11, Sched. A, s. 308 (5).

**Address for delivery**

(6) The treasurer shall send a tax bill to the taxpayer's residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs the treasurer in writing to send the bill to another address, in which case it shall be sent to that address. 2006, c. 11, Sched. A, s. 308 (6).

**Electronic delivery**

(6.1) The treasurer may send a tax bill to the taxpayer electronically in the manner specified by the City, if the taxpayer has chosen to receive the tax bill in that manner. 2017, c. 10, Sched. 2, s. 35.

**Registered mail**

(7) Where a taxpayer directs the treasurer in writing to send the taxpayer's tax bill by registered mail, the treasurer shall comply with the direction and shall add the cost of the registration to the tax roll and the amount is deemed to be part of the taxes for which the tax bill was sent. 2006, c. 11, Sched. A, s. 308 (7).

**Direction continues**

(8) A direction given under subsection (6) or (7) continues until revoked by the taxpayer in writing. 2006, c. 11, Sched. A, s. 308 (8).

**Proof of delivery**

(9) Immediately after sending a tax bill, the treasurer shall create a record of the date on which it was sent and this record is, in the absence of evidence to the contrary, proof that the tax bill was sent on that date. 2006, c. 11, Sched. A, s. 308 (9).

**Errors**

(10) No defect, error or omission in the form or substance of a tax bill invalidates any proceedings for the recovery of the taxes. 2006, c. 11, Sched. A, s. 308 (10).

**Section Amendments with date in force (d/m/y) [ + ]****Form of tax bills**

**309** (1) The Minister of Finance may require that tax bills under section 308 be in a form approved by the Minister. 2006, c. 11, Sched. A, s. 309 (1).

**No variation**

(2) The City shall not vary the form unless the variation is expressly authorized by the Minister of Finance. 2006, c. 11, Sched. A, s. 309 (2).

**Contents of tax bill**

(3) The Minister of Finance may make regulations,

(a) prescribing information that must or that may be included on or with tax bills under section 308 and prohibiting other information from being included on the tax bill without the express authorization of the Minister;

(a.1) prescribing the method of calculating information relating to tax changes that must or that may be included on or with tax bills under section 308;

(b) respecting the manner in which tax bills under section 308 are provided to the taxpayer;

(c) prescribing the form of the tax bill that must or that may be used under section 308. 2006, c. 11, Sched. A, s. 309 (3); 2008, c. 7, Sched. C, s. 4; 2016, c. 37, Sched. 3, s. 8 (1).

#### **Application of regulations**

(4) A regulation made under subsection (3) may provide that a provision of the regulation or of this section does not apply to the City unless the City passes a by-law to have it apply, subject to any prescribed conditions. 2016, c. 37, Sched. 3, s. 8 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Late payment charges**

**310** (1) The City may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date. 2006, c. 11, Sched. A, s. 310 (1).

#### **Penalty**

(2) A percentage charge, not to exceed 1 1/4 per cent of the amount of taxes due and unpaid, may be imposed as a penalty for the non-payment of taxes on the first day of default or such later date as the by-law specifies. 2006, c. 11, Sched. A, s. 310 (2).

#### **Interest**

(3) Interest charges, not to exceed 1 1/4 per cent each month of the amount of taxes due and unpaid, may be imposed for the non-payment of taxes in the manner specified in the by-law, but interest may not start to accrue before the first day of default. 2006, c. 11, Sched. A, s. 310 (3).

#### **Deemed taxes**

(4) Charges imposed under subsections (2) and (3) are deemed to be part of the taxes on which the charges have been imposed. 2006, c. 11, Sched. A, s. 310 (4).

#### **No interest**

(5) No interest shall be imposed on the charges that are deemed to be taxes under subsection (4). 2006, c. 11, Sched. A, s. 310 (5).

#### **Other interest**

(6) The City shall pay interest at the same rate and in the same manner as interest is paid under subsection 257.11 (4) of the *Education Act* on overpayments arising as a result of,

(a) an error of the City, a local board or other body for which the tax was being raised; and

(b) a change under the *Assessment Act*,

(i) in an assessment on a property,

(ii) in the property class in which a property is placed, or

(iii) if parts of a property are placed in different property classes, in the allocation of the assessment on the property between the parts. 2006, c. 11, Sched. A, s. 310 (6).

#### **Cancellation**

(7) The City shall cancel or refund late payment charges imposed under subsections (2) and (3) on overcharges of taxes arising as a result of errors or changes set out in clause (6) (a) or (b) if the overcharges were not paid when they were due and are no longer owed. 2006, c. 11, Sched. A, s. 310 (7).

#### **Special case**

(8) For the purpose of subsection (7), if different parts of the taxes were due at different times, the overcharges of taxes are deemed to be the latest taxes due. 2006, c. 11, Sched. A, s. 310 (8).

#### **Not retroactive**

(9) Interest under subsection (6) begins to accrue after the later of,

(a) in the case of overpayments described in clause (6) (a), the day the error is corrected and, in the case of overpayments described in clause (6) (b), 120 days after the day the City is notified of the change by the assessment corporation, the Assessment Review Board or a court; and

(b) January 1, 2003. 2006, c. 11, Sched. A, s. 310 (9).

(10) REPEALED: 2017, c. 10, Sched. 2, s. 36.

#### **Interest payments to be apportioned**

(11) The costs of interest payments with respect to overpayments of taxes for a year on a property under subsection (6) shall be shared by the City and other bodies that share in the revenue from the taxes on the property in the same proportion as the City and bodies share in those revenues for that year. 2006, c. 11, Sched. A, s. 310 (11).

#### **Advance payments**

(12) The City may pass a by-law to authorize the treasurer to receive in any year payments on account of tax for that year in advance of the due date and to give a discount for advance payments at the rate and in the manner specified in the by-law even though the taxes have not been levied or the assessment roll has not been returned when the advance payment is made. 2006, c. 11, Sched. A, s. 310 (12).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Payment**

**311** (1) Subject to subsection (2), all taxes shall be paid to the city treasurer and, upon request of the person paying the taxes, the treasurer shall issue a receipt for the amount paid. 2006, c. 11, Sched. A, s. 311 (1).

##### **Payment to financial institution**

(2) The City may pass a by-law to provide for the payment of taxes by any person into a financial institution to the credit of the city treasurer and, in that case, the person making the payment shall be entitled to be issued a receipt by the institution for the amount paid. 2006, c. 11, Sched. A, s. 311 (2).

##### **Definition**

(3) In this section,

“financial institution” means,

(a) a bank listed in Schedule I or II to the *Bank Act* (Canada),

(b) a trust corporation registered under the *Loan and Trust Corporations Act*, and

(c) subject to the *Credit Unions and Caisses Populaires Act, 1994*, a credit union as defined in that Act. 2006, c. 11, Sched. A, s. 311 (3).

##### **Allocation of payment**

**312** (1) Subject to subsections (2) and (3), where any payment is received on account of taxes, the following apply:

1. The payment shall first be applied against late payment charges owing in respect of those taxes according to the length of time the charges have been owing, with the charges imposed earlier being discharged before charges imposed later.

2. The payment shall then be applied against the taxes owing according to the length of time they have been owing, with the taxes imposed earlier being discharged before taxes imposed later. 2006, c. 11, Sched. A, s. 312 (1).

##### **Part payment**

(2) Subject to the approval of the city treasurer, a part payment on account of taxes may be applied in a manner different than that set out in subsection (1) at the request of the person making the payment. 2006, c. 11, Sched. A, s. 312 (2).

**Effect of certificate**

(3) No part payment shall be accepted on account of taxes in respect of which a tax arrears certificate is registered under this Act except under an extension agreement entered into under section 349. 2006, c. 11, Sched. A, s. 312 (3).

**Determination of tax status**

**313** (1) The city treasurer shall by the last day of February in each year determine the position of every tax account as of December 31 of the preceding year. 2006, c. 11, Sched. A, s. 313 (1); 2017, c. 10, Sched. 2, s. 37.

**Notice**

(2) On making the determination required by subsection (1), the treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related late payment charges. 2006, c. 11, Sched. A, s. 313 (2).

**Same**

(3) A notice required to be sent under subsection (2) may be sent with a tax bill. 2006, c. 11, Sched. A, s. 313 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Recovery of taxes**

**314** (1) Taxes may be recovered with costs as a debt due to the City from the taxpayer originally assessed for them and from any subsequent owner of the assessed land or any part of it. 2006, c. 11, Sched. A, s. 314 (1).

**Interpretation**

(2) Subsection (1) does not affect the taxpayer's or owner's recourse against any other person. 2006, c. 11, Sched. A, s. 314 (2).

**Taxes on escheated, etc. land**

(2.1) For greater certainty, taxes that are levied or charges that are imposed on the following land under section 208 of the *Municipal Act, 2001*, by virtue of the operation of subsection 429 (2) of this Act, may not be recovered as a debt due to the City from the Crown:

1. Land that is vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation.
2. Land that belongs to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs. 2017, c. 10, Sched. 2, s. 38.

**Special lien**

(3) Taxes are a special lien on the land in priority to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the City or its agents or through taking no action to register a tax arrears certificate. 2006, c. 11, Sched. A, s. 314 (3).

**Proof of debt**

(4) In any action to recover taxes, the production of the relevant part of the tax roll purporting to be certified by the treasurer as a true copy is, in the absence of evidence to the contrary, proof of the debt. 2006, c. 11, Sched. A, s. 314 (4).

**Separate action**

(5) The City may treat each year's taxes as a separate amount owing to the City and may bring separate actions for the purposes of recovering each amount. 2006, c. 11, Sched. A, s. 314 (5).

**Section Amendments with date in force (d/m/y) [ + ]****Obligations of tenant**

**315** (1) Where taxes are owed in respect of any land occupied by a tenant, the city treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with the notice. 2006, c. 11, Sched. A, s. 315 (1).

**Remedies of the City**

(2) The treasurer has the same authority as the landlord of the premises to collect the rent by seizure or otherwise to the amount of the taxes due and unpaid and costs, but collecting the rent does not impose upon the treasurer or the City the responsibilities of a landlord. 2006, c. 11, Sched. A, s. 315 (2).

**Deduction from rent**

(3) Any amounts paid by a tenant under subsection (1) or (2) that, as between the tenant and the landlord, the latter ought to have paid may be deducted by the tenant from the rent. 2006, c. 11, Sched. A, s. 315 (3).

**Seizure**

**316** (1) If taxes on land remain unpaid after the due date, the city treasurer or the treasurer's agent may seize the following to recover the taxes and costs of the seizure:

1. The personal property belonging to or in the possession of the taxpayer.
2. The interest of the taxpayer in personal property, including the taxpayer's right to possession of any personal property under a contract for purchase or a contract by which the taxpayer becomes the owner of the property upon performance of any condition.
3. The personal property on the land and any interest therein as described in paragraph 2 of the owner of the land, even if the owner's name does not appear on the tax roll.
4. Any personal property on the land, title to which is claimed under any assignment or transfer made for the purpose of defeating the seizure. 2006, c. 11, Sched. A, s. 316 (1).

**Exception**

(2) Despite subsection (1), the treasurer or treasurer's agent may seize personal property under this section after a tax bill has been sent but before the due date if,

- (a) the treasurer or treasurer's agent has good reason to believe that personal property subject to seizure is about to be removed from the City before the due date;
- (b) the treasurer or treasurer's agent makes an affidavit to that effect before a justice of the peace or the head of city council; and
- (c) the justice of the peace or the head of council issues a warrant authorizing the treasurer or the treasurer's agent to seize in accordance with this section. 2006, c. 11, Sched. A, s. 316 (2).

**Exemption from seizure**

(3) Despite subsection (1), no seizure shall be made of the personal property of any tenant for taxes not originally assessed against the tenant as tenant of the land. 2006, c. 11, Sched. A, s. 316 (3).

**Same**

(4) Despite subsection (1), no seizure shall be made of personal property that is in the possession of the taxpayer for the purpose only of repairing, servicing, storing or warehousing the personal property or of selling the personal property upon commission or as agent. 2006, c. 11, Sched. A, s. 316 (4).

**Property of assignee, liquidator**

(5) Despite subsection (1), personal property in the hands of an assignee for the benefit of creditors or in the hands of a liquidator under a winding-up order may only be seized for,

- (a) the taxes of the assignor or of the company that is being wound up; and
- (b) the taxes on the land on which the personal property was located at the time of the assignment or winding-up order for so long as the assignee or liquidator occupies the land or the personal property remains on the land. 2006, c. 11, Sched. A, s. 316 (5).

**Other exemptions**

(6) Personal property exempt from seizure under the *Execution Act* shall not be seized under this section and the person claiming the exemption shall select and point out the personal property for which an exemption is claimed. 2006, c. 11, Sched. A, s. 316 (6).

**Sale**

(7) The treasurer or the treasurer's agent may sell all or part of seized personal property at a public auction to recover the taxes and costs of seizure. 2006, c. 11, Sched. A, s. 316 (7).

**Notice**

(8) The treasurer or the treasurer's agent shall give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold. 2006, c. 11, Sched. A, s. 316 (8).

**Surplus**

(9) If the seized personal property is sold for more than the amount of taxes and costs of seizure, the surplus shall be retained by the treasurer for 10 days after the auction and then returned to the person who had possession of the personal property when the seizure was made; however, if another person claims the surplus before it is returned, the surplus shall be retained by the treasurer until the respective rights of the parties have been determined by action or otherwise. 2006, c. 11, Sched. A, s. 316 (9).

**Costs**

(10) The costs chargeable on any seizure under this section are those payable under the *Costs of Distress Act*. 2006, c. 11, Sched. A, s. 316 (10).

**Limitation**

(11) No person shall make a charge for anything in connection with a seizure under this section unless the thing has been actually done. 2006, c. 11, Sched. A, s. 316 (11).

**Remedy**

(12) If any person charges more costs than is allowed by subsection (10) or makes any charge prohibited by subsection (11), the person aggrieved has the same remedies as does a person aggrieved in the cases provided for by sections 2, 4 and 5 of the *Costs of Distress Act*. 2006, c. 11, Sched. A, s. 316 (12).

**Seizure by city employees**

(13) Where the person making any seizure under this section is an employee of the City, the costs of the seizure belong to the City. 2006, c. 11, Sched. A, s. 316 (13).

**Priority after notice**

(14) A sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy, as appropriate, shall, upon receiving notice from the treasurer of the amount due for taxes, pay the amount to the treasurer in preference and priority to all other fees, charges, liens and claims in respect of personal property liable to seizure for taxes under this section that,

- (a) is under seizure or attachment or has been seized by the sheriff or by the bailiff of any court;
- (b) is claimed by or in the possession of the assignee for the benefit of creditors or the liquidator or the trustee or licensed trustee in bankruptcy; or
- (c) has been converted into cash and is undistributed by the sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy. 2006, c. 11, Sched. A, s. 316 (14).

**Statement**

**317** (1) The city treasurer shall, upon the written request of any person, give to that person an itemized statement of all amounts owing for taxes in respect of any separately assessed rateable property as of the day the statement is issued. 2006, c. 11, Sched. A, s. 317 (1).

**Effect**

(2) A statement given under subsection (1) is binding on the City. 2006, c. 11, Sched. A, s. 317 (2).

**Taxes collected on behalf of other bodies**

**318** (1) If the City is required by law to impose a tax for a body, the City shall pay the body,

- (a) the amount of the taxes collected; and
- (b) except where otherwise provided, any amount imposed for the body but not collected due to the non-payment of taxes. 2006, c. 11, Sched. A, s. 318 (1).

**Exception**

(2) Despite clause (1) (b), the City is not required to pay the body any amount uncollected due to the non-payment of taxes if the taxes have been cancelled, reduced, refunded or written off. 2006, c. 11, Sched. A, s. 318 (2).

**Prorated chargebacks**

(3) If the City has paid the body any part of the amount described in clause (1) (b), the City shall charge back to every such body its proportionate share of the unpaid taxes that are subsequently cancelled, reduced, refunded or written off. 2006, c. 11, Sched. A, s. 318 (3).

**Chargebacks**

(4) If the City charges back an amount described in clause (1) (b) to any body in relation to land in respect of which a notice of vesting is registered under subsection 350 (5) and the City subsequently sells the land, the City shall pay to the body the proceeds of the sale based on the body's proportionate share of the unpaid taxes. 2006, c. 11, Sched. A, s. 318 (4).

**Liens in favour of the Crown**

(4.1) Despite subsection (4), if on the day before the date of registration of a notice of vesting there are liens or other encumbrances registered against the title to the land in favour of the Crown in right of Ontario or any execution or warrant in favour of the Crown respecting the land appearing in the index of executions maintained by the sheriff for the area in which the land is situate and the City subsequently sells the land, the proceeds of the sale shall be distributed among the City, a body charged back under subsection (3) and the Crown in accordance with the following:

1. Subject to paragraph 2, calculate the total of,
  - i. the amount of unpaid taxes owing to the City,
  - ii. the amounts charged back under subsection (3), and
  - iii. the total amount outstanding under any liens or other encumbrances in favour of the Crown registered on the day before the notice of vesting is registered and any amount outstanding under any execution or warrant in favour of the Crown appearing in the index of executions maintained by the sheriff for the area in which the land is situate on the day before the notice of vesting is registered.
2. The amount under each of subparagraph 1 i, ii or iii is the lesser of,
  - i. the actual amount, and
  - ii. the assessed value of the land as shown on the last assessment roll returned for the year in which the sale of the land occurred.
3. Subject to paragraph 2, the percentage of the proceeds of the sale that the City is entitled to is determined by dividing the amount of unpaid taxes owing to the City as determined under subparagraph 1 i by the total calculated under paragraph 1.
4. Subject to paragraph 2, the percentage of the proceeds of the sale that a body charged back under subsection (3) is entitled to is determined by dividing the amount charged back under subsection (3) to that body as determined under subparagraph 1 ii by the total calculated under paragraph 1.
5. Subject to paragraph 2, the percentage of the proceeds of the sale that the Crown is entitled to is determined by dividing the amount determined under subparagraph 1 iii by the total calculated under paragraph 1. 2006, c. 32, Sched. B, s. 62 (1).

(4.2) REPEALED: 2017, c. 10, Sched. 2, s. 39 (1).

**Deduction**

(5) The City may deduct from the proceeds the costs of any improvements made by the City on the land and its reasonable administrative costs with respect to that land. 2006, c. 11, Sched. A, s. 318 (5).

**Exception**

(6) Subsections (4), (4.1) and (5) do not apply to land in respect of which a notice of vesting is registered under subsection 350 (5) if the cancellation price, as defined in subsection 343 (1), was less than \$10,000 or if the sale occurs seven years or more after registration of the notice of vesting. 2006, c. 32, Sched. B, s. 62 (2); 2017, c. 10, Sched. 2, s. 39 (2).

**Section Amendments with date in force (d/m/y) [ + ]****Write-off of taxes**

**319** (1) Taxes shall not be written off except in accordance with this section. 2006, c. 11, Sched. A, s. 319 (1).

**Conditions**

(2) The city treasurer shall remove unpaid taxes from the tax roll if,

- (a) the city council, on the recommendation of the treasurer, writes off the taxes as uncollectible;
- (b) the taxes are no longer payable as a result of tax relief under section 283, 310, 323, 325, 330, 331, 332, 333 or 334 or a decision of any court; or
- (c) the taxes are no longer payable because the tax liability arose as a result of the assessment of land under subsection 33 (1) of the *Assessment Act* for a period during which a regulation made under subsection 33 (1.1) of that Act provides that subsection 33 (1) of that Act does not apply to the land. 2006, c. 11, Sched. A, s. 319 (2).

**Same**

(3) The City may only write off taxes under clause (2) (a) after an unsuccessful tax sale under Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)) and may at that point write off the taxes whether or not the property vests in the City. 2006, c. 11, Sched. A, s. 319 (3).

**Exception**

(4) Despite subsection (3), the City may write off taxes under clause (2) (a) without conducting a tax sale under Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)),

- (a) if the property is owned by Canada, a province or territory or a Crown agency of any of them or by a municipality;
- (b) if the recommendation of the treasurer under clause (2) (a) includes a written explanation of why conducting a tax sale would be ineffective or inappropriate; or
- (c) in any of the prescribed circumstances. 2006, c. 11, Sched. A, s. 319 (4).

**Regulations**

(5) The Minister of Municipal Affairs and Housing may make regulations prescribing circumstances for the purpose of clause (4) (c). 2006, c. 11, Sched. A, s. 319 (5).

**Refund on cancelled assessment**

**320** If a regulation is made under subsection 33 (1.1) of the *Assessment Act* providing that subsection 33 (1) of that Act does not apply with respect to certain land, the City shall repay to the owner of the land any overpayment that arises because the land was assessed under that subsection for a period during which the regulation provides that the subsection does not apply to the land. 2006, c. 11, Sched. A, s. 320.

**Taxes less than minimum tax amount**

**321** (1) The City may pass a by-law providing that where, in any year, the total amount of taxes to be imposed on a property would be less than the tax amount specified by the City in the by-law, the amount of actual taxes payable shall be zero or an amount not exceeding the specified amount. 2006, c. 11, Sched. A, s. 321 (1).

**Same**

(2) In a by-law under subsection (1), the City may specify two tax amounts and provide that,

- (a) where the total amount of taxes would be less than the lower specified amount, the amount of actual taxes payable shall be zero; and
- (b) where the total amount of taxes would be greater than or equal to the lower specified amount and less than the higher specified amount, the amount of the actual taxes payable shall not exceed the higher specified amount. 2006, c. 11, Sched. A, s. 321 (2).

**Division into parcels**

**322** (1) Upon application by the city treasurer or to the treasurer by an owner of land, the City may,

- (a) divide, for the purposes of this section, land which is assessed in one block into two or more parcels if each parcel is one that can be legally conveyed under the *Planning Act*;
- (b) apportion the unpaid taxes on the land among the parcels,
  - (i) in proportion to their relative value at the time the assessment roll for the year in which the application is made was returned, or
  - (ii) if council is of the opinion that an apportionment under subclause (i) is not appropriate due to special circumstances, any other manner; and
- (c) direct what proportion of any part payment of taxes on the land is to be applied to each of the parcels. 2006, c. 11, Sched. A, s. 322 (1).

**Statement**

(2) Upon the request of the City, the assessment corporation shall provide a statement of the relative value of the parcels and the statement is conclusive. 2006, c. 11, Sched. A, s. 322 (2).

**Meeting**

(3) On or before September 30 of the year following the year in which the application is made, council shall,

- (a) hold a meeting at which the applicants and owners of any part of the land may make representations to council;
- (b) notify the applicants and owners of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision. 2006, c. 11, Sched. A, s. 322 (3).

**Notice**

(4) Within 14 days after making its decision, council shall notify the applicants and owners of the decision and specify the last day for appealing the decision. 2006, c. 11, Sched. A, s. 322 (4).

**Appeal**

(5) Within 35 days after council makes its decision, an applicant or owner may appeal the decision of council under clause (1) (b) to the Assessment Review Board by filing a notice of appeal with the registrar of the board. 2006, c. 11, Sched. A, s. 322 (5).

**Decision**

(6) The Assessment Review Board shall, after giving notice to the appellants, the owners and the city treasurer, hear the appeal and may make any decision council could have made under clause (1) (b). 2006, c. 11, Sched. A, s. 322 (6).

**Delegation of power**

(7) The City may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under clause (1) (b) and subsection (3) with respect to applications made under subsection (1) and subsections (4), (5) and (6) do not apply to these applications. 2006, c. 11, Sched. A, s. 322 (7).

**Copy to be provided**

(8) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (7) and a copy of every application received to which the by-law applies. 2006, c. 11, Sched. A, s. 322 (8).

**Decision final**

(9) A decision of the Assessment Review Board is final and a decision of the council under clauses (1) (a) and (c) is final. 2006, c. 11, Sched. A, s. 322 (9).

**Notice of decision**

(10) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the city treasurer and to the assessment corporation. 2006, c. 11, Sched. A, s. 322 (10).

**Adjustment of tax roll**

(11) Immediately after a decision of council or the Assessment Review Board, the city treasurer shall adjust the tax roll to reflect any division into parcels and apportionment of taxes on the land among the parcels made by the decision. 2006, c. 11, Sched. A, s. 322 (11).

**Effect**

(12) Once the tax roll is adjusted, the taxes are deemed to have been always levied in accordance with the adjusted tax roll. 2006, c. 11, Sched. A, s. 322 (12).

**Cancellation, reduction, refund of taxes**

**323** (1) Upon application to the city treasurer made in accordance with this section, the City may cancel, reduce or refund all or part of taxes levied on land in the year in respect of which the application is made if,

- (a) as a result of a change event, as defined in clause (a) of the definition of "change event" in subsection 34 (2.2) of the *Assessment Act*, during the taxation year, the property or portion of the property is eligible to be reclassified in a different class of real property, as defined in regulations made under that Act, and that class has a lower tax ratio for the taxation year than the class the property or portion of the property is in before the change event, and no supplementary assessment is made in respect of the change event under subsection 34 (2) of the *Assessment Act*;
  - (b) the land has become vacant land or excess land during the year or during the preceding year after the return of the assessment roll for the preceding year;
  - (c) the land has become exempt from taxation during the year or during the preceding year after the return of the assessment roll for the preceding year;
  - (d) during the year or during the preceding year after the return of the assessment roll, a building on the land,
    - (i) was razed by fire, demolition or otherwise, or
    - (ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
  - (e) the applicant is unable to pay taxes because of sickness or extreme poverty;
  - (f) a mobile unit on the land was removed during the year or during the preceding year after the return of the assessment roll for the preceding year;
  - (g) a person was overcharged due to a gross or manifest error that is clerical or factual in nature, including the transposition of figures, a typographical error or similar error but not an error in judgment in assessing the property; or
  - (h) repairs or renovations to the land prevented the normal use of the land for a period of at least three months during the year.
- 2006, c. 11, Sched. A, s. 323 (1).

**Exception, vacant unit rebate**

(1.1) For 2007 and subsequent taxation years, no cancellation, reduction or refund of taxes is permitted under clause (1) (h) in respect of prescribed land. 2007, c. 7, Sched. 4, s. 1; 2017, c. 8, Sched. 4, s. 9 (1).

**Regulations**

(1.2) The Minister of Finance may make regulations prescribing land for the purposes of subsection (1.1). 2017, c. 8, Sched. 4, s. 9 (2).

**Application**

(2) An application may only be made by the owner of the land or by another person who,

- (a) has an interest in the land as shown on the records of the appropriate land registry office and the sheriff's office;
- (b) is a tenant, occupant or other person in possession of the land; or
- (c) is the spouse of the owner or other person described in clause (a) or (b). 2006, c. 11, Sched. A, s. 323 (2).

**Timing**

(3) An application under this section must be filed with the treasurer on or before the last day of February of the year following the year in respect of which the application is made. 2006, c. 11, Sched. A, s. 323 (3); 2017, c. 10, Sched. 2, s. 40 (1).

**Application by treasurer**

(4) Despite subsections (2) and (3), an application under clause (1) (f) or (g) may be made by the city treasurer on or before April 30 of the year following the year in respect of which the application is made if no application is made by a person described in subsection (2) within the deadline set out in subsection (3). 2006, c. 11, Sched. A, s. 323 (4).

**Meeting**

(5) On or before September 30 of the year following the year in respect of which the application is made, council shall,

- (a) hold a meeting at which the applicants may make representations to council;
- (b) notify the applicants of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision. 2006, c. 11, Sched. A, s. 323 (5).

**Notice**

(6) Within 14 days after making its decision, council shall notify the applicants of the decision and specify the last day for appealing the decision. 2006, c. 11, Sched. A, s. 323 (6).

**Appeal**

(7) Within 35 days after council makes its decision, an applicant may appeal the decision of council to the Assessment Review Board by filing a notice of appeal with the registrar of the board. 2006, c. 11, Sched. A, s. 323 (7).

**Where no decision**

(8) If council fails to make its decision by September 30 of the year following the year in respect of which the application is made, an applicant may appeal to the Assessment Review Board by October 21 of the year by filing a notice of appeal with the registrar of the board and the appeal shall be a new hearing. 2006, c. 11, Sched. A, s. 323 (8).

**Notice**

(9) The Assessment Review Board shall notify the appellants and the city treasurer of the hearing by mail sent at least 14 days before the hearing. 2006, c. 11, Sched. A, s. 323 (9).

**Decision**

(10) The Assessment Review Board shall hear the appeal and may make any decision that council could have made. 2006, c. 11, Sched. A, s. 323 (10).

**Delegation of power**

(11) The council may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under subsections (1) and (5) with respect to applications made under subsection (1) and subsections (6), (7), (8), (9) and (10) do not apply to these applications. 2006, c. 11, Sched. A, s. 323 (11).

**Copy to be provided**

(12) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (11) and a copy of every application received to which the by-law applies. 2006, c. 11, Sched. A, s. 323 (12).

**Taxes restored**

(13) The council or the Assessment Review Board may restore to the tax roll all or any part of the taxes for a year that it reduced, cancelled or refunded as a result of an application in respect of a building under clause (1) (d) if it is satisfied that during the year the building has been reconstructed or repaired and is capable of being used for the purposes for which it was used immediately before it was destroyed or damaged. 2006, c. 11, Sched. A, s. 323 (13).

**Restriction**

(14) A decision cannot be made under subsection (13) unless,

- (a) it is made on or before the last day of February in the year following the year in respect of which the application is made; and
- (b) every person who, according to the tax roll, would be liable for the restored taxes, is given an opportunity to make representations to the council or board, as the case may be. 2006, c. 11, Sched. A, s. 323 (14); 2017, c. 10, Sched. 2, s. 40 (2).

**Appeal**

(15) A decision of council under subsection (13) may be appealed to the Assessment Review Board and subsections (6), (7), (9) and (10) apply with necessary modifications to the appeal. 2006, c. 11, Sched. A, s. 323 (15).

**Restored taxes payable**

(16) Taxes restored to the tax roll for a year, after a tax bill is sent to the person liable for the taxes, are payable,

- (a) as part of the next instalment of taxes payable in that year; or
- (b) if no instalment remains payable in that year or the tax bill is not sent until the following year, on the 22nd day after the tax bill is sent. 2006, c. 11, Sched. A, s. 323 (16).

**Decision final**

(17) A decision of the Assessment Review Board is final. 2006, c. 11, Sched. A, s. 323 (17).

**Notice of decision**

(18) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the assessment corporation but failure to comply with this requirement does not invalidate the proceedings taken under this section. 2006, c. 11, Sched. A, s. 323 (18).

**Section Amendments with date in force (d/m/y) [ + ]****Cancellation, reduction, refund of payment in lieu of taxes**

**324** (1) Upon application to the city treasurer made in accordance with this section, the City may cancel, reduce or refund all or part of a payment in lieu of taxes in the year in respect of which the application is made in the circumstances described in subsection 323 (1), with necessary modifications. 2017, c. 10, Sched. 2, s. 41.

**Application**

(2) An application under this section may only be made by the body responsible for making the payment in lieu of taxes. 2017, c. 10, Sched. 2, s. 41.

**Procedure**

(3) Subsections 323 (3) to (12), (17) and (18) apply with necessary modifications to an application made under subsection (1). 2017, c. 10, Sched. 2, s. 41.

**Prorated charge backs**

(4) If the City has distributed any part of a payment in lieu of taxes to a body in accordance with a regulation made under section 284 for a year in respect of which an application is made under this section, the City shall charge back to every such body its proportionate share of the payment in lieu of taxes that is cancelled, reduced or refunded under this section. 2017, c. 10, Sched. 2, s. 41.

**Definition**

(5) In this section,

“payment in lieu of taxes” means an amount that the City is eligible to receive in lieu of taxes in a year in respect of real property that is exempt from taxation under the *Assessment Act*, where the amount is equal to the taxes for municipal or for municipal and school purposes that would have been payable in respect of that real property in that year if the real property had been taxable. 2017, c. 10, Sched. 2, s. 41.

**Section Amendments with date in force (d/m/y) [ + ]****Overcharges**

**325** (1) Upon application to the city treasurer made in accordance with this section, the City may cancel, reduce or refund all or part of the taxes levied on land,

- (a) in one or both of the two years preceding the year in which the application is made for any overcharge caused by a gross or manifest error in the preparation of the assessment roll that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property; or
- (b) in the year or years in respect of which an assessment is made under section 33 or 34 of the *Assessment Act* for any overcharge caused by a gross or manifest error in the preparation of the assessment that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property. 2017, c. 10, Sched. 2, s. 42 (1).

**Application**

(2) An application may only be made by,

- (a) the owner of the land or by another person described in subsection 323 (2); or
- (b) the city treasurer. 2017, c. 10, Sched. 2, s. 42 (1).

**Timing — error in assessment roll**

(3) An application in respect of an error in the preparation of the assessment roll must be filed with the treasurer between March 1 and December 31 of a year and may apply to taxes levied for one or both of the two years preceding the year in which the application is made and the application shall indicate to which year or years it applies. 2017, c. 10, Sched. 2, s. 42 (1).

**Timing — error in assessment under s. 33 or 34 of *Assessment Act***

(3.1) An application in respect of an error in the preparation of an assessment under section 33 or 34 of the *Assessment Act* must be filed with the treasurer on or before December 31 of the second year following the year in which the assessment was made and may apply to taxes levied for the year or years in respect of which the assessment was made and the application shall indicate to which year or years it applies. 2017, c. 10, Sched. 2, s. 42 (1).

**Exception**

(4) Despite subsection (3), if the assessment corporation extends the time for the return of the assessment roll under subsection 36 (2) of the *Assessment Act*, an application shall not be made until at least 61 days after the return. 2006, c. 11, Sched. A, s. 325 (4).

**Restriction**

(5) Despite subsections (3) and (3.1), an application shall not be made for taxes levied in a year if the assessment on the land for that year was subject to an appeal or application under section 40 or 46 of the *Assessment Act* unless,

(a) the error is made subsequent to the commencement of all appeals or applications;

(b) the appeal or application,

(i) is made by a person other than the taxpayer,

(ii) is withdrawn before the appeal or application is actually heard,

(iii) is made in respect of a change to or the addition of the school support of the taxpayer on or to the assessment roll, or

(iv) is made in respect of a change to the name or mailing address of the taxpayer on the assessment roll; or

(c) the appeal or application is in a prescribed class of appeals or applications. 2008, c. 7, Sched. C, s. 5 (1); 2017, c. 10, Sched. 2, s. 42 (2).

**Copy to be provided**

(6) The treasurer shall send a copy of the application to the assessment corporation and the registrar of the Assessment Review Board. 2006, c. 11, Sched. A, s. 325 (6).

**Confirmation**

(7) An application shall not be heard by council under subsection (9) unless the assessment corporation confirms an error in the assessment referred to in the application. 2006, c. 11, Sched. A, s. 325 (7).

**Notice**

(8) If an application is not valid under subsection (5), the treasurer shall notify the applicant in writing of the reasons it is not valid. 2006, c. 11, Sched. A, s. 325 (8).

**Meeting**

(9) On or before September 30 of the year following the year in which the application is made, council shall,

(a) hold a meeting at which the applicant may make representations to council;

(b) notify the applicant of the meeting by mail sent at least 14 days before the meeting; and

(c) make its decision. 2006, c. 11, Sched. A, s. 325 (9).

**Notice**

(10) Within 14 days after making its decision, council shall notify the applicant of the decision. 2006, c. 11, Sched. A, s. 325 (10).

**Delegation of power**

(11) The council may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under subsections (1) and (9) with respect to applications made under subsection (1) and subsections (7) and (8) do not apply to these applications. 2006, c. 11, Sched. A, s. 325 (11).

**Copy to be provided**

(12) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (11). 2006, c. 11, Sched. A, s. 325 (12).

**Regulations**

(13) The Minister of Municipal Affairs and Housing may make regulations prescribing classes of appeals or applications for the purpose of clause (5) (c). 2008, c. 7, Sched. C, s. 5 (2).

**Decision final**

(14) A decision of the Assessment Review Board under this section is final. 2006, c. 11, Sched. A, s. 325 (14).

**Copy of decision**

(15) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the assessment corporation, but failure to comply with this requirement does not invalidate the proceedings taken under this section. 2006, c. 11, Sched. A, s. 325 (15).

**Section Amendments with date in force (d/m/y) [ + ]****Increase of taxes**

**326** (1) Upon application made by the city treasurer, the City may increase the taxes levied on land in the year in respect of which the application is made to the extent of any undercharge caused by a gross or manifest error that is a clerical or factual error, including the transposition of figures, a typographical error or similar error, but not an error in judgement in assessing the land. 2006, c. 11, Sched. A, s. 326 (1).

**Exception**

(2) An application cannot be made under subsection (1) if the treasurer has issued a tax statement under section 317 with respect to the taxes before notice is given under clause (4) (b). 2006, c. 11, Sched. A, s. 326 (2).

**Deadline**

(3) An application under this section must be made on or before December 31 of the year following the year in respect of which the application is made. 2006, c. 11, Sched. A, s. 326 (3).

**Meeting**

(4) Council shall,

- (a) hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council;
- (b) notify the treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting; and
- (c) make its decision. 2006, c. 11, Sched. A, s. 326 (4).

**Notice**

(5) Within 14 days after making its decision, council shall notify the treasurer and the person in respect of whom the application is made of the decision and specify the last day for appealing the decision. 2006, c. 11, Sched. A, s. 326 (5).

**Appeal**

(6) Within 35 days after council makes its decision, the person in respect of whom the application is made may appeal the decision of council to the Assessment Review Board by filing a notice of appeal with the registrar of the board. 2006, c. 11, Sched. A, s. 326 (6).

**Notice**

(7) The Assessment Review Board shall notify the appellant and the city treasurer of the hearing by mail sent at least 14 days before the hearing. 2006, c. 11, Sched. A, s. 326 (7).

**Decision**

(8) The Assessment Review Board shall hear the appeal and may make any decision that council could have made. 2006, c. 11, Sched. A, s. 326 (8).

**Delegation of power**

(9) The council may pass a by-law authorizing the Assessment Review Board to exercise the powers and functions of the council under subsections (1) and (4) with respect to applications made under subsection (1). 2006, c. 11, Sched. A, s. 326 (9).

**Non-application**

(10) Subsections (5), (6), (7) and (8) do not apply to applications made under subsection (1) if a delegation by-law under subsection (9) is in force on the day the application is made. 2006, c. 11, Sched. A, s. 326 (10).

**Copy to be provided**

(11) The council shall forward to the registrar of the Assessment Review Board and to the assessment corporation a certified copy of any by-law passed under subsection (9) and a copy of every application received to which the by-law applies. 2006, c. 11, Sched. A, s. 326 (11).

**Decision final**

(12) A decision of the Assessment Review Board under this section is final. 2006, c. 11, Sched. A, s. 326 (12).

**Adjustment of tax roll**

(13) Immediately after a decision of council or the Assessment Review Board, the city treasurer shall adjust the tax roll to reflect any increase of taxes on the land made by the decision. 2006, c. 32, Sched. B, s. 63.

**When tax payable**

(13.1) Once the tax roll is adjusted, the amount of the increase of taxes is deemed to have been always levied in accordance with the adjusted tax roll except the amount is not payable until 21 days after the day the city treasurer sends a tax bill to the taxpayer with respect to the amount. 2006, c. 32, Sched. B, s. 63.

**Overcharges**

(13.2) If a decision of council under this section is appealed and the Assessment Review Board determines there is an overcharge of taxes on the land,

(a) the City shall refund the overpayment, if any; and

(b) subsections 310 (6) to (11) apply with necessary modifications to the overcharges. 2006, c. 32, Sched. B, s. 63.

**Notice**

(14) The council and the Assessment Review Board shall forward a copy of their decisions under this section to the assessment corporation but failure to comply with this requirement does not invalidate the proceedings taken under this section. 2006, c. 11, Sched. A, s. 326 (14).

**Section Amendments with date in force (d/m/y) [ + ]****Error in calculating taxes**

**327** (1) Despite paragraph 1 of subsection 291 (2), upon application made by the city treasurer, the City may, if it is satisfied that there was an error in the calculation of taxes on land under Part XII (Limits on Traditional Municipal Taxes), under Part IX of the *Municipal Act, 2001* or under Part XXII.1, XXII.2 or XXII.3 of the old *Municipal Act*, authorize the use of an amount of taxes referred to in paragraph 1 of subsection 291 (2) for the year in which the application is made which reflects what the taxes would have been on the land for the previous year if the error had not been made. 2006, c. 11, Sched. A, s. 327 (1).

**Meeting**

(2) Before making a decision under subsection (1), council shall,

(a) hold a meeting at which the treasurer and the person in respect of whom the application is made may make representations to council; and

(b) notify the treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting. 2006, c. 11, Sched. A, s. 327 (2).

**Notice**

(3) Within 14 days after making its decision, the council shall notify the treasurer and the person in respect of whom the application is made of the decision. 2006, c. 11, Sched. A, s. 327 (3).

#### **Appeal**

(4) Subsections 326 (6), (7) and (8) apply to a decision of a council under this section, with necessary modifications. 2006, c. 11, Sched. A, s. 327 (4).

#### **No authority to change previous year's taxes**

(5) Nothing in this section authorizes the City to change the taxes levied on land for a previous year. 2006, c. 11, Sched. A, s. 327 (5).

#### **Regulation**

**328** For the purpose of sections 323, 324, 325 and 326, the Minister of Municipal Affairs and Housing may by regulation define "gross or manifest error". 2006, c. 11, Sched. A, s. 328; 2017, c. 10, Sched. 2, s. 43.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Rebates for charities**

**329** (1) The City shall have a tax rebate program for eligible charities for the purposes of giving them relief from taxes or amounts paid on account of taxes on eligible property they occupy. 2006, c. 11, Sched. A, s. 329 (1).

#### **Eligible charities, property**

(2) For the purposes of this section,

- (a) a charity is eligible if it is a registered charity as defined in subsection 248 (1) of the *Income Tax Act* (Canada) that has a registration number issued by the Canada Revenue Agency;
- (b) a property is eligible if it is in one of the commercial classes or industrial classes, within the meaning of subsection 275 (1) of this Act, or if it is in a class prescribed under clause (11) (b.1) of this section. 2006, c. 11, Sched. A, s. 329 (2); 2016, c. 37, Sched. 3, s. 9 (1).

#### **Program requirements**

(3) A tax rebate program under this section is subject to the following requirements:

1. The program must provide for a rebate for an eligible charity that pays taxes or amounts on account of taxes on eligible property it occupies.
2. The amount of a rebate required under paragraph 1 must be at least 40 per cent, or such other percentage as the Minister of Finance may prescribe, of the taxes or amounts on account of taxes paid by the eligible charity on the property it occupies. If the eligible charity is required to pay an amount under section 337 or 338, the amount of the rebate shall be the total of the amounts paid by the eligible charity under those sections.
3. The program must provide that payment of one-half of the rebate must be made within 60 days after the receipt by the City of the application of the eligible charity for the rebate for the taxation year and the balance of the rebate must be paid within 120 days of the receipt of the application.
4. The program must permit the eligible charity to make an application for a rebate for a taxation year based on an estimate of the taxes or amounts on account of taxes payable by the eligible charity on the property it occupies.
5. The program must provide for final adjustments, to be made after the taxes or amounts on account of taxes paid by the charity can be determined, in respect of differences between the estimated rebate paid by the City and the rebate to which the charity is entitled.
6. The program must require, as a condition of receiving a rebate for a year, that a charity repay any other municipality amounts by which the rebates the charity received for the year from that other municipality exceed the rebates from that other municipality to which the charity is entitled for the year.

7. An application for a taxation year must be made after January 1 of the year and no later than the last day of February of the following year. However, the City may accept applications after that deadline if, in the opinion of the City, extenuating circumstances justify the applicant being unable to make the application by the deadline. 2006, c. 11, Sched. A, s. 329 (3); 2009, c. 33, Sched. 21, s. 4 (22).

**Program options**

(4) The following apply with respect to what a tax rebate program under this section may provide but is not required to provide:

1. The program may provide for rebates to organizations that are similar to eligible charities or a class of such organizations defined by the City.
2. The program may provide for rebates to eligible charities or similar organizations for taxes or amounts on account of taxes on property that is in any class of real property prescribed under the *Assessment Act*.
3. The program may provide for rebates that are greater than those required under subsection (3) and may provide for different rebate amounts for different eligible charities or similar organizations up to 100 per cent of the taxes paid by the eligible charity or similar organization.
4. The program may provide for adjustments in respect of the rebates for a year to be deducted from amounts payable in the next year for the next year's rebates. 2006, c. 11, Sched. A, s. 329 (4).

**Procedural requirements**

(5) The program may include procedural requirements that must be satisfied for an eligible charity to be entitled to a rebate required under subsection (3). 2006, c. 11, Sched. A, s. 329 (5).

**Sharing amounts of rebates**

(6) The amount of a rebate paid under this section on a property shall be shared by the City and school boards that share in the revenue from the taxes on the property in the same proportion as the City and school boards share in those revenues. 2006, c. 11, Sched. A, s. 329 (6).

**Statement of costs shared by school boards**

(7) If the City gives a rebate to a charity or similar organization, the City shall also give the charity or similar organization a written statement of the proportion of the costs of the rebate that is shared by school boards. 2006, c. 11, Sched. A, s. 329 (7).

**Interest**

(8) The City shall pay interest, at the same rate of interest that applies under subsection 257.11 (4) of the *Education Act*, on the amount of any rebate to which the eligible charity is entitled under this section if the City fails to rebate or credit the amount within the time specified in paragraph 3 of subsection (3) or within such other time as the Minister of Finance may prescribe. 2006, c. 11, Sched. A, s. 329 (8).

**No fee**

(9) Despite this Act, no fee may be charged by the City to process an application under this section. 2006, c. 11, Sched. A, s. 329 (9).

**Change of assessment**

(10) The following apply if the assessment of an eligible property for a year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act, an application under section 46 of that Act or a correction made under subsection 32 (1.1) of that Act:

1. A rebate under subsection (3) with respect to the year shall be redetermined using the new taxes on property for the year based on the new assessment.
2. If, as a result of a redetermination under paragraph 1, the amount of the rebate is increased, the increased amount shall be paid to the eligible charity in accordance with this section.

3. If, as a result of a redetermination under paragraph 1, the amount of the rebate is decreased and amounts paid on account of the rebate exceed the redetermined amount of the rebate, the excess payments are a debt due to the City, but the City shall not take any action to collect the debt, including the imposition of interest, until 120 days after providing the eligible charity with notice of the debt. 2006, c. 11, Sched. A, s. 329 (10); 2008, c. 7, Sched. C, s. 6; 2017, c. 10, Sched. 2, s. 44.

#### Regulations

(11) The Minister of Finance may make regulations,

- (a) governing programs under this section, including prescribing additional requirements for the programs;
- (b) governing procedural requirements the programs must include;
  - (b.1) prescribing classes of real property for the purposes of clause (2) (b) and paragraph 2 of subsection (13), other than the residential property class, the multi-residential property class, the farm property class, the pipe line property class or the managed forests property class;
- (c) prescribing a percentage for the purpose of paragraph 2 of subsection (3);
- (d) prescribing a time period for the purpose of subsection (8). 2006, c. 11, Sched. A, s. 329 (11); 2016, c. 37, Sched. 3, s. 9 (2).

#### Definition

(12) In this section,

“tax” includes,

- (a) charges that are imposed under section 208 of the *Municipal Act, 2001* by virtue of the operation of subsection 429 (2) of this Act, and
- (b) fees and charges, other than charges described in clause (a), that are imposed under this Act and satisfy the conditions set out in paragraphs 1, 2 and 3 of subsection (13). 2006, c. 32, Sched. B, s. 64.

#### Same

(13) The conditions referred to in clause (b) of the definition of “tax” in subsection (12) are:

1. The fees and charges are imposed to raise an amount for at least one of the following purposes:
  - i. Promotion of an area as a business or shopping area.
  - ii. Improvement, beautification and maintenance of City-owned land, buildings and structures in the area beyond that provided at the City’s expense generally.
  - iii. Interest payable by the City on money it borrows for the purposes of subparagraph i or ii.
2. The fees and charges are imposed on owners of land that is included in the commercial classes or industrial classes within the meaning of subsection 275 (1), or in a class prescribed under clause (11) (b.1).
3. The fees and charges have priority lien status and are added to the tax roll. 2006, c. 32, Sched. B, s. 64; 2016, c. 37, Sched. 3, s. 9 (3).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Tax reductions

**330** (1) The City may by by-law passed in the year to which it relates, provide for tax reductions for owners of all or part of the eligible amount on properties in the property classes described in subsection (2) that are designated in the by-law. 2006, c. 11, Sched. A, s. 330 (1); 2009, c. 33, Sched. 21, s. 4 (23).

##### Property classes

(2) The property classes referred to in subsection (1) are the property classes that are subject to Part XII (Limits on Traditional Municipal Taxes) and the by-law may treat different property classes differently. 2006, c. 11, Sched. A, s. 330 (2).

**Reductions on the tax roll**

(3) Tax reductions under a by-law under subsection (1) shall be given through adjustments made to the tax roll for the property for the taxation year. 2006, c. 11, Sched. A, s. 330 (3).

**Reductions not limited by s. 82**

(4) Section 82 does not apply with respect to tax reductions under a by-law under subsection (1). 2006, c. 11, Sched. A, s. 330 (4).

**Regulations**

(5) The Minister of Finance may make regulations governing by-laws under subsection (1) and the reductions provided under those by-laws. 2009, c. 33, Sched. 21, s. 4 (24).

**Definition**

(6) In this section,

“eligible amount” means, in relation to a property, the amount by which the taxes for the year, but for the application of Part XII (Limits on Traditional Municipal Taxes), exceed the taxes determined under section 291. 2006, c. 11, Sched. A, s. 330 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Vacant unit rebate**

**331** (1) Unless a regulation made under clause (12) (0.a) provides that the City is not required to have such a program, the City shall have a program to provide tax rebates to owners of property that has vacant portions if that property is in any of the commercial classes or industrial classes, as defined in subsection 275 (1), or in a class prescribed under clause (12) (a.0.1). 2016, c. 37, Sched. 3, s. 10 (1); 2017, c. 8, Sched. 4, s. 10 (1).

**Requirements of program**

(2) A tax rebate program under this section must meet the following requirements:

1. The program shall apply to eligible property as prescribed by the Minister of Finance for the purposes of this section.
2. If the property is in any of the commercial classes, the rebate shall be equal to 30 per cent, or such other percentage prescribed by, or determined in accordance with, the regulations, of the taxes applicable to the eligible property as determined under clause (12) (b).
3. If the property is in any of the industrial classes, the rebate shall be equal to 35 per cent, or such other percentage prescribed by, or determined in accordance with, the regulations, of the taxes applicable to the eligible property as determined under clause (12) (b).
- 3.1 If the property is in a class prescribed under clause (12) (a.0.1), the rebate shall be equal to the percentage prescribed by, or determined in accordance with, the regulations.
4. An application may be made by or on behalf of the owner.
5. The application shall be made to the City by the last day of February of the year following the taxation year in respect of which the application is made or such other date as the Minister of Finance may prescribe, either before or after the expiry of the time limit.
6. Subject to paragraph 7, an owner or a person on behalf of the owner shall submit one application for a taxation year unless the Minister of Finance prescribes that more than one application may be submitted.
7. An interim application for the first six months of the taxation year may be made unless the Minister of Finance has made a regulation exempting the City from this paragraph. 2006, c. 11, Sched. A, s. 331 (2); 2016, c. 5, Sched. 5, s. 3 (1); 2016, c. 37, Sched. 3, s. 10 (2); 2017, c. 8, Sched. 4, s. 10 (2), (3); 2017, c. 34, Sched. 6, s. 2 (1, 2).

**Additional requirements**

(2.1) If authorized by the regulations, the City may impose additional requirements for the tax rebate program within the City, subject to any prescribed restrictions or conditions. 2017, c. 34, Sched. 6, s. 2 (3).

**Alternate requirements**

(2.2) Despite subsection (2), if authorized by the regulations and subject to any prescribed restrictions or conditions, the City may impose alternate requirements for the tax rebate program within the City, including imposing alternate requirements for a property or a portion of a property to be eligible property. 2017, c. 34, Sched. 6, s. 2 (3).

**Mixed use**

(3) If different portions of a property are classified on the assessment roll in any of the commercial classes, any of the industrial classes or in a class prescribed under clause (12) (a.0.1),

- (a) the portion classified in the commercial classes, if any, shall be deemed to be one property for the purposes of this section;
- (b) the portion classified in the industrial classes, if any, shall be deemed to be another property for the purposes of this section; and
- (c) the portions in each class prescribed under clause (12) (a.0.1), if any, shall each be deemed to be a separate property for the purposes of this section. 2016, c. 37, Sched. 3, s. 10 (3).

**If single percentage established**

(4) If the City has established a single percentage for a year under subsection 278 (1.1), that percentage applies for the year rather than the percentage set out in paragraph 2 or 3 of subsection (2), as the case may be. 2006, c. 11, Sched. A, s. 331 (4).

**Evidentiary requirements**

(5) The program may include evidentiary requirements that must be satisfied for the owner to be entitled to a rebate under this section. 2006, c. 11, Sched. A, s. 331 (5).

**Right of access**

(6) For the purposes of verifying an application made under this section, an employee of the City or a person designated by the City, upon producing proper identification, shall, within the time, if any, prescribed by the Minister of Finance, be given free access at all reasonable times and on reasonable request to all property referred to in the application made under this section. 2006, c. 11, Sched. A, s. 331 (6); 2017, c. 34, Sched. 6, s. 2 (4).

**Information**

(7) Every adult person present on the property when the person referred to in subsection (6) visits the property in the performance of his or her duties shall give the person all the information within his or her knowledge that will assist the person to determine the proper amount of the rebate payable under this section. 2006, c. 11, Sched. A, s. 331 (7).

**Request for information**

(8) For the purposes of determining the proper amount of any rebate payable under this section, the City may, by letter sent by mail, served personally or delivered by courier, require the owner or manager of a property referred to in an application under this section to provide any relevant information or produce any relevant records within such time as may be prescribed by the Minister of Finance or, if no time is prescribed, within such reasonable time as is set out in the letter. 2006, c. 11, Sched. A, s. 331 (8); 2017, c. 34, Sched. 6, s. 2 (5).

**Return of information**

(9) A person who receives a letter under subsection (8) shall, within the applicable time under that subsection, provide to the City all the information that is within the person's knowledge and produce all of the records required that are within the person's possession or control. 2006, c. 11, Sched. A, s. 331 (9); 2017, c. 34, Sched. 6, s. 2 (6).

**Offence**

(10) Every person who is required to provide information under this section and who defaults in doing so is guilty of an offence and on conviction is liable to a fine of \$100 for each day during which the default continues. 2006, c. 11, Sched. A, s. 331 (10).

**Sharing costs of rebates**

(11) The amount of a tax rebate with respect to a property shall be shared by the City and the school boards that share in the revenue from the taxes on the property in the same proportion as the City and school boards share in those revenues, unless otherwise prescribed by the Minister of Finance. 2006, c. 11, Sched. A, s. 331 (11); 2017, c. 34, Sched. 6, s. 2 (7).

#### **Regulations**

(12) The Minister of Finance may make regulations,

- (0.a) prescribing that the City is not required to have a program to provide tax rebates for the purposes of subsection (1);
- (a) prescribing the requirements for a property or portion of a property to be eligible property;
- (a.0.0.1) prescribing circumstances under which no rebate is payable in respect of a property that would otherwise be eligible property;
- (a.0.1) prescribing classes of real property for the purposes of this section, other than the residential property class, the multi-residential property class, the farm property class, the pipe line property class or the managed forests property class;
- (a.1) prescribing percentages or the manner of determining percentages for the purposes of paragraphs 2, 3 and 3.1 of subsection (2);
- (b) respecting how to determine the amount of tax to which the percentages specified in paragraphs 2 and 3 of subsection (2) are to be applied;
- (c) respecting the determination of the value of eligible property by the assessment corporation;
- (d) prescribing the number or frequency of applications under paragraph 6 of subsection (2);
- (d.1) exempting the City from paragraph 7 of subsection (1);
- (d.2) prescribing restrictions or conditions for the purpose of subsections (2.1) and (2.2);
- (e) governing programs under this section, including prescribing additional requirements for those programs, and governing the procedural requirements that those programs must include;
- (f) prescribing a date for the purposes of subsections (2) and (15);
- (g) prescribing times for the purposes of subsections (6) and (8);
- (h) prescribing how the amount of a tax rebate with respect to a property shall be shared by the City and the school boards that share in the revenue from the taxes on the property, including prescribing that the amount of a tax rebate shall not be shared by the City and the school boards;
- (i) prescribing a timeline or a date for the purposes of subsection (20). 2006, c. 11, Sched. A, s. 331 (12), 2016, c. 5, Sched. 5, s. 3 (2); 2016, c. 37, Sched. 3, s. 10 (4); 2017, c. 8, Sched. 4, s. 10 (4), (5); 2017, c. 34, Sched. 6, s. 2 (8, 9).

#### **Rebate to include credit**

(13) The City may credit all or part of the amount of the tax rebate owing to an outstanding tax liability of the owner. 2006, c. 11, Sched. A, s. 331 (13).

#### **Complaint**

(14) A person who has made an application under this section may, within 120 days after the City mails the determination of the amount of the rebate, complain to the Assessment Review Board in writing that the amount is too low. 2006, c. 11, Sched. A, s. 331 (14).

#### **Same, if no determination of rebate**

(15) If the City fails to mail the determination of the amount of the rebate to the applicant within 120 days of the receipt of the application or such later date as the Minister of Finance may prescribe, the applicant may complain in writing to the Assessment Review Board. 2006, c. 11, Sched. A, s. 331 (15).

#### **Determination by the Board**

(16) In a complaint under subsection (14) or (15), the Assessment Review Board shall determine the amount of any rebate owing to the applicant. 2006, c. 11, Sched. A, s. 331 (16).

**Same**

(17) Section 40 of the *Assessment Act* applies to a complaint under subsection (14), (15) or (24) as if it were an appeal under subsection 40 (1) of that Act, except that the assessment corporation shall not be a party for the purposes of subsection 40 (11) of that Act. 2008, c. 7, Sched. C, s. 7.

**Appeal to Divisional Court**

(18) Section 43.1 of the *Assessment Act* applies to a decision of the Assessment Review Board. 2006, c. 11, Sched. A, s. 331 (18).

**Offence**

(19) Any person who knowingly makes a false or deceptive statement in an application made to the City or in any other document submitted to the City under this section is guilty of an offence and is liable on conviction to a fine of not more than an amount that is twice the amount of the rebate obtained or sought to be obtained by the false or deceptive statement except that the fine shall not be less than \$500. 2006, c. 11, Sched. A, s. 331 (19).

**Interest**

(20) The City shall pay interest, at the same rate of interest that applies under subsection 257.11 (4) of the *Education Act*, on the amount of any rebate to which the applicant is entitled under this section if the City fails to rebate or credit such amount,

(a) within 120 days after receiving the application or interim application; or

(b) within such other timeline or by such other date as may be prescribed by the Minister of Finance. 2017, c. 34, Sched. 6, s. 2 (10).

**No fee**

(21) Despite this Act, no fee may be imposed by the City to process an application made under this section. 2006, c. 11, Sched. A, s. 331 (21).

**Recovery**

(22) If a rebate is paid under this section and the City determines that the rebate or any portion of the rebate has been paid in error, the City may notify the owner of the property in respect of which the rebate was made of the amount of the overpayment and upon so doing the amount shall have priority lien status and shall be added to the tax roll. 2006, c. 11, Sched. A, s. 331 (22).

**Time limitation**

(23) Subsection (22) does not apply unless the City notifies the owner within two years after the application with respect to which the overpayment relates was made. 2006, c. 11, Sched. A, s. 331 (23).

**Complaint**

(24) The owner of the property to whom the City sends a notification under subsection (22) may, within 90 days of its receipt, complain to the Assessment Review Board in writing that the amount claimed or any part of it was properly payable as a rebate under this section. 2006, c. 11, Sched. A, s. 331 (24).

**Definition**

(25) In this section,

“tax” has the same meaning as in section 329. 2006, c. 11, Sched. A, s. 331 (25).

**Retroactive**

(26) A regulation under this section is, if it so provides, effective with reference to a period before it is filed, which period may begin before the year in which the regulation is made. 2017, c. 34, Sched. 6, s. 2 (11).

**Section Amendments with date in force (d/m/y) [ + ]****Cancellation, reduction or refund of taxes**

**332** (1) The City may, in any year, pass a by-law to provide for the cancellation, reduction or refund of taxes levied for municipal and school purposes in the year by the City in respect of an eligible property of any person who makes an application in that year to the City for that relief and whose taxes are considered by the City to be unduly burdensome, as defined in the by-law. 2006, c. 11, Sched. A, s. 332 (1).

#### Sharing costs

(2) The amount of the taxes cancelled, reduced or refunded shall be shared by the City and school boards that share the revenues from the taxes on the property affected by the by-law in the same proportion that the City and school boards share in those revenues. 2006, c. 11, Sched. A, s. 332 (2).

#### Definition

(3) In this section,

“eligible property” means a property classified in the residential property class, the farm property class or the managed forests property class. 2006, c. 11, Sched. A, s. 332 (3).

#### Cancellation of taxes, rehabilitation and development period

##### Definitions

**333** (1) In this section,

“community improvement plan” and “community improvement project area” have the same meaning as in subsection 28 (1) of the *Planning Act*; (“plan d’améliorations communautaires”, “zone d’améliorations communautaires”)

“development period” means, with respect to an eligible property, the period of time starting on the date the rehabilitation period ends and ending on the earlier of,

- (a) the date specified in the by-law made under subsection (2), or
- (b) the date that the tax assistance provided for the property equals the sum of,
  - (i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
  - (ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*; (“période d’aménagement”)

“eligible property” means property for which a phase two environmental site assessment has been conducted,

- (a) that is included under section 28 of the *Planning Act* in a community improvement project area for which a community improvement plan is in effect containing provisions in respect of tax assistance under this section, and
- (b) that, as of the date the phase two environmental site assessment was completed, did not meet the standards that must be met under subparagraph 4 i of subsection 168.4 (1) of the *Environmental Protection Act* to permit a record of site condition to be filed under that subsection in the Environmental Site Registry; (“bien admissible”)

“phase two environmental site assessment” has the same meaning as in Part XV.1 of the *Environmental Protection Act*; (“évaluation environnementale de site de phase II”)

“rehabilitation period” means, with respect to an eligible property, the period of time starting on the date on which the by-law under subsection (2) providing tax assistance for the property is passed and ending on the earliest of,

- (a) the date that is 18 months after the date that the tax assistance begins to be provided,
- (b) the date that a record of site condition for the property is filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
- (c) the date that the tax assistance provided for the property equals the sum of,

- (i) the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act*, and
- (ii) the cost of complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*; (“période de réhabilitation”)

“tax assistance” means, with respect to an eligible property, the cancellation or deferral of taxes pursuant to a by-law passed under subsection (2). (“aide fiscale”) 2006, c. 11, Sched. A, s. 333 (1); 2006, c. 32, Sched. B, s. 65 (1-3).

#### **By-law to cancel taxes**

(2) Subject to subsection (7), the City may pass by-laws providing for the cancellation of all or a portion of the taxes for municipal and school purposes levied on one or more specified eligible properties, on such conditions as the City may determine, and a by-law may apply in respect of the rehabilitation period for a specified property, the development period for a specified property, or both. 2006, c. 32, Sched. B, s. 65 (4).

(3) REPEALED: 2006, c. 32, Sched. B, s. 65 (4).

#### **Payment of tax if conditions not met**

(4) If the City passes a by-law under subsection (2) and the by-law contains conditions which must be met before tax assistance is provided, the by-law may also provide,

- (a) that all or some of the taxes that are the subject of the tax assistance may be levied but not collected during the period before the City determines whether the conditions have been met; and
- (b) that the taxes shall become payable only upon notice in writing by the City to the owner of the property that the conditions have not been met as required under the by-law. 2006, c. 11, Sched. A, s. 333 (4); 2006, c. 32, Sched. B, s. 65 (5).

#### **Same**

(5) A by-law providing that taxes become payable in the circumstances described in subsection (4) may also provide that the interest provisions of a by-law passed under section 310 apply, if the taxes become payable, as if the payment of the taxes had not been deferred. 2006, c. 11, Sched. A, s. 333 (5).

#### **Notice to Minister of Finance**

(6) If the City intends to pass a by-law under subsection (2), it shall give the Minister of Finance the following information:

1. A copy of the proposed by-law.
2. An estimate of how much the tax assistance to be provided under the by-law will cost the City.
3. The tax rates currently applicable to the eligible property and its assessment and property class.
4. The taxes currently levied on the eligible property for municipal purposes and for school purposes.
5. Such other information as may be prescribed by the Minister of Finance. 2006, c. 11, Sched. A, s. 333 (6); 2006, c. 32, Sched. B, s. 65 (6).

#### **Agreement of Minister of Finance**

(7) A by-law under subsection (2) does not apply to taxes for school purposes unless, before the by-law is passed, it is approved in writing by the Minister of Finance and, in giving approval, the Minister may require that the by-law contain such conditions or restrictions with respect to taxes for school purposes as he or she considers appropriate. 2006, c. 11, Sched. A, s. 333 (7); 2006, c. 32, Sched. B, s. 65 (7).

#### **Copy of by-law to be given**

(8) If the City passes a by-law under subsection (2), it shall, within 30 days, give a copy of the by-law to the Minister of Finance and to the Minister of Municipal Affairs and Housing. 2006, c. 11, Sched. A, s. 333 (8); 2006, c. 32, Sched. B, s. 65 (8).

**Application by owner of an eligible property**

(9) The owner of an eligible property may apply to the City to receive tax assistance and shall provide to the City such information as the City may require. 2006, c. 11, Sched. A, s. 333 (9).

**Approval by City**

(10) Upon approval of an application made under subsection (9), the City shall advise the owner of the eligible property of the commencement date of the tax assistance and provide the owner with an estimate of the maximum amount of the tax assistance. 2006, c. 11, Sched. A, s. 333 (10); 2006, c. 32, Sched. B, s. 65 (9).

(11), (12) REPEALED: 2006, c. 32, Sched. B, s. 65 (10).

**Tax cancellation for portion of a year**

(13) If the tax assistance provided with respect to a property under this section is for a portion of a taxation year, the amount of the tax assistance shall apply only to that portion of the year, and the taxes otherwise payable shall apply to the other portion of the year. 2006, c. 11, Sched. A, s. 333 (13).

**Sharing costs, if by-law under subs. (2)**

(14) If a by-law is passed under subsection (2) by the City, the amount of the tax assistance shall be shared by the City and the school boards that share in the revenues from the taxes on the property affected by the by-law in the same proportion that tax assistance is provided under the by-law. 2006, c. 11, Sched. A, s. 333 (14).

**Where by-law does not apply to taxes for school purposes**

(15) Despite subsection (14), if a by-law made under subsection (2) does not apply to taxes for school purposes, the amount of the tax assistance does not affect the amount of taxes for school purposes to be paid to the school boards. 2006, c. 11, Sched. A, s. 333 (15).

(16), (17) REPEALED: 2006, c. 32, Sched. B, s. 65 (10).

**Refund or credit**

(18) In providing tax assistance for an eligible property, the City may,

- (a) refund the taxes to the extent required to provide the tax assistance, if the taxes have been paid; or
- (b) credit the amount to be refunded to an outstanding tax liability of the owner of the eligible property with respect to the property, if the taxes have not been paid. 2006, c. 11, Sched. A, s. 333 (18); 2006, c. 32, Sched. B, s. 65 (11).

**Tax roll**

(19) The treasurer of the City shall alter the tax roll to reflect the tax assistance provided for an eligible property. 2006, c. 32, Sched. B, s. 65 (12).

**Notice to City**

(20) The owner of an eligible property in respect of which a record of site condition has been filed in the Environmental Site Registry under section 168.4 of the *Environmental Protection Act* shall, within 30 days after the record of site condition is filed, notify the City of the filing and the City shall, within 30 days after receiving the notice, advise the Minister of Finance of the filing. 2007, c. 7, Sched. 4, s. 2.

**Effect of repeal or amendment of by-law**

(21) The City may repeal or amend a by-law passed under subsection (2) with respect to a particular eligible property, but the repeal or amendment does not extinguish a right to tax assistance under the by-law unless the owner of the property consents in writing to the repeal or amendment. 2006, c. 32, Sched. B, s. 65 (12).

**Application of provisions**

(22) Subsections (6), (7) and (8) apply, with necessary modifications, to the amendment of a by-law passed under subsection (2), and subsection (8) applies, with necessary modifications, to the repeal of a by-law passed under subsection (2). 2006, c. 11, Sched. A, s. 333 (22); 2006, c. 32, Sched. B, s. 65 (13).

#### **Regulations**

(23) The Minister of Municipal Affairs and Housing may make regulations governing by-laws under subsection (2). 2006, c. 11, Sched. A, s. 333 (23); 2006, c. 32, Sched. B, s. 65 (14).

#### **Regulations by Minister of Finance**

(24) The Minister of Finance may make regulations prescribing information for the purposes of paragraph 5 of subsection (6). 2006, c. 32, Sched. B, s. 65 (15).

#### **Application**

(25) This section applies to the portion of the taxation year remaining in the taxation year in which this section comes into force and to subsequent taxation years. 2006, c. 11, Sched. A, s. 333 (25).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Tax reduction for heritage property**

**334** (1) Despite section 82, the City may establish a program to provide tax reductions or refunds in respect of eligible heritage property. 2006, c. 11, Sched. A, s. 334 (1).

#### **Definition**

(2) In this section,

“eligible heritage property” means a property or portion of a property,

(a) that is designated under Part IV of the *Ontario Heritage Act* or is part of a heritage conservation district under Part V of the *Ontario Heritage Act*,

(b) that is subject to,

(i) an easement agreement with the City under section 37 of the *Ontario Heritage Act*,

(ii) an easement agreement with the Ontario Heritage Trust under section 22 of the *Ontario Heritage Act*, or

(iii) an agreement with the City respecting the preservation and maintenance of the property, and

(c) that complies with any additional eligibility criteria set out in the by-law passed under this section by the City. 2006, c. 11, Sched. A, s. 334 (2); 2017, c. 8, Sched. 4, s. 11.

#### **Amount of tax reduction**

(3) The amount of the tax reduction or refund provided by the City in respect of an eligible heritage property must be between 10 and 40 per cent of the taxes for municipal and school purposes levied on the property that are attributable to,

(a) the building or structure or portion of the building or structure that is the eligible heritage property; and

(b) the land used in connection with the eligible heritage property, as determined by the City. 2006, c. 11, Sched. A, s. 334 (3).

#### **By-law requirements**

(4) In a by-law under this section, the City,

(a) must specify a percentage that satisfies the requirements of subsection (3) that will be used in calculating the amount of the tax reduction or refund to be provided in respect of eligible heritage properties;

- (b) may specify different percentages of tax that satisfy the requirements of subsection (3) for different property classes or different types of properties within a property class;
- (c) may specify a minimum or maximum amount of taxes for a year to be reduced or refunded under the by-law;
- (d) may specify additional criteria that must be satisfied in order for a property to qualify as an eligible heritage property and may specify different criteria for properties in different property classes;
- (e) may establish procedures for applying for a tax reduction or refund for one or more years. 2006, c. 11, Sched. A, s. 334 (4).

**Notice to Minister of Finance**

(5) The City shall deliver a copy of a by-law under this section to the Minister of Finance within 30 days after the by-law is passed. 2006, c. 11, Sched. A, s. 334 (5).

**Sharing of tax reduction or refund**

(6) The amount of the tax reduction or refund must be shared by the City and the school boards in the same proportion that they share in the revenue from taxes from the properties to which the tax reduction or refund relates. 2006, c. 11, Sched. A, s. 334 (6).

**Application**

(7) The following rules apply if the City passes a by-law under this section:

1. An owner of an eligible heritage property in the City may obtain the tax reduction or refund for a year if the owner applies to the City not later than the last day of February in the year following the first year for which the owner is seeking to obtain the tax reduction or refund.
2. The City may, in the by-law, require owners of eligible heritage properties to submit applications for the tax reduction or refund in one or more years following the year of initial application. 2006, c. 11, Sched. A, s. 334 (7).

**Apportionment by assessment corporation**

(8) The City may request information from the assessment corporation concerning the portion of a property's total assessment that is attributable to the building or structure or portion of the building or structure that is eligible heritage property and the land used in connection with it. 2006, c. 11, Sched. A, s. 334 (8).

**Same**

(9) The assessment corporation shall provide the information requested by the City under subsection (8) within 90 days after receiving the request. 2006, c. 11, Sched. A, s. 334 (9).

**Application against outstanding tax liability**

(10) The City may apply all or part of the amount of a tax reduction or refund in respect of an eligible heritage property against any outstanding tax liability in respect of the property. 2006, c. 11, Sched. A, s. 334 (10).

**Owner may retain benefit**

(11) An owner of an eligible heritage property may retain the benefit of any tax reduction or refund obtained under this section, despite the provisions of any lease or other agreement relating to the property. 2006, c. 11, Sched. A, s. 334 (11).

**Penalty**

(12) If the owner of an eligible heritage property demolishes the property or breaches the terms of an agreement described in clause (b) of the definition of "eligible heritage property" in subsection (2), the City may require the owner to repay part or all of any tax reductions or refunds provided to the owner for one or more years under a by-law under this section. 2006, c. 11, Sched. A, s. 334 (12).

**Interest**

(13) The City may require the owner to pay interest on the amount of any repayment required under subsection (12), at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the *Bank Act* (Canada), calculated from the date or dates the tax reductions or refunds were provided. 2006, c. 11, Sched. A, s. 334 (13).

**Sharing of repayment**

(14) Any amount paid under subsection (12) or (13) to the City in respect of a property must be shared by the City and school boards that share in the revenue from taxes on the property, in the same proportion that they shared in the cost of the tax reduction or refund on the property under this section. 2006, c. 11, Sched. A, s. 334 (14).

**Collection remedies**

(15) Sections 314 and 315 apply in respect of an amount owing under subsection (12) or (13). 2006, c. 11, Sched. A, s. 334 (15).

**Regulations**

(16) The Minister of Finance may make regulations,

- (a) governing by-laws under this section, including procedures for a tax reduction or refund;
- (b) governing the provision of tax reductions or refunds under by-laws passed under this section, including the establishment of deadlines for payments of refunds by the City. 2006, c. 11, Sched. A, s. 334 (16).

**Section Amendments with date in force (d/m/y) [ + ]****Change of assessment**

**335** If the assessment of a property for a year changes as a result of a request under section 39.1 of the *Assessment Act*, an appeal under section 40 of that Act, an application under section 46 of that Act or a correction made under subsection 32 (1.1) of that Act, tax relief provided under sections 283, 310, 323, 325, 330, 331, 332, 333 and 334 and tax increases provided under section 326 shall be redetermined using the new taxes on property for the year based on the new assessment and the tax roll for the year shall be amended to reflect the determination. 2006, c. 11, Sched. A, s. 335; 2008, c. 7, Sched. C, s. 8; 2017, c. 10, Sched. 2, s. 45.

**Section Amendments with date in force (d/m/y) [ + ]****Federal Crown land**

**336** (1) If the Crown in right of Canada owns or has an interest in land, the Crown may, with the consent of the City, pay to the City an amount in lieu of taxes or charges for specific municipal services which a tenant or user of the land would otherwise be required to pay. 2006, c. 11, Sched. A, s. 336 (1).

**Interpretation**

(2) Specific municipal services in subsection (1) do not include the right to attend a school. 2006, c. 11, Sched. A, s. 336 (2).

**Where payment accepted**

(3) If the City accepts a payment under this section,

- (a) the taxes or charges in respect of which the payment was made are deemed to be paid in full;
- (b) the amount paid in lieu of taxes shall be distributed to any body for which the City is required by law to levy taxes or raise money as if the taxes had been levied and collected in the usual way; and
- (c) subject to clause (b), the payment shall be credited to the general funds of the City. 2006, c. 11, Sched. A, s. 336 (3).

**Gross leases (property taxes)**

**337** (1) This section applies with respect to a lease of all or part of a property if all the following are satisfied:

1. The lease was entered into on or before June 11, 1998. A lease entered into on or before June 11, 1998 that is renewed or extended after that day continues to satisfy this paragraph only if, at the time of the renewal or extension, the landlord did not have the right to renegotiate the rent under the lease.
2. The tenant is not required under the lease to pay any part of the property taxes on the property.
3. The property, or a portion of it, is in a property class that is one of the commercial classes or industrial classes within the meaning of subsection 275 (1).

4. For a lease entered into after January 16, 1997 and on or before June 11, 1998, the parties to the lease did not take into account, in determining the rent and other consideration paid to the landlord, that business taxes imposed on persons carrying on business on properties would be eliminated in 1998. 2006, c. 11, Sched. A, s. 337 (1).

**Requirement to pay an amount**

- (2) The landlord may require the tenant to pay an amount, not exceeding the maximum amount under subsection (3), in respect of the property taxes on the property for a year. 2006, c. 11, Sched. A, s. 337 (2).

**Maximum amount**

- (3) The maximum amount the tenant may be required to pay shall be determined in accordance with the following:

$$\text{Maximum amount} = \text{Property taxes} \times \frac{\text{1997 Assessment (tenant)}}{\text{1997 Assessment (landlord)}} \times \text{Business rate factor}$$

where,

“Property taxes” means,

- (a) except as provided in clause (b), the property taxes for the year on the property or, if only a portion of the property is in one of the commercial classes or industrial classes within the meaning of subsection 275 (1), the property taxes for the year on that portion,
- (b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease,
- (i) the property taxes for the year described in clause (a) that the landlord is required to pay under the landlord’s lease, on the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease, or
- (ii) the amount the landlord, as the tenant of another person, is required to pay under this section for the year in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease;

“1997 Assessment (tenant)” means the portion of the 1997 Assessment (landlord) apportioned to the leased premises in the assessment roll for 1997, as most recently revised;

“1997 Assessment (landlord)” means,

- (a) except as provided in clause (b), the total of the following assessments for the property,
- (i) the assessment, as set out in the assessment roll for 1997, as most recently revised, used to determine business assessment,
- (ii) the vacant commercial assessment or vacant industrial assessment, as the case may be, as set out in the assessment roll for 1997, as most recently revised, and
- (iii) the assessment other than residential assessment, as set out in the assessment roll for 1997, as most recently revised, for a portion of the property occupied by persons not liable to business assessment under the *Assessment Act*,
- (b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease, the amount determined under clause (a), but only for assessment in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease;

“Business rate factor” means the business rate factor determined under subsection (9).

2006, c. 11, Sched. A, s. 337 (3).

**Reduction if lease for part of the year**

(4) If the tenant leases the premises for only part of the year, the maximum amount that the tenant may be required to pay shall be reduced by multiplying the maximum amount by the fraction of the year the tenant leases the premises. 2006, c. 11, Sched. A, s. 337 (4).

**Notice**

(5) The tenant is not required to pay the landlord an amount unless the landlord gives the tenant a notice in accordance with subsection (7) that the landlord requires the tenant to pay an amount under this section. 2006, c. 11, Sched. A, s. 337 (5).

**Amount is additional rent**

(6) The amount that a tenant is required to pay is deemed to be additional rent due on the date set out in the notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 337 (6).

**Notice requiring payment**

(7) The following apply to the notice referred to in subsection (5):

1. The notice must set out,
  - i. the amount the tenant is required to pay and the date it is due,
  - ii. the landlord's calculation of the maximum amount the tenant may be required to pay, and
  - iii. the amount of the property taxes for the property for the year or an estimate of the amount of the property taxes for the property for the year if not yet determined.
2. The notice must be given at least 30 days before the day the amount or the first instalment of the amount the tenant is required to pay is due.
3. The landlord shall provide the tenant with a notice of adjustments, if any, to be made after the taxes for the taxation year have been determined.
4. The notice must be given by September 30 of the taxation year or 30 days after the day the final tax notice for the taxation year is received by the landlord, whichever is later. 2006, c. 11, Sched. A, s. 337 (7).

**If notice requires more than the maximum**

(8) If the amount that the tenant is required to pay, as set out in the notice referred to in subsection (5), is more than the maximum amount the tenant may be required to pay under this section, the tenant is required to pay that maximum amount, not the amount set out in the notice. 2006, c. 11, Sched. A, s. 337 (8).

**Business rate factor**

(9) The business rate factor referred to in subsection (3) shall be determined in accordance with the following:

$$\text{Business rate factor} = \frac{\text{Total business assessment (class)}}{\text{Total commercial assessment (class)} + \text{Total business assessment (class)}}$$

where,

"Total business assessment (class)" means the total business assessment in the City, according to the assessment roll for 1997 as most recently revised, for property that, for 1998, is in the same property class the property is in;

"Total commercial assessment (class)" means the total commercial assessment and industrial assessment in the City, according to the assessment roll for 1997 as most recently revised, for property that, for 1998, is in the same property class the property is in.

2006, c. 11, Sched. A, s. 337 (9).

**Property classes**

(10) For the purposes of subsection (9), the commercial classes, within the meaning of subsection 275 (1), are deemed to be a single property class and the industrial classes, within the meaning of subsection 275 (1), are deemed to be a single property class. 2006, c. 11, Sched. A, s. 337 (10).

**City to provide factors**

(11) The City shall, on request, provide a person with the business rate factors, determined under subsection (9), for the City. 2006, c. 11, Sched. A, s. 337 (11).

**Where s. 295 applies**

(12) If section 295 applies to a tenant of leased premises, the maximum amount that the tenant may be required to pay for a taxation year in respect of the leased premises is the tenant's cap determined under subsection 295 (5) or (6), as the case may be, and not the amount determined under subsection (3). 2006, c. 11, Sched. A, s. 337 (12).

**Notices under this section**

(13) The following apply with respect to a notice under this section:

1. The notice must be given by personal service or by mail.
2. If the notice is given by mail, it is deemed to have been given on the day it is mailed. 2006, c. 11, Sched. A, s. 337 (13).

**Subleases**

(14) If the landlord is not the owner of the property but has acquired an interest in the property under a lease and has further sublet the property or a portion of the property, the notice referred to in subsection (5) may be given to the person holding the sublease on or before the day that is 15 days after the landlord is given a valid notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 337 (14).

**Definitions**

(15) In this section,

"landlord's lease" means the lease under which the landlord acquired the landlord's interest in the leased premises; ("propre bail")

"property class" means a class of real property prescribed under the *Assessment Act*; ("catégorie de biens")

"property taxes" means taxes under section 277 and taxes for school purposes under the *Education Act*. ("impôts fonciers") 2006, c. 11, Sched. A, s. 337 (15).

**Gross leases (business improvement area charges)**

**338** (1) This section applies with respect to a lease of all or part of a property if,

- (a) all the requirements in paragraphs 1 to 3 of subsection 337 (1) are satisfied; and
- (b) the tenant is not required under the lease to pay any part of the business improvement area charges on the property. 2006, c. 11, Sched. A, s. 338 (1).

**Requirement to pay an amount**

(2) The landlord may require the tenant to pay an amount, not exceeding the maximum amount under subsection (3), in respect of the business improvement area charges on the property for a year. 2006, c. 11, Sched. A, s. 338 (2).

**Maximum amount**

(3) The maximum amount the tenant may be required to pay shall be determined in accordance with the following:

$$\text{Maximum amount} = \frac{\text{Business improvement area charges} \times \frac{1997 \text{ Assessment}(\text{tenant})}{1997 \text{ Assessment}(\text{landlord})}}{1}$$

where,

“Business improvement area charges” means,

- (a) except as provided in clause (b), the business improvement area charges on the property for the year,
- (b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease,
  - (i) the business improvement area charges for the year that the landlord is required to pay under the landlord’s lease, on the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease, or
  - (ii) the amount the landlord, as the tenant of another person, is required to pay under this section for the year in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease;

“1997 Assessment (tenant)” means the portion of the 1997 Assessment (landlord) apportioned to the leased premises in the assessment roll for 1997, as most recently revised;

“1997 Assessment (landlord)” means,

- (a) except as provided in clause (b), the total of the following assessments for the property,
  - (i) the assessment, as set out in the assessment roll for 1997, as most recently revised, used to determine business assessment,
  - (ii) the vacant commercial assessment or vacant industrial assessment, as the case may be, as set out in the assessment roll for 1997, as most recently revised, and
  - (iii) the assessment other than residential assessment, as set out in the assessment roll for 1997, as most recently revised, for a portion of the property occupied by persons not liable to business assessment under the *Assessment Act*,
- (b) in the case of a landlord who is not the owner of the property but who has acquired an interest in the property under a lease, the amount determined under clause (a), but only for assessment in respect of the leased premises and any other part of the property in which the landlord acquired an interest under the landlord’s lease.

2006, c. 11, Sched. A, s. 338 (3).

#### **Reduction if lease for part of the year**

(4) If the tenant leases the premises for only part of the year, the maximum amount that the tenant may be required to pay shall be reduced by multiplying the maximum amount by the fraction of the year the tenant leases the premises. 2006, c. 11, Sched. A, s. 338 (4).

#### **Notice**

(5) The tenant is not required to pay the landlord an amount unless the landlord gives the tenant a notice in accordance with subsection (7) that the landlord requires the tenant to pay an amount under this section. 2006, c. 11, Sched. A, s. 338 (5).

#### **Amount is additional rent**

(6) The amount that a tenant is required to pay is deemed to be additional rent due on the date set out in the notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 338 (6).

#### **Notice requiring payment**

(7) The following apply to the notice referred to in subsection (5):

1. The notice must set out,
  - i. the amount the tenant is required to pay and the date it is due,

- ii. the landlord's calculation of the maximum amount the tenant may be required to pay, and
- iii. the amount of the business improvement area charges for the property for the year or an estimate of the amount of the charges for the property for the year if not yet determined.

2. The notice must be given at least 30 days before the day the amount or the first instalment of the amount the tenant is required to pay is due.
3. The landlord shall provide the tenant with a notice of the adjustments, if any, to be made after the business improvement area charges for the taxation year are determined.
4. The notice must be given by September 30 of the taxation year or 30 days after the day the final tax notice for the taxation year is received by the landlord, whichever is later. 2006, c. 11, Sched. A, s. 338 (7).

**If notice requires more than the maximum**

(8) If the amount that the tenant is required to pay, set out in the notice referred to in subsection (5), is more than the maximum amount the tenant may be required to pay under this section, the tenant is required to pay that maximum amount, not the amount set out in the notice. 2006, c. 11, Sched. A, s. 338 (8).

**Notices under this section**

(9) The following apply with respect to a notice under this section:

1. The notice must be given by personal service or by mail.
2. If the notice is given by mail, it is deemed to have been given on the day it is mailed. 2006, c. 11, Sched. A, s. 338 (9).

**Subleases**

(10) If the landlord is not the owner of the property but has acquired an interest in the property under a lease and has further sublet the property or a portion of the property, the notice referred to in subsection (5) may be given to the person holding the sublease on or before the day that is 15 days after the landlord is given a valid notice referred to in subsection (5). 2006, c. 11, Sched. A, s. 338 (10).

**Definitions**

(11) In this section,

"business improvement area charges" means the fees and charges described in clauses (a) and (b) of the definition of "tax" in subsection 329 (12); ("redevances d'aménagement commercial")

"landlord's lease" means the lease under which the landlord acquired the landlord's interest in the leased premises. ("propre bail")  
2006, c. 11, Sched. A, s. 338 (11).

**Offence**

**339** A treasurer, clerk or other officer of the City who refuses or neglects to perform any duty under this Part is guilty of an offence.  
2006, c. 11, Sched. A, s. 339.

**Holidays**

**340** If the time for any proceeding or for the doing of anything in the offices of the City under this Part expires or falls upon a holiday, a Saturday or on any other day when the offices are closed but would ordinarily be open, the time shall be extended to and the thing may be done on the next day when the offices are open which is not a holiday or Saturday. 2006, c. 11, Sched. A, s. 340.

**Urban service areas**

**341** (1) Despite the repeal of sections 14 and 15 of the old *Municipal Act*, any order made under those sections with respect to the City continues to apply and the Local Planning Appeal Tribunal may continue to exercise its powers under those sections with respect to urban service areas and other areas existing on December 31, 2002. 2006, c. 11, Sched. A, s. 341 (1); 2017, c. 23, Sched. 5, s. 17 (1).

**Special case, dissolution**

(2) Despite subsection (1), the City may dissolve an area to which subsection (1) applies without the approval or order of the Tribunal and without holding a public hearing. 2006, c. 11, Sched. A, s. 341 (2); 2017, c. 23, Sched. 5, s. 17 (2).

## Section Amendments with date in force (d/m/y) [ + ]

### PART XIV SALE OF LAND FOR TAX ARREARS (REAL PROPERTY TAXES)

#### Non-application re certain taxes

**342** This Part does not apply with respect to taxes imposed under Part X (Power to Impose Taxes). 2006, c. 11, Sched. A, s. 342.

#### Definitions

**343** (1) In this Part,

“cancellation price” means an amount equal to all the tax arrears owing at any time in respect of land together with all current real property taxes owing, interest and penalties thereon and all reasonable costs incurred by the City after the treasurer becomes entitled to register a tax arrears certificate under section 344 or 344.1 in a proceeding under this Part or in contemplation of a proceeding under this Part and may include,

- (a) legal fees and disbursements,
- (b) the costs of preparing an extension agreement under section 349,
- (c) the costs of preparing any survey required to register a document under this Part, and
- (d) a reasonable allowance for costs that may be incurred subsequent to advertising under section 350; (“coût d’annulation”)

“environmental site assessment” means an investigation in relation to land to determine the environmental condition of the land, and includes a phase one environmental site assessment or phase two environmental site assessment, both within the meaning of Part XV.1 of the *Environmental Protection Act*; (“évaluation environnementale de site”)

“mobile home” means a dwelling that is designed to be made mobile and that is assessed under the *Assessment Act* as part of the land on which it is situate; (“maison mobile”)

“notice of vesting” means a notice of vesting prepared under section 350 and includes the title conferred by the registration of the notice of vesting; (“avis de dévolution”)

“public sale” means a sale by public auction or public tender conducted in accordance with this Part and the prescribed rules; (“vente publique”)

“real property taxes” means the amount of taxes levied on real property under this Act and the *Education Act* and any amounts owed under the *Drainage Act*, the *Tile Drainage Act* and the *Shoreline Property Assistance Act* with respect to the real property, and includes any amounts deemed to be taxes by or under any Act and any amounts given priority lien status by or under any Act; (“impôts fonciers”)

“spouse” means spouse as defined in subsection 1 (1) of the *Family Law Act*; (“conjoint”)

“tax arrears” means any real property taxes placed on or added to a tax roll that remain unpaid on January 1 in the year following that in which they were placed on or added to the roll; (“arriérés d’impôts”)

“tax deed” means a tax deed prepared under section 350 and includes the title conferred by the registration of the tax deed. (“acte d’adjudication”) 2006, c. 11, Sched. A, s. 343 (1); 2017, c. 10, Sched. 2, s. 46.

#### Same

(2) For the purposes of this Part,

“abstract index” and “parcel register” include an instrument received for registration on the day the tax arrears certificate was registered even if the instrument has not been abstracted or entered in the index or register on that day; (“répertoire par lot”, “registre des parcelles”)

“index of executions” means the electronic database that the sheriff maintains for writs of execution. (“répertoire des brefs d’exécution”) 2006, c. 11, Sched. A, s. 343 (2).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Registration of tax arrears certificate**

**344** (1) Where any part of tax arrears is owing with respect to land in the City on January 1 in the second year following that in which the real property taxes become owing, the treasurer, unless otherwise directed by the City, may prepare and register a tax arrears certificate against the title to that land. 2006, c. 11, Sched. A, s. 344 (1); 2017, c. 10, Sched. 2, s. 47 (1).

##### **Form**

(2) A tax arrears certificate registered under this section shall indicate that the land described in the certificate will be sold by public sale if the cancellation price is not paid within one year following the date of the registration of the tax arrears certificate. 2006, c. 11, Sched. A, s. 344 (2); 2017, c. 10, Sched. 2, s. 47 (2).

##### **Forfeited corporate land**

(3) This section applies to land that is vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation, whether the land vested before or after the registration of a tax arrears certificate, and that land may be sold under this Act for tax arrears. 2017, c. 10, Sched. 2, s. 47 (3).

##### **Land that belongs to the Crown as a result of a death**

(3.1) This section applies to land that belongs to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs, whether the death occurred before or after the registration of a tax arrears certificate, and that land may be sold under this Act for tax arrears. 2017, c. 10, Sched. 2, s. 47 (3).

(3.2) REPEALED: 2017, c. 10, Sched. 2, s. 47 (3).

##### **Scope of certificate**

(4) A tax arrears certificate shall not include more than one separately assessed parcel of land. 2006, c. 11, Sched. A, s. 344 (4).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Registration of tax arrears certificate for expedited sale of forfeited corporate land**

**344.1** (1) Where any part of tax arrears is owing with respect to land that is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation, the treasurer of the City, unless otherwise directed by the City, may prepare and register a tax arrears certificate against the title to that land. 2017, c. 10, Sched. 2, s. 48.

##### **Form**

(2) A tax arrears certificate registered under this section shall indicate that the land described in the certificate will be sold by public sale if the cancellation price is not paid within 90 days following the date of the registration of the tax arrears certificate. 2017, c. 10, Sched. 2, s. 48.

##### **Scope of certificate**

(3) A tax arrears certificate shall not include more than one separately assessed parcel of land. 2017, c. 10, Sched. 2, s. 48.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Limits on registration**

**344.2** (1) No tax arrears certificate may be registered against title to land if,

- (a) an order cancelling encumbrances against the land under section 18 of the *Forfeited Corporate Property Act, 2015* is registered on title to the land;

- (b) a notice under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes, is registered on title to the land; or
- (c) a notice indicating that the Crown intends to use the land for Crown purposes is registered against land that belongs to the Crown as a result of the death of an individual who did not have any lawful heirs. 2017, c. 10, Sched. 2, s. 49.

#### **Exception, Minister's consent**

(2) Clause (1) (a) does not apply if the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015* consents to the registration of the tax arrears certificate. 2017, c. 10, Sched. 2, s. 49.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Notice of registration**

**345** (1) Within 60 days after the registration of a tax arrears certificate under section 344, or within 30 days after the registration of a tax arrears certificate under section 344.1, the treasurer shall send a notice of the registration of the certificate to the following persons:

1. The assessed owner of the land.
2. Where the land is registered under the *Land Titles Act*, every person appearing by the parcel register and by the index of executions maintained by the sheriff for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b).
3. Where the *Registry Act* applies to the land, every person appearing by the abstract index and by the index of executions maintained by the sheriff for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b).
4. Where the assessed owner of the land is shown as the Crown as a result of an escheat or forfeiture, to,
  - i. every person who is named, as a director or officer of the corporation whose dissolution resulted in the Crown becoming the assessed owner, in the most recent notice or return filed under the *Corporations Information Act* or in the corporation's articles or letters patent, whichever was most current as of the day before the dissolution, and
  - ii. the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*.
5. Where the treasurer is aware that the corporation that is shown as the assessed owner of the land is dissolved, to the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*.
6. The Public Guardian and Trustee, if the Public Guardian and Trustee has registered a notice or other document on title to the land. 2006, c. 11, Sched. A, s. 345 (1); 2006, c. 32, Sched. B, s. 66; 2015, c. 38, Sched. 7, s. 45 (2, 3); 2017, c. 10, Sched. 2, s. 50.

##### **Spouse of owner**

(2) If a notice is sent under this section to a person appearing by the records of the land registry office to be the owner of the land, a notice shall also be sent to the spouse of that person and, where this subsection is complied with, section 22 of the *Family Law Act* is deemed to have been complied with. 2006, c. 11, Sched. A, s. 345 (2).

##### **Statutory declaration**

(3) The treasurer shall, immediately after complying with subsections (1) and (2), make a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent. 2006, c. 11, Sched. A, s. 345 (3).

##### **Inspection**

(4) The treasurer shall permit any person, upon request, to inspect a copy of the statutory declaration made under subsection (3) and shall provide copies of it at the same rate as is charged under section 199. 2006, c. 11, Sched. A, s. 345 (4).

##### **Limitation**

(5) A person is not entitled to notice under this section if,

- (a) after a reasonable search of the records mentioned in subsection 352 (1), the treasurer is unable to find the person's address and the treasurer is not otherwise aware of the address; or
- (b) the person has expressly waived the right to notice, either before or after the notice should have been sent. 2006, c. 11, Sched. A, s. 345 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Cancellation of tax arrears certificate**

**346** (1) Before the expiry of the one-year period mentioned in subsection 350 (1), any person may have a tax arrears certificate that is registered under section 344 cancelled by paying to the City the cancellation price as of the date the payment is tendered. 2017, c. 10, Sched. 2, s. 51 (1).

##### **Same, expedited sale of forfeited corporate land**

(1.1) Before the expiry of the 90-day period mentioned in subsection 350 (2.0.1), any person may have a tax arrears certificate that is registered under section 344.1 cancelled by paying to the City the cancellation price as of the date the payment is tendered. 2017, c. 10, Sched. 2, s. 51 (1).

##### **Cancellation certificate**

(2) If payment has been made under subsection (1) or (1.1), the treasurer shall immediately register a tax arrears cancellation certificate. 2006, c. 11, Sched. A, s. 346 (2); 2017, c. 10, Sched. 2, s. 51 (2).

##### **Lien**

(3) If the cancellation price is paid by a person entitled to receive notice under subsection 345 (1) or an assignee of that person, other than the owner of the land or the spouse of the owner, the person has a lien on the land concerned for the amount paid. 2006, c. 11, Sched. A, s. 346 (3).

##### **Priority of lien**

(4) A lien under subsection (3) has priority over the interest in the land of any person to whom notice was sent under section 345. 2006, c. 11, Sched. A, s. 346 (4).

##### **Contents of certificate**

(5) Where there is a lien under subsection (3), the tax arrears cancellation certificate shall state that the person named therein has a lien on the land. 2006, c. 11, Sched. A, s. 346 (5).

##### **Exception for certain land**

(6) Subsection (3) does not apply to land that,

- (a) is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation; or
- (b) belongs to the Crown as a result of the death of an individual who did not have any lawful heirs. 2017, c. 10, Sched. 2, s. 51 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Accounting for cancellation price**

**347** (1) Except where the cancellation price has been determined in accordance with a by-law passed under section 356, a person who pays the cancellation price, by a written request made within 30 days after making the payment, may require the treasurer to provide an itemized breakdown of the calculation of the cancellation price that has been paid. 2006, c. 11, Sched. A, s. 347 (1); 2017, c. 10, Sched. 2, s. 52.

##### **Application to court**

(2) If the treasurer fails to provide the itemized breakdown of the calculation within 30 days of the request or if the person who made the request is of the opinion that the cancellation price has not been calculated properly or that the costs included in the cancellation price by the City as costs incurred in a proceeding under this Part are unreasonable, the person who made the request may apply to the Superior Court of Justice for an accounting of the cancellation price. 2006, c. 11, Sched. A, s. 347 (2).

**Determination by court**

(3) The court shall determine the matter and, if the court determines that the cancellation price was not calculated properly or the costs included in the cancellation price are unreasonable, it may make an order setting a cancellation price which is proper and reasonable but no such order shall relieve a taxpayer of any liability to pay any validly imposed real property taxes. 2006, c. 11, Sched. A, s. 347 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Effect of cancellation certificate**

**348** Unless otherwise shown in the tax arrears cancellation certificate, the certificate, when registered, is conclusive proof of the payment of the cancellation price as of the date set out in it. 2006, c. 11, Sched. A, s. 348.

**Extension agreements**

**349** (1) The City may, after the registration of the tax arrears certificate and before the expiry of the one-year period mentioned in subsection 350 (1), enter into an extension agreement, extending the period of time in which the cancellation price is to be paid, with any of the following persons:

1. Any owner of the land.
2. The spouse of any owner.
3. Any mortgagee.
4. Any tenant in occupation of the land.
5. Any person the treasurer is satisfied has an interest in the land. 2017, c. 10, Sched. 2, s. 53 (1).

**Same, tax arrears certificate under s. 344.1**

(1.1) Subject to subsection (1.2), the City may, after the registration of the tax arrears certificate and before the expiry of the 90-day period mentioned in subsection 350 (2.0.1), enter into an extension agreement extending the period of time in which the cancellation price is to be paid, with any of the following persons:

1. Any owner of the land.
2. The spouse of any owner.
3. Any mortgagee.
4. Any tenant in occupation of the land.
5. Any person the treasurer is satisfied has an interest in the land. 2017, c. 10, Sched. 2, s. 53 (1).

**Same**

(1.2) No agreement shall be entered into under subsection (1.1) unless the person who wishes to enter into the extension agreement with the City has obtained the consent of the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*. 2017, c. 10, Sched. 2, s. 53 (1).

**Conditions**

(2) The agreement may be subject to such conditions relating to payment as are set out in it but shall not,

- (a) reduce the amount of the cancellation price; or
- (b) prohibit any person from paying the cancellation price at any time. 2006, c. 11, Sched. A, s. 349 (2).

**Mandatory contents**

(3) Every extension agreement shall state,

- (a) when and under what conditions it shall cease to be considered a subsisting agreement;
- (b) that any person may pay the cancellation price at any time; and

(c) that it terminates upon payment of the cancellation price by any person. 2006, c. 11, Sched. A, s. 349 (3).

**Calculation of time**

(4) The period during which there is a subsisting extension agreement shall not be counted by the treasurer in calculating a period mentioned in subsection 350 (1) or (2.0.1). 2006, c. 11, Sched. A, s. 349 (4); 2017, c. 10, Sched. 2, s. 53 (2).

**Inspection of extension agreement**

(5) The treasurer, on the request of any person, shall permit the person to inspect a copy of an extension agreement and shall provide copies of it at the same rate as is charged under section 199. 2006, c. 11, Sched. A, s. 349 (5).

**Cancellation certificate**

(6) When the terms of an extension agreement have been fulfilled, the treasurer shall immediately register a tax arrears cancellation certificate. 2006, c. 11, Sched. A, s. 349 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Public sale**

**350** (1) If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered under section 344, the treasurer, within 30 days after the expiry of the 280-day period, shall send to the persons entitled to receive notice under section 345 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate. 2006, c. 11, Sched. A, s. 350 (1); 2017, c. 10, Sched. 2, s. 54 (1).

**Advertisement**

(2) If, at the end of the one-year period following the date of the registration of the tax arrears certificate registered under section 344, the cancellation price remains unpaid and there is no subsisting extension agreement, the land shall be offered for public sale by public auction or public tender, as the treasurer shall decide, and the treasurer shall immediately,

- (a) make a statutory declaration stating the names and addresses of the persons to whom notice was sent under subsection (1); and
- (b) advertise the land for sale in accordance with the regulations. 2006, c. 11, Sched. A, s. 350 (2); 2017, c. 10, Sched. 2, s. 54 (2, 3).

**Expedited public sale of forfeited corporate land**

(2.0.1) If, at the end of the 90-day period following the date of the registration of the tax arrears certificate registered under section 344.1, the cancellation price remains unpaid and there is no subsisting extension agreement,

- (a) the land shall be offered for public sale by public auction or public tender, as the treasurer shall decide; and
- (b) the treasurer shall immediately advertise the land for sale in accordance with the regulations. 2017, c. 10, Sched. 2, s. 54 (4).

**Public auction or public tender**

(2.1) If the land is offered for public sale, the minimum bid or minimum tender amount, as the case may be, shall be the cancellation price. 2006, c. 32, Sched. B, s. 67 (1).

**Exclusion of all mobile homes**

(3) The City may by by-law determine that all mobile homes situate on the land offered for sale shall not be included in the sale. 2006, c. 11, Sched. A, s. 350 (3).

**Advertisement**

(4) If a by-law is passed under subsection (3), the advertisement of the sale shall state that the land to be sold does not include the mobile homes on the land. 2006, c. 11, Sched. A, s. 350 (4).

**Conduct of sale**

(5) The treasurer, in accordance with the prescribed rules, shall conduct a public sale and determine whether there is a successful purchaser and,

- (a) if there is a successful purchaser, shall prepare and register a tax deed in the name of the successful purchaser or in such name as the successful purchaser may direct; or
- (b) if there is no successful purchaser, may prepare and register, in the name of the City, a notice of vesting. 2006, c. 11, Sched. A, s. 350 (5).

**Statement**

(6) At the time of registering a tax deed or notice of vesting, the treasurer shall make and register a statement in accordance with the prescribed rules. 2009, c. 33, Sched. 21, s. 4 (25).

**Notice of registration**

(6.1) Within 15 days after a tax deed or notice of vesting is registered, the treasurer shall send notice of the registration to the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*. 2015, c. 38, Sched. 7, s. 45 (5).

**Effect of conveyance**

(7) A tax deed, when registered, vests in the person named in it an estate in fee simple in the land, together with all rights, privileges and appurtenances and free from all estates and interests, except,

- (a) easements and restrictive covenants that run with the land;
- (b) any estates and interests of the Crown in right of Canada or in right of Ontario, other than an estate or interest in land that,
  - (i) is vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation, or
  - (ii) belongs to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs;
- (c) any interest or title acquired by adverse possession by abutting landowners before the registration of the tax deed. 2006, c. 11, Sched. A, s. 350 (7); 2006, c. 32, Sched. B, s. 67 (2); 2015, c. 38, Sched. 7, s. 45 (6); 2017, c. 10, Sched. 2, s. 54 (5).

**Effect of registration of notice of vesting**

(7.1) Despite subsection 3.6.1 (2) of the *Fuel Tax Act*, subsection 18 (2) of the *Gasoline Tax Act*, subsection 22 (2) of the *Retail Sales Tax Act* and subsection 24.1 (2) of the *Tobacco Tax Act*, a notice of vesting, when registered, vests in the City an estate in fee simple in the land, together with all rights, privileges and appurtenances and free from all estates and interests, including all estates and interests of the Crown in right of Ontario, except,

- (a) easements and restrictive covenants that run with the land, including those for the benefit of the Crown in right of Ontario;
- (b) any estates and interests of the Crown in right of Canada; and
- (c) any interest or title acquired by adverse possession by abutting landowners, including the Crown in right of Ontario, before registration of the notice of vesting. 2006, c. 32, Sched. B, s. 67 (3).

**Restriction**

(8) If the City passes a by-law under subsection (3), a tax deed or notice of vesting does not vest in the person named in the deed or in the City, as the case may be, any interest in the mobile homes situate on the land. 2006, c. 11, Sched. A, s. 350 (8).

**Adverse possession**

(9) A tax deed or notice of vesting, when registered, vests in the person named in the deed or in the City, as the case may be, any interest in or title to adjoining land acquired by adverse possession before the registration of the tax deed or notice of vesting if the person originally acquiring the interest or title by adverse possession did so as a consequence of possession of the land described in the tax deed or notice of vesting. 2006, c. 11, Sched. A, s. 350 (9).

**No warranty**

(10) A tax deed does not,

- (a) impose an obligation on the City to provide vacant possession; or
- (b) invalidate or affect the collection of a rate that has been assessed, imposed or charged on the land under any Act by the City before the registration of the tax deed and that accrues or becomes due after the registration of the tax deed. 2006, c. 11, Sched. A, s. 350 (10).

**Municipal bid or tender**

(11) The City may by resolution authorize the City to bid at or submit a tender in a public sale conducted under this section if the City requires the land for a municipal purpose. 2006, c. 11, Sched. A, s. 350 (11).

**Inspection of statutory declaration**

(12) The treasurer, on the request of any person, shall permit the person to inspect a copy of the statutory declaration made under clause (2) (a) and shall provide copies of it at the same rate as is charged under section 199. 2006, c. 11, Sched. A, s. 350 (12).

**Power of treasurer**

(13) Despite anything in the prescribed rules, except the rules relating to the determination of the successful purchaser, the treasurer, in conducting a sale under this Part, may do all things that, in his or her opinion, are necessary to ensure a fair and orderly sale. 2006, c. 11, Sched. A, s. 350 (13).

**Value of land**

(14) The treasurer is not bound to inquire into or form any opinion of the value of the land before conducting a sale under this Part and the treasurer is not under any duty to obtain the highest or best price for the land. 2006, c. 11, Sched. A, s. 350 (14).

**No registration**

(15) If a notice of vesting is not registered within two years after a public sale is conducted at which there is no successful purchaser, the tax arrears certificate with respect to the land is deemed to be cancelled. 2006, c. 11, Sched. A, s. 350 (15); 2006, c. 32, Sched. B, s. 67 (4).

**Effect**

(16) Subsection (15) does not,

- (a) prevent the treasurer from registering a new tax arrears certificate with respect to the land and proceeding under this Part; or
- (b) relieve the taxpayer of any liability to pay any real property taxes imposed before the sale. 2006, c. 11, Sched. A, s. 350 (16).

**Section Amendments with date in force (d/m/y) [ + ]****Application of proceeds**

**351** (1) The proceeds of a sale under section 350 shall,

- (a) firstly, be applied to pay the cancellation price;
- (b) secondly, be paid to all persons having an interest in the land according to their priority at law, except the person who immediately before the registration of the tax deed was the owner of the land; and
- (c) thirdly, be paid to the person who immediately before the registration of the tax deed was the owner of the land. 2006, c. 11, Sched. A, s. 351 (1); 2017, c. 10, Sched. 2, s. 55 (1).

**Same**

(1.1) If land that is vested in the Crown because of an escheat or forfeiture as a result of the dissolution of a corporation is sold under section 350, or if land that belongs to the Crown as a result of the death of an individual who did not have any lawful heirs is sold under section 350, the Crown shall not be excluded under clause (1) (b) in respect of interests that the Crown has in the land other than its ownership. 2017, c. 10, Sched. 2, s. 55 (2).

**Payment into court**

(2) The treasurer shall pay the proceeds of sale, minus the cancellation price, into the Superior Court of Justice together with a statement in the prescribed form outlining the facts under which the payment into court is made and the names and addresses of the persons to whom the statement will be sent under subsection (3). 2009, c. 33, Sched. 21, s. 4 (26); 2017, c. 10, Sched. 2, s. 55 (3).

**Notice of payment into court**

(3) Within 60 days after making a payment into court under subsection (2), the treasurer shall send a copy of the statement to the following persons:

1. The person who was the assessed owner of the land immediately before the registration of the tax deed.
2. Where the land is registered under the *Land Titles Act*, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land immediately before the registration of the tax deed, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b).
3. Where the *Registry Act* applies to the land, every person appearing by the abstract index and by the index of executions for the area in which the land is situate to have an interest in the land immediately before the registration of the tax deed, other than a person who has an interest referred to in clause 350 (7.1) (a) or (b).
4. The Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*.
5. The Public Guardian and Trustee. 2017, c. 10, Sched. 2, s. 55 (4).

**Same, spouse of owner**

(3.1) If a copy of the statement is sent under this section to a person appearing by the records of the land registry office to be the owner of the land, a copy of the statement shall also be sent to the spouse of that person, and, where this subsection is complied with, section 22 of the *Family Law Act* shall be deemed to have been complied with. 2017, c. 10, Sched. 2, s. 55 (5).

**Same, limitation**

(3.2) A person is not entitled to a copy of the statement under this section if,

- (a) after a reasonable search of the records mentioned in subsection 352 (1), the treasurer is unable to find the person's address and the treasurer is not otherwise aware of the address; or
- (b) the person has expressly waived the right to a copy of the statement, either before or after the copy of the statement should have been sent. 2017, c. 10, Sched. 2, s. 55 (5).

**Payment out of court**

(4) Any person claiming entitlement under clause (1) (b) or (c) may apply to the Superior Court of Justice for payment out of court of the amount to which the person is entitled. 2017, c. 10, Sched. 2, s. 55 (6).

**Same**

(5) An application under subsection (4) may only be made within 10 years after the payment into court under subsection (2); however, the application may not be made earlier than 90 days after the payment into court. 2017, c. 10, Sched. 2, s. 55 (6).

**Notice of application**

(6) The applicant under subsection (4) shall serve the notice of application on the persons referred to in subsection (3). 2017, c. 10, Sched. 2, s. 55 (6).

(6.1) REPEALED: 2017, c. 10, Sched. 2, s. 55 (6).

**Judgment**

(7) On application under subsection (4), the court shall determine all of the entitlements to receive payments out of the proceeds of sale. 2017, c. 10, Sched. 2, s. 55 (6).

**Forfeiture**

(8) If no person makes an application under subsection (4) within 10 years after the payment into court under subsection (2), the amount paid into court, together with accrued interest, is deemed to be forfeited to the Crown in right of Ontario, and the Public Guardian and Trustee may be paid that amount in the name of the Crown on filing a written request for payment out of court with the Accountant of the Superior Court of Justice in the form provided by the Accountant. 2017, c. 10, Sched. 2, s. 55 (6).

**Same**

(9) If, after the court determines entitlements under subsection (7), there remains any amount paid into court 10 years after the payment into court under subsection (2), the remaining amount, together with accrued interest, is deemed to be forfeited to the Crown in right of Ontario, and the Public Guardian and Trustee may be paid that amount in the name of the Crown on filing a written request for payment out of court with the Accountant of the Superior Court of Justice in the form provided by the Accountant. 2017, c. 10, Sched. 2, s. 55 (6).

**No further proceeding**

(10) No proceeding shall be commenced in respect of any amount paid to the Public Guardian and Trustee under subsection (8) or (9). For greater certainty, this subsection does not prevent a person from making a petition for a grant, waiver or release under section 3 of the *Escheats Act, 2015*. 2017, c. 10, Sched. 2, s. 55 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Automatic forfeiture**

**351.0.1** Despite section 351, if the proceeds of a sale under section 350, minus the cancellation price, are \$250 or less, the proceeds are deemed to be forfeited to the City. 2009, c. 33, Sched. 21, s. 4 (28).

**Section Amendments with date in force (d/m/y) [ + ]****No successful purchaser**

**351.1** (1) If the treasurer conducts a public sale and there is no successful purchaser, the treasurer may, within two years after the date of the public sale, offer the land for public sale by public auction or public tender, as the treasurer decides, a second time in accordance with the prescribed rules. 2006, c. 32, Sched. B, s. 68.

**Notice**

(2) At least 30 days before the land is readvertised for public sale, the treasurer shall send to the persons entitled to receive notice under section 345, a notice that the land will be readvertised for public sale. 2006, c. 32, Sched. B, s. 68; 2017, c. 10, Sched. 2, s. 56 (1).

**Application of provisions**

(3) Subsection 350 (2), clause 350 (2.0.1) (b), subsections 350 (2.1) to (16) and sections 351 to 363 apply with necessary modifications to the sale as if it were the first public sale. 2017, c. 10, Sched. 2, s. 56 (2).

**Non-application**

(4) This section does not apply to land if a notice of vesting was registered in respect of the land following the first public sale. 2006, c. 32, Sched. B, s. 68.

**Section Amendments with date in force (d/m/y) [ + ]****Methods of giving notice**

**352** (1) Any notice required to be sent to any person under this Part may be given by personal delivery or be sent by certified or registered mail,

- (a) in the case of the assessed owner, to the address of the person as shown on the last returned assessment roll of the City;
- (b) in the case of any person whose interest is registered against the title of the land, to the address for service of the person furnished under the *Land Registration Reform Act* or, if none, to the address of the solicitor whose name appears on the registered instrument;

- (c) in the case of a person appearing to have an interest in the land by the index of executions maintained by the sheriff for the area in which the land is situate, to the address of the person or person's solicitor as shown in the index of executions or in the records of the sheriff for the area in which the land is situate;
- (d) in the case of a spouse of the person appearing by the records of the land registry office to be the owner of the land, addressed to the spouse of (name of person) at the usual or last known address of such spouse or, if unknown, at the address of the land;
- (e) in the case of the Public Guardian and Trustee, addressed to the Public Guardian and Trustee; and
- (f) in the case of the Minister responsible for the administration of the *Forfeited Corporate Property Act, 2015*, addressed to the Minister. 2006, c. 11, Sched. A, s. 352 (1); 2015, c. 38, Sched. 7, s. 45 (15, 16).

**Statutory declaration, effect**

(2) A statutory declaration made under subsection 345 (3) or made under clause 350 (2) (a) is proof in the absence of evidence to the contrary that the notices required to be sent were sent to the persons named in the statutory declaration and received by them. 2006, c. 11, Sched. A, s. 352 (2).

**Statement, effect**

(3) A statement registered under subsection 350 (6) is conclusive proof of the prescribed matters that are verified in the statement. 2015, c. 38, Sched. 7, s. 45 (17).

**Receipt of notice**

(4) Nothing in this Part requires the treasurer to ensure that a notice that is properly sent under this Part is received by the person to whom it was sent. 2006, c. 11, Sched. A, s. 352 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Voidable proceedings**

**353** (1) No proceedings for the sale of land under this Part are void by reason of any neglect, omission or error but, subject to this section and to section 354, any such neglect, omission or error may render the proceedings voidable. 2006, c. 11, Sched. A, s. 353 (1).

**Same**

(2) Subject to subsection (4) and to section 354, the proceedings under this Part are voidable if there is,

- (a) a failure on the part of the treasurer to substantially comply with section 345 or subsection 350 (1); or
- (b) an error or omission in the registration or sale of the land, other than an error or omission mentioned in subsection (5). 2006, c. 11, Sched. A, s. 353 (2).

**Duty of treasurer**

(3) If, before the registration of a tax deed or notice of vesting, the treasurer becomes aware of a failure, error or omission referred to in subsection (2), the treasurer shall immediately register a tax arrears cancellation certificate, but this subsection does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Part. 2006, c. 11, Sched. A, s. 353 (3).

**Actual prejudice**

(4) Proceedings for the sale of land under this Part are not voidable unless the person complaining of any neglect, error or omission establishes that he or she suffered actual prejudice as a result of the neglect, error or omission. 2006, c. 11, Sched. A, s. 353 (4).

**Proceeding not voidable**

(5) No proceedings under this Part are rendered voidable by reason of,

- (a) a failure on the part of the treasurer to distrain for any reason or take any other action for the collection of taxes;
- (b) an error in the cancellation price other than a substantial error;
- (c) any error in the notices sent or delivered under this Part if the error has not substantially misled the person complaining of the error;

- (d) any error in the publishing or posting of advertisements if the error has not substantially misled the person complaining of the error; or
- (e) any error in the description of the land in the tax arrears certificate if the error has not substantially misled the person complaining of the error. 2006, c. 11, Sched. A, s. 353 (5).

**Treasurer may halt proceedings**

(6) The treasurer may register a cancellation certificate if, in his or her opinion,

- (a) it is not in the financial interests of the City to continue with proceedings under this Part; or
- (b) because of some neglect, error or omission, it is not practical or desirable to continue proceedings under this Part. 2006, c. 11, Sched. A, s. 353 (6).

**Effect**

(7) Subsection (6) does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Part. 2006, c. 11, Sched. A, s. 353 (7).

**Effect of registration**

**354** (1) Subject to proof of fraud, every tax deed and notice of vesting, when registered, is final, binding and conclusive and not subject to challenge for any reason, including,

- (a) the invalidity of any assessment upon which the tax arrears were based; and
- (b) the breach of any requirements, including notice requirements, imposed by this or any other Act or otherwise by law. 2006, c. 11, Sched. A, s. 354 (1).

**No action**

(2) No action may be brought for the recovery of the land after the registration of the tax deed or notice of vesting if the statement required by subsection 350 (6) has been registered. 2006, c. 11, Sched. A, s. 354 (2).

**Exception**

(3) Subsection (1) does not apply so as to prevent a person from bringing an action for damages against the City. 2006, c. 11, Sched. A, s. 354 (3).

**Mining rights**

**355** (1) Despite sections 344, 344.1, 350 and 354, if mining rights in land are liable for taxes under the *Mining Act* and the land is sold for taxes or is vested in the City under this Act or its predecessor on or after April 1, 1954, the sale or vesting severs the surface rights from the mining rights and only the surface rights pass to the tax sale purchaser or vest in the City and the sale or registration does not affect the mining rights. 2006, c. 11, Sched. A, s. 355 (1); 2017, c. 10, Sched. 2, s. 57.

**Same, earlier vesting**

(2) Despite this or any other Act but subject to any forfeiture to the Crown legally effected under the *Mining Tax Act*, if mining rights in land were liable for area tax under the *Mining Tax Act* and the land was sold for taxes under this Act or was vested in the City upon registration, of a tax arrears certificate under the *Municipal Affairs Act* before April 1, 1954 and, before the sale or registration, the surface rights were not severed from the mining rights and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the City, that sale or certificate is deemed to have vested in the tax sale purchaser or in the City, without severance, both the surface and mining rights. 2006, c. 11, Sched. A, s. 355 (2).

**Section Amendments with date in force (d/m/y) [ + ]****Scale of costs**

**356** The City, instead of charging the City's actual costs in determining any cancellation price, may fix a scale of costs to be charged as the reasonable costs of proceedings under this Part, which scale shall be designed to meet only the anticipated costs of the City. 2006, c. 11, Sched. A, s. 356.

**Immunity from civil actions**

**357** (1) No action or other proceeding for damages shall be brought against the treasurer or any officer or employee of the City acting under the treasurer's authority as a result of any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Part or the regulations made under this Part or any neglect or default in the performance or exercise in good faith of such duty or power, but any such action or proceeding may be brought against the City. 2006, c. 11, Sched. A, s. 357 (1).

**Delegation**

(2) The treasurer may, in writing, delegate any power or duty granted to or vested in the treasurer under this Part to any officer or employee of the City. 2006, c. 11, Sched. A, s. 357 (2).

**Power of entry**

**358** (1) For the purpose of assisting the City to determine whether it is desirable to acquire land that has been offered for public sale under subsection 350 (2) or (2.0.1) but for which there is no successful purchaser, the City may, during the 24 months following the public sale referred to in subsection 350 (5), enter on and inspect the land. 2006, c. 11, Sched. A, s. 358 (1); 2006, c. 32, Sched. B, s. 69; 2017, c. 10, Sched. 2, s. 58.

**Inspections**

(2) In carrying out an inspection, the City may do anything reasonably necessary to carry out an environmental site assessment of the land, including,

- (a) conduct surveys, examinations, investigations and tests of the land, including the excavation of test pits, and for those purposes, place equipment on the land for such period as the City considers necessary;
- (b) take and remove samples or extracts;
- (c) make inquiries of any person; and
- (d) record or copy information by any method. 2006, c. 11, Sched. A, s. 358 (2).

**Entry to dwellings**

(3) A person who is carrying out an inspection on behalf of the City under this Part shall not enter or remain in any room or place actually being used as a dwelling unless,

- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, entry made only under the authority of a warrant issued under section 360; or
- (b) a warrant issued under section 360 is obtained. 2006, c. 11, Sched. A, s. 358 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Inspection without warrant**

**359** (1) The following apply to an inspection under this Part carried out without a warrant:

1. At least seven days before entering to carry out an inspection, the City shall, by personal service or by prepaid mail, serve a written notice of the inspection on the owners and occupants of the land as shown by the records of the land registry office and by the last returned assessment roll for the City.
2. The notice shall specify the date on which the City intends to enter on the land to commence the inspection.
3. If the City intends to enter on the land more than once during a period of time, the notice shall specify that period.
4. If the City intends to leave equipment on the land for a period of time, the notice shall set out a description of the equipment and the period of time during which the City intends to leave it on the land.
5. A notice served under this section by prepaid mail is deemed to have been received on the fifth day after the date of mailing of the notice.
6. The City shall not use force against any individual in carrying out the inspection.

7. The City shall only enter on land to carry out an inspection between the hours of 6 a.m. and 9 p.m. unless, after or concurrent with serving the notice under paragraph 1, the City has given at least 24 hours written notice of the intent to inspect the land at other hours to the occupants by personal service, prepaid mail or by posting the notice on the land in a conspicuous place. 2006, c. 11, Sched. A, s. 359 (1).

**Waiver of requirements**

(2) The owners and occupants may waive any requirements relating to the notice described in paragraph 1 of subsection (1). 2006, c. 11, Sched. A, s. 359 (2).

**Same**

(3) The occupants may waive any requirements relating to entries described in paragraph 7 of subsection (1). 2006, c. 11, Sched. A, s. 359 (3).

**Inspection warrant**

**360** (1) The City may apply to a provincial judge or a justice of the peace for a warrant authorizing a person named in the warrant to inspect land. 2006, c. 11, Sched. A, s. 360 (1).

**Notice of application for warrant**

(2) The City shall give the owners and occupiers of the land seven days written notice of,

- (a) the time when and the place where the application for the issuance or extension of a warrant is to be considered;
- (b) the purpose of the application and the effect of the application being granted;
- (c) the length of time the City is asking for a warrant to be issued or extended;
- (d) the right of an owner or occupant or an agent of an owner or occupant to appear and make representations; and
- (e) the fact that if the owner, occupant or agent fails to appear, the judge or justice of the peace may issue or extend the warrant in their absence. 2006, c. 11, Sched. A, s. 360 (2).

**Right to be heard**

(3) A person who is served with a notice under subsection (2) or an agent of that person has the right to appear and make representations when the application is being considered. 2006, c. 11, Sched. A, s. 360 (3).

**Issue of warrant**

(4) The judge or justice of the peace may issue a warrant authorizing a person to inspect land if the judge or justice of the peace is satisfied by evidence under oath that,

- (a) inspection of the land is reasonably necessary for the purposes set out in subsection 358 (1);
- (b) a notice has been served upon the owners and occupants of the land in accordance with paragraphs 1, 2, 3, 4 and 5 of subsection 359 (1); and
- (c) the City has been prevented or is likely to be prevented from entering on the land or exercising any of its other powers or the entrance to the land is locked or the land is otherwise inaccessible. 2006, c. 11, Sched. A, s. 360 (4).

**Execution**

(5) A warrant shall specify the hours and days during which it may be executed and name a date on which it expires and may specify a period of time during which equipment may be left on the land. 2006, c. 11, Sched. A, s. 360 (5).

**Inspection with warrant**

**361** The following apply to an inspection carried out by a person with a warrant:

1. The warrant shall be executed between the hours of 6 a.m. and 9 p.m. unless it provides otherwise.

2. The person may use such force as is reasonably necessary to execute the warrant and call on police officers to assist in the execution of the warrant. 2006, c. 11, Sched. A, s. 361.

**Obstruction**

**362** (1) Where a person is carrying out an inspection under section 358 without a warrant, a refusal by the owner or occupant of land to allow the person to enter or remain on the land is not obstruction within the meaning of subsection 367 (1). 2006, c. 11, Sched. A, s. 362 (1).

**Refusal to answer**

(2) A refusal to answer the inquiries of a person carrying out an inspection under section 358 is not obstruction within the meaning of subsection 367 (1). 2006, c. 11, Sched. A, s. 362 (2).

**Regulations**

**363** (1) The Minister of Municipal Affairs and Housing may make regulations prescribing rules for the sale of land under this Part by public sale and the rules,

- (a) shall set out the method of determining a successful purchaser;
- (b) may require the submission of deposits, in such amount and in such form as may be set out in the rules, and for the forfeiture and disposition thereof. 2006, c. 11, Sched. A, s. 363 (1).

**Forms**

(2) The Minister of Municipal Affairs and Housing may make regulations,

- (a) requiring that any certificate, notice, statutory declaration, advertisement, tender, tax deed or statement referred to in this Part contain the provisions prescribed, be in a prescribed form or be in a form approved by the Minister, including an electronic form;
- (b) providing for the use of the forms described in clause (a), which may vary for different land registration systems and areas;
- (c) governing advertising under clause 350 (2) (b) and clause 350 (2.0.1) (b). 2006, c. 11, Sched. A, s. 363 (2); 2017, c. 10, Sched. 2, s. 59.

**Regulations, s. 352 (3)**

(3) The Minister may make regulations prescribing matters for the purposes of subsection 352 (3). 2015, c. 38, Sched. 7, s. 45 (18).

**Section Amendments with date in force (d/m/y) [ + ]****Transition, prior registrations**

**364** (1) This section applies to land in respect of which a tax arrears certificate was registered under the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, before January 1, 1985 or a certificate was given under section 433 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, before January 1, 1985. 2006, c. 11, Sched. A, s. 364 (1).

**Notice of forfeiture registered**

(2) If, before January 1, 2004, a notice of forfeiture was registered with respect to any land under section 23 of the *Municipal Tax Sales Act, 1984*, the land is vested in the City upon registration of the notice in accordance with that section as it read on December 31, 2002. 2006, c. 11, Sched. A, s. 364 (2); 2015, c. 38, Sched. 7, s. 45 (19).

**Certificate registered**

(3) If, before January 1, 1985, a tax arrears certificate was registered under the *Municipal Affairs Act* in respect of any land and a tax arrears cancellation certificate was registered with respect to the land between January 1, 2003 and January 1, 2004 under subsection 388 (3) of the *Municipal Act, 2001*, as it read during the period between January 1, 2003 and January 1, 2004, the tax arrears certificate is cancelled. 2006, c. 11, Sched. A, s. 364 (3); 2006, c. 32, Sched. B, s. 70 (1).

**Effect of registration**

(4) Registration of a tax arrears cancellation certificate in accordance with subsection (3) does not,

- (a) prevent the treasurer from registering a new tax arrears certificate and proceeding under this Part; or
- (b) relieve the taxpayer of any liability to pay real property taxes imposed under this Act or a predecessor of this Act before registration of the certificate. 2006, c. 11, Sched. A, s. 364 (4).

#### **No registration**

(5) If, before January 1, 2004, no notice of forfeiture or tax arrears cancellation certificate was registered in accordance with subsection (2) or (3), the land is deemed to vest in the City in fee simple, together with all rights, privileges and appurtenances, free from all estates and interest, except,

- (a) easements and restrictive covenants that run with the land;
- (b) any estates and interests of the Crown in right of Canada or in right of Ontario; and
- (c) any interest or title acquired by adverse possession by abutting landowners before the day of the deemed vesting. 2006, c. 11, Sched. A, s. 364 (5); 2006, c. 32, Sched. B, s. 70 (2); 2015, c. 38, Sched. 7, s. 45 (20).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Transition, certificate registered before *Forfeited Corporate Property Act, 2015***

**364.1** If, before the day section 2 of the *Forfeited Corporate Property Act, 2015* comes into force, a tax arrears certificate is registered in respect of land, this Act as it read immediately before the coming into force of that section applies in respect of the proceedings or other steps that may be taken as a result of the registration of that certificate. 2015, c. 38, Sched. 7, s. 45 (21).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Transition, certificate registered before this section comes into force**

**364.2** If, before the day this section comes into force, a tax arrears certificate is registered in respect of land, this Part as it read immediately before the coming into force of this section applies in respect of the proceedings or other steps that may be taken as a result of the registration of that certificate. 2017, c. 10, Sched. 2, s. 60.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Restriction**

**365** Despite the order of any court, after January 1, 2003, no person may apply to the Minister of Municipal Affairs and Housing to make a direction to a treasurer under section 46 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980. 2006, c. 11, Sched. A, s. 365.

## **PART XV ENFORCEMENT**

### **OFFENCES AND PENALTIES**

#### **Authority to create offences**

**366 (1)** The City may pass by-laws providing that a person who contravenes a by-law of the City passed under this Act is guilty of an offence. 2006, c. 11, Sched. A, s. 366 (1).

#### **Same**

(2) The police services board of the City may pass by-laws providing that a person who contravenes a by-law of the board passed under this Act is guilty of an offence. 2006, c. 11, Sched. A, s. 366 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 366 (2) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (16))**

#### **Directors and officers**

(3) A by-law under this section may provide that a director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence. 2006, c. 11, Sched. A, s. 366 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Offence re obstruction, etc.**

**367** (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a by-law passed under this Act. 2006, c. 11, Sched. A, s. 367 (1).

**Occupied dwellings**

(2) A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of subsection (1) unless the City is acting under an order under section 378 or a warrant under section 379 or in the circumstances described in clause 377 (d) or (e). 2006, c. 11, Sched. A, s. 367 (2).

**Orders under s. 378**

(3) No person shall neglect or refuse to produce any information or thing or to provide any information required by any person acting pursuant to an order under section 378. 2006, c. 11, Sched. A, s. 367 (3).

**Offence**

(4) Any person who contravenes subsection (1) or (3) is guilty of an offence. 2006, c. 11, Sched. A, s. 367 (4).

**Same, director or officer**

(5) Every director or officer of a corporation who knowingly concurs in the contravention by the corporation under subsection (1) or (3) is guilty of an offence. 2006, c. 11, Sched. A, s. 367 (5).

**Offence re accessible parking**

**368** A by-law establishing a system of accessible parking shall provide that every person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not less than \$300. 2009, c. 33, Sched. 26, s. 1 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Offence re illegally parked vehicle**

**369** A by-law may provide that, where a vehicle has been left parked, stopped or standing in contravention of a by-law passed under this Act, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fine unless, at the time of the offence, the vehicle was in the possession of another person without the owner's consent. 2006, c. 11, Sched. A, s. 369.

**Authority to establish fines**

**370** (1) Subject to subsection (4), the City may establish a system of fines for offences under a by-law passed under this Act. 2006, c. 11, Sched. A, s. 370 (1).

**Same**

(2) Without limiting subsection (1), a system of fines may,

- (a) designate an offence as a continuing offence and provide for a minimum and maximum fine for each day or part of a day that the offence continues;
- (b) designate an offence as a multiple offence and provide for a minimum and maximum fine for each offence included in the multiple offence;
- (c) establish escalating fines for a second and subsequent convictions for the same offence; and
- (d) establish special fines in addition to the regular fine for an offence which are designed to eliminate or reduce any economic advantage or gain from contravening the by-law. 2006, c. 11, Sched. A, s. 370 (2).

**Restrictions**

(3) The following rules apply to the system of fines:

1. A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.
2. In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all of the daily fines for the offence is not limited to \$100,000.
3. In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph 1, the total of all fines for each included offence is not limited to \$100,000. 2006, c. 11, Sched. A, s. 370 (3).

**Same, fine under another Act**

(4) If the provisions of any other Act, other than the *Provincial Offences Act*, provide for the fines for a contravention of a city by-law, the City cannot establish a system of fines under this section with respect to the by-law. 2006, c. 11, Sched. A, s. 370 (4).

**Definition**

(5) In this section,

“multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law. 2006, c. 11, Sched. A, s. 370 (5).

**Additional penalty re adult entertainment establishments**

**371** The City may provide that a person who is convicted of an offence for a contravention of a by-law under paragraph 11 of subsection 8 (2) dealing with an adult entertainment establishment may be liable to a term of imprisonment not exceeding one year in addition to any other applicable penalties. 2006, c. 11, Sched. A, s. 371.

**Offences re ozone depleting substances**

**371.1** (1) If a corporation is convicted of an offence under a by-law described in subsection (2), every director or officer of the corporation who knowingly concurred in the contravention of the by-law is guilty of an offence and on conviction is liable to imprisonment for a term of not more than one year. 2006, c. 32, Sched. B, s. 71.

**Substance of by-law**

(2) A by-law for the purpose of subsection (1) is a by-law for regulating the disposal of ozone depleting substances and for regulating the testing, servicing and repair of products, materials and equipment containing or manufactured using ozone depleting substances. 2006, c. 32, Sched. B, s. 71.

**Penalty**

(3) The penalty provided for in subsection (1) may be imposed in addition to or instead of any fine that may be imposed. 2006, c. 32, Sched. B, s. 71.

**Section Amendments with date in force (d/m/y) [ + ]****Deemed by-law re ozone depleting substances**

**371.2** (1) On the day section 371.1 comes into force, the City is deemed to have passed a by-law under sections 366 and 370 providing that,

- (a) a person who contravenes a by-law described in subsection 371.1 (2) is guilty of an offence and upon conviction is liable to a fine not exceeding \$5,000;
- (b) a corporation that contravenes a by-law described in subsection 371.1 (2) is guilty of an offence and upon conviction is liable to a fine not exceeding \$50,000; and
- (c) a director or officer of a corporation who knowingly concurs in the contravention of a by-law described in subsection 371.1 (2) by the corporation is guilty of an offence and subject to a fine not exceeding \$10,000. 2006, c. 32, Sched. B, s. 71.

**Power of City**

(2) The City may amend or repeal the deemed by-law. 2006, c. 32, Sched. B, s. 71.

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Additional order to discontinue or remedy**

**372** If any city by-law or by-law of a local board of the City under this or any other Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order,

- (a) prohibiting the continuation or repetition of the offence by the person convicted; and
- (b) in the case of a by-law described in section 104 or 105, requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate. 2006, c. 11, Sched. A, s. 372; 2006, c. 32, Sched. B, s. 72.

### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Payments out of court**

**373** A by-law under section 366 may establish a procedure for the voluntary payment of penalties out of court where it is alleged that any of the following by-laws have been contravened:

1. By-laws related to the parking, standing or stopping of vehicles.
2. By-laws related to animals being at large or trespassing. 2006, c. 11, Sched. A, s. 373.

#### **City entitlement to fines**

**374** (1) Except as otherwise provided in this or any other Act, every fine imposed for a contravention of a city by-law or by-law of a local board of the City belongs to the City. 2006, c. 11, Sched. A, s. 374 (1).

#### **Proceeds in cases of obstruction**

(2) The proceeds of any fine imposed in a prosecution conducted by the City for an offence under section 367 shall be paid to the city treasurer, and section 2 of the *Administration of Justice Act* and section 4 of the *Fines and Forfeitures Act* do not apply with respect to that fine. 2006, c. 11, Sched. A, s. 374 (2).

#### **Administrative penalties**

**374.1** (1) Without limiting sections 7 and 8, the City may require a person, subject to such conditions as the City considers appropriate, to pay an administrative penalty if the City is satisfied that the person has failed to comply with a by-law of the City passed under this Act. 2017, c. 10, Sched. 2, s. 61.

#### **Purpose of administrative penalties**

(2) The purpose of a system of administrative penalties established by the City under this section shall be to assist the City in promoting compliance with its by-laws. 2017, c. 10, Sched. 2, s. 61.

#### **Monetary limit**

(3) The amount of an administrative penalty established by the City,

- (a) shall not be punitive in nature; and
- (b) shall not exceed the amount reasonably required to promote compliance with a by-law of the City. 2017, c. 10, Sched. 2, s. 61.

#### **Effect on offences**

(4) If a person is required by the City to pay an administrative penalty under subsection (1) in respect of a contravention, the person shall not be charged with an offence in respect of the same contravention. 2017, c. 10, Sched. 2, s. 61.

#### **Regulations**

(5) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section, including,

(a) granting the City powers with respect to requiring that persons pay administrative penalties and with respect to other matters necessary for a system of administrative penalties;

(b) imposing conditions and limitations on the City's powers with respect to administrative penalties. 2017, c. 10, Sched. 2, s. 61.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Debt**

**374.2** (1) An administrative penalty imposed by the City on a person under section 374.1 constitutes a debt of the person to the City. 2017, c. 10, Sched. 2, s. 61.

##### **Amount owing added to tax roll**

(2) If an administrative penalty imposed under section 374.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of the City may add the administrative penalty to the tax roll for any property in the City for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes. 2017, c. 10, Sched. 2, s. 61.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Authority to establish limitation period re s. 166 or 167**

**374.3** (1) The City may pass a by-law providing that no proceeding in respect of an offence under a by-law relating to a matter described in section 166 or 167 shall be commenced more than two years after the time when the subject-matter of the proceeding arose. 2017, c. 10, Sched. 2, s. 62.

##### **Transition**

(2) A by-law passed under subsection (1) does not apply if the subject-matter of the proceeding arose more than six months before the day the by-law is passed. 2017, c. 10, Sched. 2, s. 62.

#### **Section Amendments with date in force (d/m/y) [ + ]**

## **POWERS OF ENTRY**

##### **Conditions governing powers of entry**

**375** (1) Unless otherwise provided in this Act, in an order under section 378 or in a warrant under section 379, the following conditions apply to the exercise of a power of entry under this Act:

1. The power of entry shall be exercised by an employee, officer or agent of the City or a member of the city police force.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 of subsection 375 (1) of the Act is amended by striking out "police force" at the end and substituting "police service". (See: 2019, c. 1, Sched. 4, s. 10 (17))**

2. The person exercising the power must on request display or produce proper identification.

3. The person exercising the power may be accompanied by a person under his or her direction.

4. Notice of the proposed entry shall be provided to the occupier of the land, except,

i. where the entry is authorized under section 376, clause 377 (a) or (d) or section 379,

ii. where the entry is authorized under section 378 in respect of a premises other than a room or place actually used as a dwelling,

iii. where entry is authorized onto land under section 49, 70 or 76 or Part XIV (Sale of Land for Tax Arrears (Real Property Taxes)), or

iv. where the delay necessary to give notice of the entry would result in an immediate danger to the health or safety of any person.

5. The City shall restore the land to its original condition in so far as is practicable and shall provide compensation for any damages caused by the entry or by anything done on the land except where the entry,
- i. is under section 386, or
  - ii. is under Part XIV if, under that Part, the treasurer registers a notice of vesting, in the name of the City, in respect of the land. 2006, c. 11, Sched. A, s. 375 (1); 2006, c. 32, Sched. B, s. 73 (1, 2).

#### **Notice**

(2) Where subsection (1) requires that notice of a proposed exercise of a power of entry be given, the notice must satisfy the following requirements:

1. The notice must be given to the occupier of the land in respect of which the power of entry will be exercised.
2. The notice must be given within a reasonable time before the power of entry is exercised.
3. The notice must be given by personal service in the case of a proposed exercise of a power of entry under section 63, 64 or 386 in respect of a room or place actually used as a dwelling.
4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. 2006, c. 11, Sched. A, s. 375 (2); 2006, c. 32, Sched. B, s. 73 (3).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Power of entry re inspection**

**376** (1) The City has the power to pass by-laws providing that the City may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

1. A by-law passed under this Act.
2. A direction or order of the City made under this Act or made under a by-law passed under this Act.
3. A condition of a licence issued under a by-law passed under this Act.
4. An order made under section 372. 2006, c. 11, Sched. A, s. 376 (1); 2006, c. 32, Sched. B, s. 74.

##### **Inspection powers**

(2) By-laws passed under subsection (1) may provide that for the purposes of an inspection the City may,

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection. 2006, c. 11, Sched. A, s. 376 (2).

##### **Samples**

(3) A sample taken under clause (2) (d) shall be divided into two parts, and one part shall be delivered to the person from whom the sample is taken, if,

- (a) the person requests that the sample be divided at the time it is taken and provides the necessary facilities; and
- (b) it is technically feasible to divide the sample. 2017, c. 10, Sched. 2, s. 63.

##### **Same**

(4) If a sample is taken under clause (2) (d) and the sample has not been divided into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken. 2006, c. 11, Sched. A, s. 376 (4).

**Receipt**

(5) A receipt shall be provided for any document or thing removed under clause (2) (b) and the document or thing shall be promptly returned after the copies or extracts are made. 2006, c. 11, Sched. A, s. 376 (5).

**Evidence**

(6) Copies of or extracts from documents and things removed under this section and certified as being true copies of or extracts from the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the originals. 2006, c. 11, Sched. A, s. 376 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Restriction re dwellings**

**377** Despite any provision of this Act, a person exercising a power of entry on behalf of the City under this Act shall not enter or remain in any room or place actually being used as a dwelling unless,

- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of an order issued under section 378 or a warrant issued under section 360 or 379;
- (b) an order issued under section 378 is obtained;
- (c) a warrant issued under section 379 is obtained;
- (c.1) a warrant issued under section 360 is obtained;
- (d) the delay necessary to obtain an order under section 378, to obtain a warrant under section 379 or to obtain the consent of the occupier would result in an immediate danger to the health or safety of any person; or
- (e) the City has given notice of its intention to enter to the occupier of the land as required under subsection 375 (2) and the entry is authorized under section 63, 64 or 386. 2006, c. 11, Sched. A, s. 377; 2006, c. 32, Sched. B, s. 75.

**Section Amendments with date in force (d/m/y) [ + ]****Inspection pursuant to order**

**378** (1) The City has the power to pass by-laws providing that the City may, in the circumstances set out in the by-laws, undertake inspections pursuant to orders under this section. 2006, c. 11, Sched. A, s. 378 (1).

**Order**

(2) A provincial judge or justice of the peace may issue an order authorizing the City to enter on land for the purpose of carrying out an inspection for a purpose described in subsection 376 (1) and to exercise powers described in clauses 376 (2) (a) to (d) as specified in the order if he or she is satisfied by evidence under oath,

- (a) that the circumstances of the inspection are provided for in a by-law under subsection (1);
- (b) that the inspection is reasonably necessary; and
- (c) that one of the following conditions exists:
  - (i) where there is no by-law under section 376 which provides for inspections in such circumstances, the City has made a reasonable attempt to obtain the occupier's consent for the inspection,
  - (ii) where there is a by-law under section 376 which provides for inspections in such circumstances, the City has been prevented or is likely to be prevented from doing anything set out in subsection 376 (1) or (2). 2006, c. 11, Sched. A, s. 378 (2); 2006, c. 32, Sched. B, s. 76 (1).

**Expiry of order**

(3) An order under this section shall state the date on which it expires, which date shall be not later than 30 days after the order is issued. 2006, c. 11, Sched. A, s. 378 (3).

**Time for execution**

(4) An order under this section may be executed only between 6 a.m. and 9 p.m. unless the order provides otherwise. 2006, c. 11, Sched. A, s. 378 (4).

**Notice**

(5) In the case of an order authorizing an inspection of a room or place actually being used as a dwelling, the occupier must be given notice concerning when the inspection will be carried out. 2006, c. 11, Sched. A, s. 378 (5).

**Application without notice**

(6) An order under this section may be issued on application without notice. 2006, c. 11, Sched. A, s. 378 (6).

**Interpretation**

(7) A by-law may be passed under subsection (1) and orders may be issued under subsection (2) whether or not there is a by-law under section 376. 2006, c. 11, Sched. A, s. 378 (7).

**Application**

(8) Subsections 376 (3) to (6) apply with necessary modifications to an inspection authorized by an order under this section. 2006, c. 32, Sched. B, s. 76 (2).

**Section Amendments with date in force (d/m/y) [ + ]****Search warrant**

**379** (1) A provincial judge or justice of the peace may issue a warrant authorizing a person named in the warrant to enter and search a building, receptacle or place for the evidence specified in the warrant if he or she is satisfied by information on oath that there is reasonable ground to believe that,

- (a) an offence under this Act or a by-law passed under this Act has been committed; and
  - (b) the entry into and search of the building, receptacle or place will afford evidence relevant to the commission of the offence.
- 2006, c. 11, Sched. A, s. 379 (1).

**Seizure**

(2) In a search warrant, the provincial judge or justice of the peace may authorize the person named in the warrant to seize evidence specified in the warrant that there is reasonable ground to believe will afford evidence relevant to the commission of the offence. 2006, c. 11, Sched. A, s. 379 (2); 2006, c. 32, Sched. B, s. 77.

**Same**

(3) A person who seizes something under a search warrant shall,

- (a) give a receipt for the thing seized to the person from whom it was seized; and
- (b) bring the thing seized before the provincial judge or justice of the peace issuing the warrant or another provincial judge or justice to be dealt with according to law. 2006, c. 11, Sched. A, s. 379 (3).

**Time for execution**

(4) A search warrant may be executed only between 6 a.m. and 9 p.m. unless it provides otherwise. 2006, c. 11, Sched. A, s. 379 (4).

**Application**

(5) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications in respect of any thing seized under this section. 2006, c. 11, Sched. A, s. 379 (5).

**Section Amendments with date in force (d/m/y) [ + ]****GENERAL ENFORCEMENT POWERS****Power to restrain**

**380** If any city by-law or by-law of a local board of the City under this or any other Act is contravened, in addition to any other remedy and to any penalty imposed by the by-law, the contravention may be restrained by application at the instance of a taxpayer or the City or local board. 2006, c. 11, Sched. A, s. 380; 2006, c. 32, Sched. B, s. 78.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Collection of unpaid licensing fines**

**381** (1) The City may authorize the treasurer or his or her agent to give the notice under subsection (2) at the times and in the manner set out in the by-law. 2006, c. 11, Sched. A, s. 381 (1).

##### **Notice**

(2) If any part of a fine for a contravention of a by-law passed under paragraph 11 of subsection 8 (2) remains unpaid after the fine becomes due and payable under section 66 of the *Provincial Offences Act*, including any extension of time for payment ordered under that section, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall be not less than 21 days after the date of the notice. 2006, c. 11, Sched. A, s. 381 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 381 (2) of the Act is amended by striking out “including any extension of time for payment ordered under that section” and substituting “including any extension of time for payment under section 66 or 66.0.1 of that Act”. (See: 2017, c. 34, Sched. 35, s. 26)**

##### **Seizure**

(3) If the fine remains unpaid after the final date specified in the notice, the fine is deemed to be unpaid taxes for the purposes of section 316. 2006, c. 11, Sched. A, s. 381 (3).

##### **Unpaid fines**

**381.1** The treasurer of the City may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the tax roll for any property in the City for which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes. 2009, c. 33, Sched. 4, s. 2.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Enforcement of agreements, etc.**

**382** Where a duty or liability is imposed by statute or agreement upon any person in favour of the City or in favour of some or all of the residents of the City, the City may enforce it and obtain such relief and remedy as could be obtained,

- (a) in a proceeding by the Attorney General;
- (b) in a relator proceeding by any person in the name of the Attorney General; or
- (c) in a proceeding by the residents on their own behalf or on behalf of themselves and other residents. 2006, c. 11, Sched. A, s. 382.

##### **Enforcement of loans made by the City**

**383** (1) If the City makes a loan to any person to pay for the whole or any part of the cost of the person complying with a by-law of the City, the City may add the amount of the loan, together with interest at the rate of the loan given by the City, to the tax roll for any land located in the City if all the owners of the land are responsible for repaying the loan, and the City may collect the amount owing in the same manner as municipal taxes over a period of years determined by the City. 2006, c. 11, Sched. A, s. 383 (1).

##### **Lien**

(2) The amount of the loan, including interest accrued to the date the loan is repaid, is a lien on land upon the registration in the proper land registry office of a notice of lien. 2006, c. 11, Sched. A, s. 383 (2).

##### **Discharge**

(3) When a loan is repaid in full, including interest, the City shall register a discharge of lien in the proper land registry office. 2006, c. 11, Sched. A, s. 383 (3).

## CITY ORDERS AND REMEDIAL ACTIONS

### Order to discontinue activity

**384** (1) If the City is satisfied that a contravention of a city by-law passed under this Act has occurred, the City may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity. 2006, c. 11, Sched. A, s. 384 (1).

### Same

(2) An order under subsection (1) shall set out,

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
- (b) the date by which there must be compliance with the order. 2006, c. 11, Sched. A, s. 384 (2).

### Offence

(3) A city by-law under section 366 may provide that any person who contravenes an order under subsection (1) is guilty of an offence. 2006, c. 11, Sched. A, s. 384 (3).

### Work order

**385** (1) If the City is satisfied that a contravention of a city by-law passed under this Act has occurred, the City may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention. 2006, c. 11, Sched. A, s. 385 (1); 2009, c. 33, Sched. 21, s. 4 (29).

### Same

(2) An order under subsection (1) shall set out,

- (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
- (b) the work to be done and the date by which the work must be done. 2006, c. 11, Sched. A, s. 385 (2).

### Same

(3) An order under subsection (1) may require work to be done even though the facts which constitute the contravention of the by-law were present before the by-law making them a contravention came into force. 2006, c. 11, Sched. A, s. 385 (3).

### Offence

(4) A city by-law under section 366 may provide that any person who contravenes an order under subsection (1) is guilty of an offence. 2006, c. 11, Sched. A, s. 385 (4).

## Section Amendments with date in force (d/m/y) [ + ]

### Remedial action

**386** (1) If the City has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the City may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. 2006, c. 11, Sched. A, s. 386 (1).

### Entry upon land

(2) For the purposes of subsection (1), the City may enter upon land at any reasonable time. 2006, c. 11, Sched. A, s. 386 (2).

### Recovery of costs

(3) The City may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. 2006, c. 11, Sched. A, s. 386 (3).

**Interest**

(4) The costs include interest calculated at a rate of 15 per cent or such lesser rate as may be determined by the City, calculated for the period commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full. 2006, c. 11, Sched. A, s. 386 (4).

**Lien for costs**

(5) The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. 2006, c. 11, Sched. A, s. 386 (5).

**Same**

(6) The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued at the rate established under subsection (4) to the date the payment is made. 2006, c. 11, Sched. A, s. 386 (6).

**Effect of payment**

(7) Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office. 2006, c. 11, Sched. A, s. 386 (7).

## COURT ORDERS TO CLOSE PREMISES

**Closing premises, lack of licence**

**387** (1) Where an owner is convicted of knowingly carrying on or engaging in a trade, business or occupation on, in or in respect of any premises or any part of any premises without a licence required by a by-law under paragraph 11 of subsection 8 (2), the court may order that the premises or part of the premises be closed to any use for a period not exceeding two years. 2006, c. 11, Sched. A, s. 387 (1).

**Same**

(2) Where a person is convicted of a contravention of a licensing by-law passed under this Act, other than a conviction described in subsection (1), and the court determines that the owner or occupant of the premises or part of the premises in respect of which the conviction was made knew or ought to have known of the conduct which formed the subject matter of the conviction or of any pattern of similar conduct, the court may order that the premises or part of the premises be closed to any use for a period not exceeding two years. 2006, c. 11, Sched. A, s. 387 (2).

**Suspension of closing order**

(3) Upon application of any person who has an interest in the premises ordered closed under this section, the Superior Court of Justice may suspend any closing order for such period and upon such conditions as are specified by the court,

- (a) if the court is satisfied that the use to which the premises will be put will not contravene a licensing by-law under this Act; and
- (b) if the applicant posts a cash bond for \$10,000 or such greater sum as the court determines, for such term as the court determines, to ensure that the premises will not be used in contravention of any by-law. 2006, c. 11, Sched. A, s. 387 (3).

**Discharge of closing order**

(4) The Superior Court of Justice may discharge a closing order if, upon application, the court is satisfied that,

- (a) there has been or will be a change in the effective ownership of the premises subsequent to the commission of an offence described in subsection (1) or (2); and
- (b) the new owner can ensure that there will be no contravention of any licensing by-law passed under this Act. 2006, c. 11, Sched. A, s. 387 (4).

**Barring of entry**

(5) If a closing order is made under this section, the city police force shall bar entry to all entrances to the premises or parts of the premises named in the order until the order has been suspended or discharged under this section. 2006, c. 11, Sched. A, s. 387 (5).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 387 (5) of the Act is amended by striking out “police force” and substituting “police service”. (See: 2019, c. 1, Sched. 4, s. 10 (18))**

#### **Forfeiture of bond**

(6) If a closing order is suspended under subsection (3) and after the suspension a person is convicted of an offence for contravening a licensing by-law under this Act in respect of the premises or part of them referred to in the closing order, a judge of the Superior Court of Justice may, upon application, order the forfeiture of the bond and the payment to the City of the proceeds and order the suspension lifted and the closing order reinstated. 2006, c. 11, Sched. A, s. 387 (6); 2017, c. 10, Sched. 2, s. 64 (1).

#### **No appeal**

(7) No appeal lies from an order made under subsection (6). 2006, c. 11, Sched. A, s. 387 (7).

#### **Notice**

(8) The City is a party to any proceedings instituted under subsection (3), (4) or (6) in respect of the order and shall be given notice of the proceedings in accordance with the rules of the court. 2006, c. 11, Sched. A, s. 387 (8).

#### **By-law deemed passed by city council**

(9) For the purposes of subsections (6) and (8), if the licensing by-law was passed by the police services board or by any other person or body to whom the City has delegated the power to pass the by-law, the by-law is deemed to have been passed by the City. 2006, c. 11, Sched. A, s. 387 (9); 2017, c. 10, Sched. 2, s. 64 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 387 (9) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (19))**

#### **Application for suspension or discharge of closing order**

(10) Where an appeal is taken from a closing order or from a conviction in respect of which the order was made, the appellant may apply under subsection (3) for a suspension of the closing order until the disposition of the matter under appeal or any person may apply under subsection (4) for a discharge of the order but the commencement of an appeal does not stay the order. 2006, c. 11, Sched. A, s. 387 (10).

#### **Description of premises**

(11) The description of any premises in a closing order by reference to its municipal address is sufficient for the purposes of the order. 2006, c. 11, Sched. A, s. 387 (11).

#### **Registration**

(12) A closing order may be registered in the proper land registry office. 2006, c. 11, Sched. A, s. 387 (12).

#### **Definition**

(13) In subsections (1) and (2),

“court” means the Ontario Court of Justice or a court to which an appeal may be taken under Part VII of the *Provincial Offences Act*. 2006, c. 11, Sched. A, s. 387 (13).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Closing premises, public nuisance**

**388** (1) Upon application by the City, the Superior Court of Justice may make an order requiring that all or part of a premises within the City be closed to any use for a period not exceeding two years if, on the balance of probabilities, the court is satisfied that,

- (a) activities or circumstances on or in the premises constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises;
- (b) the public nuisance has a detrimental impact on the use and enjoyment of property in the vicinity of the premises, including, but not limited to, impacts such as,
  - (i) trespass to property,
  - (ii) interference with the use of highways and other public places,
  - (iii) an increase in garbage, noise or traffic or the creation of unusual traffic patterns,
  - (iv) activities that have a significant impact on property values,
  - (v) an increase in harassment or intimidation, or
  - (vi) the presence of graffiti; and
- (c) the owner or occupants of the premises or part of the premises knew or ought to have known that the activities or circumstances constituting the public nuisance were taking place or existed and did not take adequate steps to eliminate the public nuisance. 2006, c. 11, Sched. A, s. 388 (1).

**Consent**

(2) The City shall not make an application under subsection (1) with respect to a premises without the consent of the chief of police and the consent shall not be refused unless, in the opinion of the chief of police, the application may have an impact on the operations of the police. 2006, c. 11, Sched. A, s. 388 (2).

**Notice to Attorney General**

(3) After obtaining a consent under subsection (2) but before making an application under subsection (1), the City shall give 15 days notice of its intention to make an application under subsection (1) to the Attorney General. 2006, c. 11, Sched. A, s. 388 (3).

**Resulting action**

(4) The following conditions apply with respect to a notice given to the Attorney General under subsection (3):

1. If the Attorney General does not provide any comment to the City with respect to the application within the 15-day period, the City may proceed with the application.
2. If the Attorney General provides comments to the City supporting the application within the 15-day period, the City may immediately proceed with the application.
3. If the Attorney General provides comments to the City opposing the application within the 15-day period, the City may not proceed with the application. 2006, c. 11, Sched. A, s. 388 (4).

**Action by Attorney General**

(5) The Attorney General may, at any time, take over or terminate an application under subsection (1) or be heard in person or by counsel on the application. 2006, c. 11, Sched. A, s. 388 (5).

**Contents of notice**

(6) A notice under subsection (3) shall include a description of,

- (a) the premises with respect to which the City intends to make the application;
- (b) the activities or circumstances on or in the premises which, in the opinion of the City, constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises; and

(c) the detrimental impact on the use and enjoyment of property in the vicinity of the premises which, in the opinion of the City, is caused by the activities or circumstances described in clause (b). 2006, c. 11, Sched. A, s. 388 (6).

**Suspension of closing order**

(7) Upon the application of any person who has an interest in the premises, the Superior Court of Justice may make an order suspending an order made under subsection (1) to permit such use, for such period and upon such conditions imposed on the applicant, including the posting of security, as may be specified by the court if, on the balance of probabilities, the court is satisfied that the use will not result in activities and circumstances constituting a public nuisance. 2006, c. 11, Sched. A, s. 388 (7).

**Discharge of closing order**

(8) Upon the application of any person who has an interest in the premises, the Superior Court of Justice may make an order discharging an order made under subsection (1) if, on the balance of probabilities, the court is satisfied that circumstances have changed to the extent that after the discharge of the order the premises will not be used in a manner which will result in activities and circumstances constituting a public nuisance. 2006, c. 11, Sched. A, s. 388 (8).

**Barring entry**

(9) If a closing order is made under this section, the city police force shall bar entry to all entrances to the premises or parts of the premises named in the order until the order has been suspended or discharged under this section. 2006, c. 11, Sched. A, s. 388 (9).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 388 (9) of the Act is amended by striking out “police force” and substituting “police service”. (See: 2019, c. 1, Sched. 4, s. 10 (20))**

**No stay of order**

(10) An application under this section does not stay an order under subsection (1). 2006, c. 11, Sched. A, s. 388 (10).

**City to be party**

(11) The City is entitled to be a party in proceedings under subsection (7) or (8) and shall be served with a copy of the notice initiating proceedings in accordance with the rules of the court. 2006, c. 11, Sched. A, s. 388 (11).

**Notice**

(12) Notice of an application under this section shall be served on the Attorney General who is entitled to be heard in person or by counsel on the application. 2006, c. 11, Sched. A, s. 388 (12).

**Description of premises**

(13) For the purpose of an order under this section, the municipal address of the premises is a sufficient description of the premises or part of the premises affected by the order. 2006, c. 11, Sched. A, s. 388 (13).

**Registration**

(14) An order under this section may be registered in the proper land registry office. 2006, c. 11, Sched. A, s. 388 (14).

**Right not affected**

(15) Nothing in this section affects the Attorney General's right to bring an injunction in the public interest. 2006, c. 11, Sched. A, s. 388 (15).

**Section Amendments with date in force (d/m/y) [ + ]****Inspection of buildings containing marijuana grow operations**

**388.1** (1) If the clerk of the City is notified in writing by a police force that a building located on land in the City contained a marijuana grow operation, the City shall ensure that an inspection of the building is conducted within a reasonable time after the clerk has been notified. 2006, c. 32, Sched. B, s. 79.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 388.1 (1) of the Act is amended by striking out “police force” and substituting “police service”. (See: 2019, c. 1, Sched. 4, s. 10 (21))**

**Persons who may conduct inspection**

(2) An inspection referred to in subsection (1) may be conducted by,

- (a) a by-law enforcement officer of any municipality or of any local board of any municipality; or
- (b) an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act. 2006, c. 32, Sched. B, s. 79.

**Nature of inspection**

(3) The requirement in subsection (1) for an inspection is for an inspection that includes entering upon the land and into the building. 2006, c. 32, Sched. B, s. 79.

**Powers to conduct inspection**

(4) The inspection shall be conducted pursuant to the powers of entry and inspection that the person conducting the inspection otherwise has under law, but only to the extent that the person conducting the inspection is able to do so. 2006, c. 32, Sched. B, s. 79.

**Action to be taken**

(5) Upon conclusion of the inspection, the person who conducted the inspection shall take whatever actions he or she is authorized by law to take in order to make the building safe and otherwise protect the public. 2006, c. 32, Sched. B, s. 79.

**Definition**

(6) In this section,

“police force” means a municipal police force, the Ontario Provincial Police or the Royal Canadian Mounted Police. 2006, c. 32, Sched. B, s. 79.

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “police force” in subsection 388.1 (6) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 10 (22))**

“police service” means a police service as defined under the *Community Safety and Policing Act, 2019* or the Royal Canadian Mounted Police.

**Section Amendments with date in force (d/m/y) [ + ]****Co-ordination of enforcement**

**388.2** (1) Without limiting sections 7 and 8, those sections authorize the City to enter into agreements with a person or body in relation to matters of mutual interest for the purpose of co-ordinating the enforcement of by-laws, statutes and regulations. 2006, c. 32, Sched. B, s. 79.

**Other matters not affected**

(2) Subsection (1) does not affect the interpretation of other provisions of this Act, any other Act or any regulation made under this or any other Act. 2006, c. 32, Sched. B, s. 79.

**Section Amendments with date in force (d/m/y) [ + ]****APPLICATION TO OTHER ACTS****Application of Part to other Acts**

**389** (1) This Part applies with necessary modifications to by-laws passed by the City or the police services board of the City under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 389 (1).

**Exceptions**

(2) Despite subsection (1), sections 375 to 379, 384 and 385 do not apply to by-laws passed by the City or the police services board under any other Act. 2006, c. 11, Sched. A, s. 389 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 389 of the Act is amended by striking out “police services board” wherever it appears and substituting in each case “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (23))**

**Section Amendments with date in force (d/m/y) [ + ]**

## **PART XVI LIABILITY OF THE CITY**

### **Immunity re policy decisions**

**390** No proceeding based on negligence in connection with the exercise or non-exercise of a discretionary power or the performance or non-performance of a discretionary function, if the action or inaction results from a policy decision of the City or a local board of the City made in a good faith exercise of the discretion, shall be commenced against,

- (a) the City or a local board of the City;
- (b) a member of city council or a member of a local board of the City; or
- (c) an officer, employee or agent of the City or an officer, employee or agent of a local board of the City. 2006, c. 11, Sched. A, s. 390.

### **Immunity re performance of duty**

**391 (1)** No proceeding for damages or otherwise shall be commenced against a member of city council, an officer, employee or agent of the City or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority. 2006, c. 11, Sched. A, s. 391 (1).

### **Liability for torts**

(2) Subsection (1) does not relieve the City of liability to which it would otherwise be subject in respect of a tort committed by a member of city council, an officer, employee or agent of the City or a person acting under the instructions of such an officer, employee or agent. 2006, c. 11, Sched. A, s. 391 (2).

### **Immunity re highways and bridges**

**392 (1)** No proceeding shall be commenced against a member of city council or an officer or employee of the City for damages based on the default of the City in keeping a highway or bridge in a state of repair that is reasonable in light of all of the circumstances, including the character and location of the highway or bridge. 2006, c. 11, Sched. A, s. 392 (1).

### **Exception, contractors**

(2) Subsection (1) does not apply to a contractor with the City, including any officer or employee of the City who is acting as a contractor, whose act or omission caused the damages. 2006, c. 11, Sched. A, s. 392 (2).

### **Exemption from liability, calming measures**

**392.1 (1)** Despite any Act, if a by-law of the City described in subsection (2) is in effect, no liability attaches to the City by reason of the passing of the by-law or anything done in accordance with it. 2006, c. 32, Sched. B, s. 80.

### **Calming measures by-law**

(2) A by-law for the purpose of subsection (1) is a by-law that,

- (a) designates a highway or portion of a highway under the jurisdiction of the City as a speed control zone;
- (b) authorizes the installation of devices in any part of the highway in a speed control zone so as to alter the surface of the highway;
- (c) permits or requires that signs identifying a speed control zone be posted; and
- (d) contains a description of the devices that are authorized for installation, the signs permitted or required to be posted and the placement of signs identifying a speed control zone. 2006, c. 32, Sched. B, s. 80.

**No exemption from negligence**

(3) Despite subsection (1), nothing in this section relieves the City from liability for negligence. 2006, c. 32, Sched. B, s. 80.

**Section Amendments with date in force (d/m/y) [ + ]****Liability in nuisance re water and sewage**

**393** (1) No proceeding based on nuisance, in connection with the escape of water or sewage from sewage works or water works shall be commenced against,

- (a) the City or a local board of the City;
- (b) a member of city council or a member of a local board of the City; or
- (c) an officer, employee or agent of the City or an officer, employee or agent of a local board of the City. 2006, c. 11, Sched. A, s. 393 (1).

**Definitions**

(2) In this section,

“sewage works” means all or any part of facilities for the collection, storage, transmission, treatment or disposal of sewage, including a sewage system to which the *Building Code Act, 1992* applies; (“station d’épuration des eaux d’égout”)

“water works” means facilities for the collection, production, treatment, storage, supply or distribution of water, or any part of the facilities. (“station de purification de l’eau”) 2006, c. 11, Sched. A, s. 393 (2).

**Rights preserved**

(3) Subsection (1) does not exempt the City or a local board from liability arising from a cause of action that is created by a statute or from an obligation to pay compensation that is created by a statute. 2006, c. 11, Sched. A, s. 393 (3).

**Transition**

(4) Subsection (1) does not apply if the cause of action arose before December 19, 1996. 2006, c. 11, Sched. A, s. 393 (4).

**PART XVII  
OTHER CITY BODIES**

**TORONTO TRANSIT COMMISSION**

**TTC continued**

**394** (1) The Toronto Transit Commission is continued as a city board. 2006, c. 11, Sched. A, s. 394 (1).

**Status as street railway company**

(2) The TTC is deemed to be a street railway company for the purposes of *The Railways Act*, being chapter 331 of the Revised Statutes of Ontario, 1950. 2006, c. 11, Sched. A, s. 394 (2).

**Exclusive authority of TTC**

**395** (1) No person other than the TTC shall establish, operate or maintain a local passenger transportation system within the City until the TTC is dissolved or the control and management over the local passenger transportation system is removed from the TTC. 2006, c. 11, Sched. A, s. 395 (1).

**Offence**

(2) A person who contravenes subsection (1) is guilty of an offence. 2006, c. 11, Sched. A, s. 395 (2).

**Exceptions**

(3) Subsection (1) does not apply in respect of,

- (a) rickshaws;

- (b) pedicabs;
- (c) railway companies incorporated under federal or provincial statutes;
- (d) taxicabs;
- (e) vehicles used for providing sightseeing tours;
- (f) vehicles exclusively chartered to transport a group of persons for a specified trip within the City, for a group fee;
- (g) buses owned and operated by or operated under a contract with a school board or private school;
- (h) buses owned and operated by a corporation or organization solely for its own purposes, without charging a fee for transportation;
- (i) ferries to the Toronto Islands;
- (j) public buses on the Toronto Islands.
- (k) REPEALED: 2011, c. 9, Sched. 41, s. 2.

2006, c. 11, Sched. A, s. 395 (3); 2011, c. 9, Sched. 41, s. 2.

#### **Agreements**

(4) Despite subsection (1), if a person legally operated a local public passenger transportation service wholly inside or partly inside and partly outside the City on January 1, 1954, the TTC may enter into an agreement with the person authorizing the person to continue to operate all or part of the service for the period and on the conditions specified in the agreement. 2006, c. 11, Sched. A, s. 395 (4).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Powers of the TTC**

**396** (1) Despite this Act, the TTC may acquire and use any real and personal property for its purposes provided the TTC shall not acquire property without the consent of the City if the property is to be paid for with money raised by issuing debentures of the City. 2006, c. 11, Sched. A, s. 396 (1).

##### **Consulting services**

(2) The TTC may provide consulting services in transit-related matters within or outside the City, directly or through a subsidiary. However, the TTC may not invest more than \$100,000 in the subsidiary's capital stock without the consent of the City. 2006, c. 11, Sched. A, s. 396 (2).

##### **Fees and charges**

(3) Despite section 263, the fees and charges imposed by the TTC do not require the approval of the City. 2006, c. 11, Sched. A, s. 396 (3).

##### **Agreements re local passenger transportation services**

**397** (1) The TTC may enter into an agreement with a municipality situated within 40 kilometres of the City providing that,

- (a) the TTC will operate a local passenger transportation service in accordance with the agreement.
- (b), (c) REPEALED: 2015, c. 27, Sched. 5, s. 3 (2).

2006, c. 11, Sched. A, s. 397 (1); 2015, c. 27, Sched. 5, s. 3 (2).

##### **By-laws, surplus and deficit**

(2) A municipality that enters into an agreement described in subsection (1) may pass by-laws providing that,

- (a) any deficit charged to the municipality is payable out of the general funds of the municipality, and any surplus shall be credited to the general funds; or
- (b) with the approval of the Local Planning Appeal Tribunal, any deficit shall be assessed against the rateable property in an area or areas of the municipality defined in the by-law, and any surplus shall be credited to that rateable property. 2006, c. 11, Sched. A, s. 397 (2); 2017, c. 23, Sched. 5, s. 18.

**Agreement with person other than municipality**

(3) The TTC may enter into an agreement with a person other than a municipality providing that,

- (a) the TTC will operate a local passenger transportation system in accordance with the agreement; and
- (b) the person will pay any operating deficit. 2006, c. 11, Sched. A, s. 397 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Claims against TTC**

**398** (1) Any claims arising from or relating to the construction, maintenance, operation, extension, alteration, repair, control and management of the TTC's transportation system and property, or arising from the exercise of any of the TTC's powers, shall be made against the TTC and not against the City. 2006, c. 11, Sched. A, s. 398 (1).

**Capacity to sue and be sued**

(2) The TTC may sue and be sued in its own name. 2006, c. 11, Sched. A, s. 398 (2).

**Property tax exemption, passenger transportation system**

**399** (1) So long as any lands and easements owned by the City or by the TTC are used by the TTC in connection with a passenger transportation system, including lands and easements used for car yards, shops, administration or communications in connection with the system, those lands and easements and any buildings and structures on them are exempt from real property taxation, and the TTC is not liable for payments under section 27 of the *Assessment Act*. 2009, c. 33, Sched. 21, s. 4 (30).

**Concessions**

(2) Subsection (1) does not apply to concessions operated, rented or leased in passenger transportation stations. 2006, c. 11, Sched. A, s. 399 (2).

**Deemed exemption**

(3) The exemption provided by subsection (1) is deemed to be an exemption from taxation provided by section 3 of the *Assessment Act*. 2006, c. 11, Sched. A, s. 399 (3).

**Section Amendments with date in force (d/m/y) [ + ]****TTC Pension Fund Society**

**400** (1) The Toronto Transit Commission Pension Fund Society is continued. 2006, c. 11, Sched. A, s. 400 (1).

**Role of TTC**

(2) The TTC continues to stand in the place of The Toronto Transportation Commission in relation to the Toronto Transit Commission Pension Fund Society. 2006, c. 11, Sched. A, s. 400 (2).

**Sick benefit plan**

**401** (1) This section applies with respect to the power of the TTC to provide for weekly sick-pay, special service and medical and surgical benefits for its employees, or any class of them, and their spouses and dependent children and for its retired employees. 2006, c. 11, Sched. A, s. 401 (1).

**Same**

(2) The TTC may provide for paying all or part of the cost of those benefits by contract with an insurer licensed under the *Insurance Act*, an association registered under the *Prepaid Hospital and Medical Services Act* or the Toronto Transit Commission Sick Benefit Association established under the *Co-operative Corporations Act*. 2006, c. 11, Sched. A, s. 401 (2).

**Contributions**

(3) The TTC shall make contributions only in respect of,

- (a) regular employees who have been employed by the TTC for at least 60 days, and their spouses and dependent children; and

(b) retired employees who reside in Ontario and elect to continue the benefits. 2006, c. 11, Sched. A, s. 401 (3).

**Temporary and seasonal employees excluded**

(4) The TTC shall not make contributions in respect of temporary or seasonal employees. 2006, c. 11, Sched. A, s. 401 (4).

**Certain dependants excluded**

(5) Except as provided in subsection (6), the TTC shall not make contributions in respect of dependants of regular employees other than spouses and dependent children, or in respect of dependants of retired employees. 2006, c. 11, Sched. A, s. 401 (5).

**Election, benefits for certain dependants**

(6) Special service and medical and surgical benefits may be provided for dependants of regular employees, other than spouses and dependent children, and for dependants of retired employees, if the employees or retired employees so elect and pay the cost of the benefits. 2006, c. 11, Sched. A, s. 401 (6).

**Restriction, sick-pay benefits**

(7) Sick-pay benefits shall be provided only for active regular employees. 2006, c. 11, Sched. A, s. 401 (7).

**Election, increased sick-pay**

(8) Increased weekly sick-pay may be provided for employees who so elect and pay the cost of the increase. 2006, c. 11, Sched. A, s. 401 (8).

**Administration costs**

(9) The TTC may assume the cost of administration of the benefits provided under this section. 2006, c. 11, Sched. A, s. 401 (9).

**Benefits validated**

(10) The sick-pay, special service and medical and surgical benefits provided before January 1, 1961, and the contributions made in relation to those benefits by The Toronto Transportation Commission, the Toronto Transit Commission, the Toronto Transportation Commission Sick Benefit Association and the Toronto Transit Commission Sick Benefit Association are hereby confirmed to be legal and valid. 2006, c. 11, Sched. A, s. 401 (10).

## TORONTO POLICE SERVICES BOARD

**Note: On a day to be named by proclamation of the Lieutenant Governor, the heading before section 402 of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 10 (24))**

## TORONTO POLICE SERVICE BOARD

**Board continued**

**402** (1) The Toronto Police Services Board is continued. 2006, c. 11, Sched. A, s. 402 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 402 (1) of the Act is amended by adding “as the Toronto Police Service Board on the day Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force” at the end. (See: 2019, c. 1, Sched. 4, s. 10 (25))**

**Composition of Board**

(2) The City is deemed to have applied to the Lieutenant Governor in Council for an increase in the size of the Board under subsection 27 (9) of the *Police Services Act* and the Lieutenant Governor in Council is deemed to have approved the application. 2006, c. 11, Sched. A, s. 402 (2).

**Section Amendments with date in force (d/m/y) [ + ]**

**Additional policing services**

**403** In addition to performing the policing services prescribed in the *Police Services Act*, the Toronto police force may,

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 403 of the Act is amended by striking out “policing services prescribed in the *Police Services Act*, the Toronto police force” in the portion before clause (a) and substituting “policing required by the *Community Safety and Policing Act, 2019*, the Toronto Police Service”. (See: 2019, c. 1, Sched. 4, s. 10 (26))**

- (a) maintain a safety and lifesaving patrol of the waters of Lake Ontario within the limits of the City;
- (b) provide lifeguard service on the beaches in the City; and
- (c) provide The Toronto Harbour Commissioners with the security and port policing for the Port of Toronto that they may require from time to time. 2006, c. 11, Sched. A, s. 403.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Indemnifying members of police force**

**404** If the subject matter of an inquiry held by a commission under the *Public Inquiries Act, 2009* includes the conduct of a member of the Toronto police force in the performance or purported performance of his or her duties, the City may, to the extent it thinks fit, pay the legal costs incurred by the member in respect of the inquiry. 2006, c. 11, Sched. A, s. 404; 2009, c. 33, Sched. 6, s. 46 (7).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 404 of the Act is amended by striking out “Toronto police force” and substituting “Toronto Police Service”. (See: 2019, c. 1, Sched. 4, s. 10 (27))**

#### **Section Amendments with date in force (d/m/y) [ + ]**

## BOARD OF HEALTH

##### **Board of Health continued**

**405** (1) The Board of Health for the City of Toronto Health Unit is continued as a board of health for the City and is deemed to be a board of health established under the *Health Protection and Promotion Act*. 2006, c. 11, Sched. A, s. 405 (1).

##### **Size**

(2) The City shall, by by-law, establish the Board’s size in accordance with subsection 49 (2) of the *Health Protection and Promotion Act*. 2006, c. 11, Sched. A, s. 405 (2).

##### **Appointment**

(3) Despite subsections 49 (1) and (3) of the *Health Protection and Promotion Act*, all the members of the Board shall be appointed by the City. 2006, c. 11, Sched. A, s. 405 (3).

##### **Area of jurisdiction**

(4) The Board’s area of jurisdiction is the City. 2006, c. 11, Sched. A, s. 405 (4).

##### **Functions of city council**

(5) Despite the *Health Protection and Promotion Act*, the City has the following functions with respect to the Board:

1. The functions that the Board would otherwise have in respect of the appointment, reappointment and dismissal of its medical officer of health and associate medical officers of health.
2. The duty of providing to the Board the city employees, including public health nurses, that the City considers necessary to carry out the Board’s functions, including its duties in respect of mandatory health programs and services.
3. The duty of appointing the Board’s auditor. 2006, c. 11, Sched. A, s. 405 (5).

## EXHIBITION PLACE

##### **Powers, duties re Exhibition Place**

**406** (1) In this section and in section 407,

“Exhibition Place” means the land known as Exhibition Park and adjacent land to the south created by fill, which was vested in the City on January 1, 1998 by the *City of Toronto Act, 1997*, except for any interest of the Crown in right of Ontario. 2006, c. 11, Sched. A, s. 406 (1).

**Use of Exhibition Place**

(2) Exhibition Place shall be used,

- (a) for parks and exhibition purposes;
- (b) for the purposes of trade centres and trade and agricultural fairs such as, but not limited to, the annual Canadian National Exhibition and Royal Agricultural Winter Fair;
- (c) for displays, agricultural activities, sporting events, athletic contests, public entertainments and meetings;
- (d) for highway, electrical transmission or public utility purposes;
- (e) for any other purpose that the City may approve. 2006, c. 11, Sched. A, s. 406 (2).

**Canadian National Exhibition**

(3) An exhibition shall be held annually at Exhibition Place. 2006, c. 11, Sched. A, s. 406 (3).

(4) REPEALED: 2017, c. 10, Sched. 2, s. 65.

**Section Amendments with date in force (d/m/y) [ + ]****Board continued**

**407** (1) The Board of Governors of Exhibition Place is continued as a city board and its purposes are the operation, management and maintenance of Exhibition Place. 2006, c. 11, Sched. A, s. 407 (1).

**Status under *Agricultural and Horticultural Organizations Act***

(2) For the purposes of the *Agricultural and Horticultural Organizations Act*, the Board of Governors is deemed to be an organization. 2006, c. 11, Sched. A, s. 407 (2).

***Municipal Conflict of Interest Act***

(3) For the purposes of the *Municipal Conflict of Interest Act*, a member of the Board of Governors who is also a member or officer of the Canadian National Exhibition Association does not, for that sole reason, have a pecuniary interest in respect of a contract, proposed contract or other matter between the Board and the Association. 2006, c. 11, Sched. A, s. 407 (3).

**Former employees of Association or Exhibition Stadium Corporation**

**408** (1) Every person employed by the Canadian National Exhibition Association or the Exhibition Stadium Corporation who accepted employment with The Board of Governors of Exhibition Place under subsection 232 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read before its repeal,

- (a) continues as, or is deemed to have become a member of, the Ontario Municipal Employees Retirement System, as the case requires, on his or her transfer date; and
- (b) with respect to pension benefits accrued before the coming into force of an agreement under subsections 229 (11) and (12) of that Act, is deemed, during the course of his or her employment by the Association or the Corporation, to have been employed by the Board of Governors. 2006, c. 11, Sched. A, s. 408 (1).

**Participation in OMERS**

(2) The Board of Governors is deemed to have elected to participate in the Ontario Municipal Employees Retirement System on October 4, 1982. 2006, c. 11, Sched. A, s. 408 (2).

**Sick leave**

(3) Any sick leave credits of an employee referred to in subsection (1) standing on the day an agreement is entered into under subsections 229 (11) and (12) of the *Municipality of Metropolitan Toronto Act* shall be placed to the employee's credit in any sick leave credit plan established by the Board of Governors. 2006, c. 11, Sched. A, s. 408 (3).

## TORONTO ZOO

### Board continued

**409** (1) The Board of Management of the Toronto Zoo is continued as a city board and its purposes are the operation, management and maintenance of the Toronto Zoo. 2006, c. 11, Sched. A, s. 409 (1).

(2) REPEALED: 2009, c. 33, Sched. 21, s. 4 (31).

### Taxation

(3) The occupation, management and control of the Toronto Zoo by the Board of Management, for the purposes of subsections 451 (2), (3) and (4) of this Act and paragraph 9 of subsection 3 (1) of the *Assessment Act*, are deemed to be occupation, management and control by the City. 2006, c. 11, Sched. A, s. 409 (3).

### Municipal Conflict of Interest Act

(4) For the purposes of the *Municipal Conflict of Interest Act*, a member of the Board of Management who is also a member or officer of the Metropolitan Toronto Zoological Society does not, for that sole reason, have a pecuniary interest in respect of a contract, proposed contract or other matter between the Board of Management and the Society. 2006, c. 11, Sched. A, s. 409 (4).

### Definition

(5) In this section,

“Toronto Zoo” means the zoological garden and related facilities of the City. 2006, c. 11, Sched. A, s. 409 (5).

### Section Amendments with date in force (d/m/y) [ + ]

#### Former employees of Society

**410** (1) For the purposes of pension benefits, every person employed by the Metropolitan Toronto Zoological Society who accepted employment with the Board of Management of the Toronto Zoo under subsection 236 (1) of the *Municipality of Metropolitan Toronto Act*, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read before its repeal, is deemed, during the course of his or her employment by the Society, to have been employed by the Board of Management. 2006, c. 11, Sched. A, s. 410 (1).

#### Sick leave

(2) Any sick leave credits of an employee referred to in subsection (1) standing on December 31, 1977 shall be placed to the employee's credit in any sick leave credit plan established by the Board of Management. 2006, c. 11, Sched. A, s. 410 (2).

## HUMMINGBIRD CENTRE

### Board continued

**411** (1) The Board of Directors of the Hummingbird Centre for the Performing Arts is continued as a city board and its purposes are the operation, management and maintenance of the Centre as a theatre and auditorium and as a centre for meetings, receptions and displays. 2006, c. 11, Sched. A, s. 411 (1).

### Pensions

(2) The Board of Directors may provide pensions for its employees, or any class of them, and their spouses and children, and may enter into agreements with any person for that purpose. 2006, c. 11, Sched. A, s. 411 (2).

### Taxation

(3) The occupation, management and control of the Centre by the Board of Directors are deemed, for the purposes of paragraph 9 of subsection 3 (1) of the *Assessment Act*, to be occupation, management and control by the City. 2006, c. 11, Sched. A, s. 411 (3).

**Definition**

(4) In this section,

“Centre” means the land and building vested in the City known as the Hummingbird Centre, formerly known as the O’Keefe Centre. 2006, c. 11, Sched. A, s. 411 (4).

(5) REPEALED: 2017, c. 10, Sched. 2, s. 66.

**Section Amendments with date in force (d/m/y) [ + ]****NORTH YORK PERFORMING ARTS CENTRE CORPORATION****North York Performing Arts Centre Corporation****Definitions**

**411.1** (1) In this section,

“arts centre” means any land, building, fixtures and undertakings owned or available to or used by the corporation and located within the part of the City that on December 31, 1997 constituted the City of North York; (“centre des arts”)

“corporation” means the North York Performing Arts Centre Corporation continued under subsection (2). (“société”) 2006, c. 32, Sched. B, s. 81.

**Continuation of corporation**

(2) The North York Performing Arts Centre Corporation is continued as a city board. 2006, c. 32, Sched. B, s. 81.

**Application of provisions**

(3) Sections 426 and 428 apply with necessary modifications to the corporation and its board of directors. 2006, c. 32, Sched. B, s. 81.

**Not-for-profit corporation**

(4) The corporation shall be carried on without the purpose of gain and any income or other accretions to the corporation shall be used in promoting its objects. 2006, c. 32, Sched. B, s. 81.

**Objects**

(5) The objects of the corporation are, for charitable purposes, to maintain, operate and manage the arts centre for the benefit of the public and, without limiting these general objects,

- (a) to provide facilities and services for the performing arts, the fine arts and other charitable and cultural activities;
- (b) to establish educational facilities and provide instruction in all areas of the arts;
- (c) to provide facilities and services for holding receptions, meetings, conferences, conventions, exhibitions and displays;
- (d) to operate an art gallery, gift shop, theatre, music hall, studio theatre, concert hall, ballroom, film, television or recording studio, refreshment stands and restaurants;
- (e) to promote the advancement of the performing and fine arts;
- (f) to present, produce, manage and conduct performances of the performing arts, including plays, dramas, comedies, revues, operas, concerts, musicals, television shows, video tapes, sound recordings, films, variety, ballets, shows and other artistic undertakings;
- (g) to promote and market the arts centre;
- (h) to oversee, arrange or contract for and supervise the design, construction and promotion of any building or structure for the arts centre. 2006, c. 32, Sched. B, s. 81.

**Claims, etc.**

(6) Subject to any agreement of the City to the contrary, all claims, demands or causes of action arising from or relating to the objects of the corporation shall be made upon or brought against the corporation and not upon or against the City. 2006, c. 32, Sched. B, s. 81.

**Activities deemed not to be undertaking**

(7) Except to the extent that a regulation under clause 39 (g) of the *Environmental Assessment Act* designates an enterprise or activity of the corporation or of the City related to the corporation as an undertaking to which that Act applies,

(a) the enterprises, proposals, plans, activities or programs of the corporation are deemed not to be an undertaking to which the *Environmental Assessment Act* applies; and

(b) this subsection is deemed to be a regulation under clause 39 (f) of the *Environmental Assessment Act*. 2006, c. 32, Sched. B, s. 81.

**Section Amendments with date in force (d/m/y) [ + ]****TORONTO PUBLIC LIBRARY BOARD****Board continued**

**412** The Toronto Public Library Board is continued as a library board for the City and is deemed to be a public library board established under the *Public Libraries Act*. 2006, c. 11, Sched. A, s. 412.

**Additional functions**

**413** (1) In addition to its functions under the *Public Libraries Act*, the Toronto Public Library Board shall,

(a) provide a reference and research service that reflects the unique needs of the City;

(b) maintain a comprehensive collection of books, periodicals, films and other material for the purpose of clause (a); and

(c) provide library resources and services to the Ontario library community. 2006, c. 11, Sched. A, s. 413 (1).

**Special library services board**

(2) For the purposes of clause (1) (c), the Board is deemed to be a special library services board under subsection 40 (1) of the *Public Libraries Act*. 2006, c. 11, Sched. A, s. 413 (2).

**Other resources and services**

(3) The Minister of Culture may specify additional resources and services to be provided by the Board. 2006, c. 11, Sched. A, s. 413 (3).

**Grants**

(4) The Minister of Culture may make grants to the Board under subsection 40 (1) of the *Public Libraries Act* for the purposes of clause (1) (c) and for the purposes of subsection (3). 2006, c. 11, Sched. A, s. 413 (4).

**John Ross Robertson Collection**

**414** The Toronto Public Library Board has power to maintain the personal property known as the John Ross Robertson Collection, in whatever building of the Board it considers appropriate. 2006, c. 11, Sched. A, s. 414.

**TORONTO HISTORICAL BOARD****Board continued**

**415** The Toronto Historical Board is continued as a city board. 2006, c. 11, Sched. A, s. 415.

**TORONTO LICENSING COMMISSION****Commission continued**

**416** The Toronto Licensing Commission, whose name was changed by a city by-law to the Toronto Licensing Tribunal, is continued as a city board under the name Toronto Licensing Tribunal in English and Tribunal de délivrance de permis de Toronto in French. 2006, c. 11, Sched. A, s. 416.

**MUNICIPAL SERVICE BOARDS****Boards continued**

**417** Every body corporate that, immediately before this section comes into force, is a municipal service board of the City is continued as a city board on the day on which this section comes into force. 2006, c. 11, Sched. A, s. 417.

## SINKING FUND COMMITTEES

### Committees continued

**418** Every sinking fund committee that exists immediately before this section comes into force is continued as a local board of the City. 2006, c. 11, Sched. A, s. 418.

## PART XVIII TRANSITION

### MATTERS RESPECTING THE CITY

#### Continuation of authority for by-laws, etc.

**419** (1) This section applies with respect to the provisions of this Act for which there are corresponding provisions of the *Municipal Act, 2001*, as that Act reads immediately before section 7.1 of that Act (as enacted by subsection 9 (2) of Schedule B to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*) comes into force. 2006, c. 11, Sched. A, s. 419 (1).

#### Deemed substitution of provisions

(2) The enactment of a provision of this Act for which there is a corresponding provision of the *Municipal Act, 2001* and the enactment of section 7.1 of that Act are deemed, for the purposes of subsections 52 (1) to (5) of the *Legislation Act, 2006*, to constitute the substitution of the provision of this Act for the corresponding provision of that Act when the provision of this Act comes into force. 2006, c. 11, Sched. A, s. 419 (2); 2009, c. 33, Sched. 21, s. 4 (32).

#### Deemed re-enactment of Act

(3) The enactment of the provisions of this Act for which there are corresponding provisions of the *Municipal Act, 2001* and the enactment of section 7.1 of that Act are deemed, for the purposes of subsection 52 (6) and section 59 of the *Legislation Act, 2006*, to constitute a re-enactment of the *Municipal Act, 2001* in relation to the City. 2006, c. 11, Sched. A, s. 419 (3); 2009, c. 33, Sched. 21, s. 4 (33).

#### Effect on by-laws, etc.

(4) Without limiting the generality of subsections (2) and (3), if a by-law, resolution, order or rule that is in effect immediately before section 7.1 of the *Municipal Act, 2001* comes into force was made by the City under a provision of that Act for which there is a corresponding provision of this Act, the by-law, resolution, order or rule remains in effect on the day on which section 7.1 of that Act comes into force and the by-law, resolution, order or rule is deemed to have been made by the City under the corresponding provision of this Act. 2006, c. 11, Sched. A, s. 419 (4).

#### Section Amendments with date in force (d/m/y) [ + ]

##### By-laws under private Acts continued under this Act

**419.1** (1) This section applies with respect to provisions of this Act for which there were corresponding provisions in a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

##### Powers not limited

(2) Nothing in the provisions described in subsection (1) limits the powers of the City under sections 7 and 8 and the powers mentioned in subsection 6 (2) are deemed to include powers under a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

##### Interpretation

(3) A provision of this Act described in subsection (1) is deemed to be a substitute for or replacement of the corresponding provision in the private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

#### Section Amendments with date in force (d/m/y) [ + ]

**Temporary authority for by-laws, etc.**

**420** (1) If, as a result of the coming into force of any provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*, the City no longer has the authority to pass a by-law or resolution that was in force immediately before the continuation of the City, despite the absence of authority,

- (a) the by-law or resolution continues in force until its repeal, expiration or January 1, 2010, whichever occurs first; and
- (b) the authority, as it read immediately before the continuation of the City, continues to apply to the by-law or resolution passed under it before the day this section comes into force. 2006, c. 11, Sched. A, s. 420 (1).

**Restrictions**

(2) A by-law or resolution described in subsection (1) cannot be amended. 2006, c. 11, Sched. A, s. 420 (2).

**Effect**

(3) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the City. 2006, c. 11, Sched. A, s. 420 (3).

**Temporary authority for by-laws, etc.**

**420.1** (1) If, as a result of the repeal of a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*, the City no longer has the authority to pass a by-law or resolution that was in force immediately before the repeal, despite the absence of authority,

- (a) the by-law or resolution continues in force until its repeal, expiration or January 1, 2010, whichever occurs first; and
- (b) the authority, as it read immediately before its repeal, continues to apply to the by-law or resolution passed under it before its repeal. 2006, c. 32, Sched. B, s. 83.

**Restrictions**

(2) A by-law or resolution described in subsection (1) cannot be amended. 2006, c. 32, Sched. B, s. 83.

**Effect**

(3) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the City. 2006, c. 32, Sched. B, s. 83.

**Section Amendments with date in force (d/m/y) [ + ]****Deemed by-law re powers and duties**

**420.2** (1) This section applies if a person or body, other than a city board, ceases to be authorized to exercise powers or perform duties on behalf of, or in relation to, the City by virtue of the coming into force of any provision of,

- (a) the *Stronger City of Toronto for a Stronger Ontario Act, 2006*; or
- (b) Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 32, Sched. B, s. 83.

**Same**

(2) On the day on which the applicable provision comes into force, the City is deemed to have passed any by-law necessary under this Act to give the person or body any power or duty,

- (a) that the City is capable of giving to the person or body under this Act; and
- (b) that the person or body was authorized to exercise or perform, on behalf of or in relation to the City, immediately before that day. 2006, c. 32, Sched. B, s. 83.

**Same**

(3) If the deemed by-law is a delegation by-law, it is also deemed to provide that both the City and the delegate can exercise the delegated powers. 2006, c. 32, Sched. B, s. 83.

**Amend or repeal**

(4) The City may amend or repeal the deemed by-law. 2006, c. 32, Sched. B, s. 83.

**Section Amendments with date in force (d/m/y) [ + ]****Status of official plans**

**421** Every official plan of the City that was in force on January 1, 1998 by virtue of section 45 of the *City of Toronto Act, 1997 (No. 2)* and that remains in force on the day on which this section comes into force,

(a) is deemed to be an official plan of the City; and

(b) remains in force, in respect of the part of the City to which it applied on December 31, 1997, until city council repeals it or amends it to provide otherwise. 2006, c. 11, Sched. A, s. 421.

**Temporary duty to give notice**

**422** (1) This section applies from the day on which it comes into force until the day on which the City adopts a policy under paragraph 4 of subsection 212 (1) respecting the circumstances in which the City is required to provide notice to the public. 2006, c. 11, Sched. A, s. 422 (1).

**Same**

(2) If a provision of the *Municipal Act, 2001* or a regulation made under that Act requires a municipality to give notice in specified circumstances and if this Act does not require the City to give notice in those circumstances, the City shall give notice in accordance with the provision of the *Municipal Act, 2001* or of the regulation made under that Act. 2006, c. 11, Sched. A, s. 422 (2).

**Effect of duty**

(3) Nothing in subsection (2) has the effect of making any other procedural requirement or any substantive requirement of the *Municipal Act, 2001* apply to the City in the circumstances. 2006, c. 11, Sched. A, s. 422 (3).

**423** REPEALED: 2006, c. 32, Sched. B, s. 84.

**Section Amendments with date in force (d/m/y) [ + ]****Tax status of property used by veterans**

**424** (1) Section 325 of the *Municipal Act, 2001* applies to the City. 2006, c. 11, Sched. A, s. 424 (1).

**Repeal**

**(2) This section is repealed on a day to be named by proclamation of the Lieutenant Governor. 2006, c. 11, Sched. A, s. 424 (2).**

**Section Amendments with date in force (d/m/y) [ + ]****Certain transitional provisions, *Municipal Act, 2001***

**425** Sections 462 to 467, 469, 471, 473, 474, 474.3, 474.10 and 474.10.1 of the *Municipal Act, 2001* continue to apply to the City. 2006, c. 11, Sched. A, s. 425; 2006, c. 32, Sched. B, s. 85.

**Section Amendments with date in force (d/m/y) [ + ]****Transition, 2007 tax year**

**425.1** In Parts XII and XIII, a reference to a provision of this Act is deemed to be a reference to the corresponding provision of the *Municipal Act, 2001*, if the context requires it. 2006, c. 32, Sched. B, s. 86.

**Section Amendments with date in force (d/m/y) [ + ]****Adjustments**

**425.2** For the purpose of Part XIII, adjustments made after 2006 that relate to amounts payable but not paid before 2007 under the *Municipal Act, 2001* or that relate to overpayments made before 2007 under that Act shall be charged or credited under this Act as if the amounts had been payable or overpayments made under this Act. 2006, c. 32, Sched. B, s. 86.

### **Section Amendments with date in force (d/m/y) [ + ]**

## **CITY BOARDS AND OTHER LOCAL BOARDS**

### **City boards, effect of continuation**

**426** (1) This section applies with respect to each local board that is continued as a city board by Part XVII (Other City Bodies). 2006, c. 11, Sched. A, s. 426 (1).

#### **Same**

(2) Without limiting the provision of Part XVII that continues a local board as a city board, the following circumstances exist on the day on which the local board is continued:

1. The matters described in paragraphs 1 to 7 of subsection 141 (1) relating to the city board, and the rules with respect to those matters, are the same as they were immediately before continuation of the local board as a city board.
2. The city board has the same control and management of the same municipal services and activities that the local board had immediately before the continuation.
3. The powers and duties of the city board are the same as the local board's powers and duties immediately before the continuation.
4. The by-laws, resolutions, rules, procedures and policies of the local board that were in effect immediately before the continuation remain in effect, subject to section 428. 2006, c. 11, Sched. A, s. 426 (2).

#### **Deemed by-law**

(3) On the day on which a local board is continued as a city board, the City is deemed to have passed a by-law under this Act delegating to the city board the control and management of the municipal services and activities described in paragraph 2 of subsection (2) and any related powers and duties described in paragraph 3 of subsection (2). 2006, c. 11, Sched. A, s. 426 (3).

#### **Same**

(4) The deemed by-law is also deemed to provide that the City cannot exercise the powers delegated to the city board for the purposes for which the powers are delegated and to provide that the City may revoke or change the delegation at any time. 2006, c. 11, Sched. A, s. 426 (4).

#### **Same**

(5) The City may amend or repeal the deemed by-law. 2006, c. 11, Sched. A, s. 426 (5).

### **Other local boards, effect of continuation**

**427** (1) This section applies with respect to each local board that is continued by Part XVII (Other City Bodies), but not with respect to a local board that is continued as a city board by that Part. 2006, c. 11, Sched. A, s. 427 (1).

#### **Same**

(2) Without limiting the provision of Part XVII that continues a local board, the following circumstances exist on the day on which the local board is continued:

1. The composition of the local board is the same as it was immediately before continuation.
2. The powers and duties of the local board are the same as they were immediately before the continuation.
3. The by-laws, resolutions, rules, procedures and policies of the local board that were in effect immediately before the continuation remain in effect, subject to section 428. 2006, c. 11, Sched. A, s. 427 (2).

### **Temporary authority for by-laws, etc., of boards**

**428** (1) If, as a result of the coming into force of any provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*, a city board or other local board no longer has the authority to pass a by-law or resolution that was in force immediately before the continuation of the board, despite the absence of authority,

- (a) the by-law or resolution continues in force until its repeal, expiration or January 1, 2010, whichever occurs first; and
- (b) the authority, as it read immediately before the continuation of the city board or other local board, continues to apply to the by-law or resolution passed under it before the day this section comes into force. 2006, c. 11, Sched. A, s. 428 (1).

**Restrictions**

(2) A by-law or resolution described in subsection (1) cannot be amended. 2006, c. 11, Sched. A, s. 428 (2).

**Effect**

(3) Nothing in this section repeals or authorizes the repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the local board. 2006, c. 11, Sched. A, s. 428 (3).

## MISCELLANEOUS MATTERS

**Business improvement areas**

**429** (1) Every board of management that exists immediately before this section comes into force for a business improvement area in the City is continued as a local board of the City until the board of management is dissolved by the City. 2006, c. 11, Sched. A, s. 429 (1).

**Same**

(2) Sections 204 to 215 of the *Municipal Act, 2001* apply to those boards of management and to the City for the purposes of those boards. 2006, c. 11, Sched. A, s. 429 (2).

**Deemed local board**

(3) A board continued by subsection (1) is deemed to be a local board of the City for all purposes. 2006, c. 32, Sched. B, s. 87.

**Section Amendments with date in force (d/m/y) [ + ]**

**Deemed by-law re delegation to certain persons, bodies**

**430** (1) This section applies if a person or body, other than a city board, ceases to be authorized to exercise powers or perform duties on behalf of, or in relation to, the City by virtue of the coming into force of any provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006* or Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 11, Sched. A, s. 430 (1); 2006, c. 32, Sched. B, s. 88 (1).

**Same**

(2) On the day on which the applicable provision of Schedule B or C to the *Stronger City of Toronto for a Stronger Ontario Act, 2006* or Schedule B to the *Municipal Statute Law Amendment Act, 2006* comes into force, the City is deemed to have passed a by-law under this Act delegating to the person or body any power or duty that the City is capable of delegating to the person or body under this Act which the person or body was authorized to exercise or perform, as the case may be, on behalf of, or in relation to, the City immediately before that day. 2006, c. 11, Sched. A, s. 430 (2); 2006, c. 32, Sched. B, s. 88 (2).

**Same**

(3) The deemed by-law is also deemed to provide that the City cannot exercise the powers delegated to the person or body for the purposes for which the powers are delegated and to provide that the City may revoke or change the delegation at any time. 2006, c. 11, Sched. A, s. 430 (3).

**Same**

(4) The City may amend or repeal the deemed by-law. 2006, c. 11, Sched. A, s. 430 (4).

**Section Amendments with date in force (d/m/y) [ + ]**

**Proceedings under Part VI of Metro Act**

**431** Part VI of the *Municipality of Metropolitan Toronto Act*, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read on December 31, 1997, continues to apply to the following, despite the repeal of that Act:

1. Applications made under subsection 93 (2) of that Act (dispute re bridge or highway) on or before December 31, 1997 and not finally disposed of by the date on which this section comes into force.
2. Applications for approval made under subsection 97 (2) of that Act (road closing) on or before December 31, 1997 and not finally disposed of by the date on which this section comes into force.
3. Claims filed under subsection 97 (3) of that Act (injurious affection) on or before December 31, 1997 and not finally disposed of by the date on which this section comes into force. 2006, c. 11, Sched. A, s. 431.

**REGULATIONS****Regulations, transitional matters**

**432** (1) The Minister of Municipal Affairs and Housing may make regulations providing for transitional matters which, in the opinion of the Minister, are necessary or desirable,

- (a) to facilitate the implementation of this Act or any provision of this Act;
- (b) to deal with problems or issues arising as a result of the repeal of the *City of Toronto Act, 1997 (No. 1)* and the *City of Toronto Act, 1997 (No. 2)* and the enactment of this Act;
- (c) to deal with problems or issues arising as a result of the enactment of section 7.1 of the *Municipal Act, 2001* by subsection 9 (2) of Schedule B to the *Stronger City of Toronto for a Stronger Ontario Act, 2006*;
- (d) to deal with problems or issues arising as a result of the amendment or repeal of a provision of another Act by Schedule B or C of the *Stronger City of Toronto for a Stronger Ontario Act, 2006*;
- (e) to deal with problems or issues arising as a result of the repeal of a private Act described in Table 1 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*. 2006, c. 11, Sched. A, s. 432 (1); 2006, c. 32, Sched. B, s. 89.

**Conflicts**

(2) If there is a conflict between a regulation made under this section and a provision of any Act or any regulation, the regulation made under this section prevails. 2006, c. 11, Sched. A, s. 432 (2).

**Section Amendments with date in force (d/m/y) [ + ]****PART XIX  
MISCELLANEOUS MATTERS****RATEABLE PROPERTY****Land deemed to be rateable property**

**432.1** (1) For the purposes of this Act, land that would have been rateable property if it had not vested in the Crown in right of Ontario because of an escheat or forfeiture as a result of the dissolution of a corporation is deemed to be rateable property for the period that begins on the day on which the land is escheated or forfeited and that ends on the day a notice is registered on title to the land under section 24 of the *Forfeited Corporate Property Act, 2015*, indicating that the Crown intends to use the property for Crown purposes. 2017, c. 10, Sched. 2, s. 67.

**Same**

(2) For the purposes of this Act, land that would have been rateable property if it did not belong to the Crown in right of Ontario as a result of the death of an individual who did not have any lawful heirs is deemed to be rateable property for the period that begins on the day on which the land becomes the property of the Crown and that ends on the day a notice is registered on title to the land indicating that the Crown intends to use the property for Crown purposes. 2017, c. 10, Sched. 2, s. 67.

**Non-application of the *Municipal Tax Assistance Act***

(3) The *Municipal Tax Assistance Act* does not apply to land that is deemed to be rateable property under this section. 2017, c. 10, Sched. 2, s. 67.

#### Transition

(4) If land described in subsection (1) is vested in the Crown in right of Ontario before this section comes into force, this section applies in respect of that land as if it had been in force on the day the land became vested in the Crown. 2017, c. 10, Sched. 2, s. 67.

#### Same

(5) If land described in subsection (2) became the property of the Crown in right of Ontario before this section comes into force, this section applies in respect of that land as if it had been in force on the day the land became the property of the Crown. 2017, c. 10, Sched. 2, s. 67.

#### Section Amendments with date in force (d/m/y) [ + ]

### STATUS OF CERTAIN EMPLOYMENT BENEFITS

#### Interpretation

**433** In sections 434 to 440,

“local board” has the same meaning as in the *City of Toronto Act, 1997 (No. 1) as that Act read immediately before its repeal by section 1 of Schedule B to the Stronger City of Toronto for a Stronger Ontario Act, 2006*; (“conseil local”)

“Metro” means The Municipality of Metropolitan Toronto under the Metro Act; (“communauté urbaine”)

“Metro Act” means the *Municipality of Metropolitan Toronto Act, being chapter M.62 of the Revised Statutes of Ontario, 1990, as that Act read immediately before its repeal*; (“loi sur la communauté urbaine”)

“old municipalities” has the same meaning as in the *City of Toronto Act, 1997 (No. 1) as that Act read immediately before its repeal by section 1 of Schedule B to the Stronger City of Toronto for a Stronger Ontario Act, 2006*. (“anciennes municipalités”) 2006, c. 11, Sched. A, s. 433.

#### Pensions, benefits

**434** (1) In this section,

“benefits” includes,

- (a) life, accident, liability, health, hospital or other insurance benefits,
- (b) liability, medical, health, hospital, sick leave, holiday or similar benefits or gratuities,
- (c) retirement allowances, severances or incentives, and
- (d) gratuities in respect of work-related injuries or death; (“avantages sociaux”)

“employee” means,

- (a) employees and retired employees, both as defined in paragraph 46 of section 207 of the old *Municipal Act*, and
- (b) former employees. (“employé”) 2006, c. 11, Sched. A, s. 434 (1).

#### Rights preserved

(2) Nothing in this Act, the *City of Toronto Act, 1997 (No. 1)* or the *City of Toronto Act, 1997 (No. 2)* affects the rights that any of the following persons have with respect to pensions or benefits on December 31, 1997:

1. Employees of an old municipality or one of its local boards.
2. Members or former members of a council of an old municipality, or of a local board of an old municipality.
3. Persons entitled, under paragraph 50 of section 207 of the old *Municipal Act*, to benefits from an old municipality or one of its local boards.
4. The beneficiaries of persons referred to in paragraphs 1, 2 and 3. 2006, c. 11, Sched. A, s. 434 (2).

**Plans and funds continued**

(3) Subject to any other Act, all pension and benefit plans and funds that meet the following conditions are continued:

1. They existed on December 31, 1997 and, by virtue of section 3 of the *City of Toronto Act, 1997 (No. 2)*, they were continued.
2. They have been established under the authority of a general or special Act.
3. They provide for pensions or benefits for persons listed in subsection (2). 2006, c. 11, Sched. A, s. 434 (3).

**Administrative bodies continued**

(4) Every board, committee or other body established to administer a plan or fund that is continued by subsection (3) is likewise continued. 2006, c. 11, Sched. A, s. 434 (4).

**Future changes**

(5) This section does not affect any power that the City or any of its local boards may have to make changes with respect to a pension or benefit plan or fund, including changes affecting the rights of persons listed in subsection (2), by agreement or as otherwise allowed by law. 2006, c. 11, Sched. A, s. 434 (5).

**Amending pension by-laws**

**435** (1) The City may, by by-law, amend a by-law passed under clause 24 (3) (b) of the Metro Act, as it read on December 31, 1997, or under a predecessor of that clause. 2006, c. 11, Sched. A, s. 435 (1).

**Two-thirds majority for amendment**

(2) A by-law under subsection (1) requires an affirmative vote of two-thirds of the members of city council who are present and voting. 2006, c. 11, Sched. A, s. 435 (2).

**Local boards, pension contributions**

**436** When a pension plan established under clause 24 (3) (b) of the Metro Act, or under a predecessor of that clause, applies to an employee of a local board of the City, the local board shall,

- (a) deduct from the employee's remuneration, by instalments, the amounts that the plan requires him or her to contribute, and pay them to the city treasurer; and
- (b) pay to the city treasurer the employer contributions that the plan requires in respect of the employee. 2006, c. 11, Sched. A, s. 436.

**Corporate status of certain plan and fund**

**437** The Metropolitan Toronto Pension Plan and the Metropolitan Toronto Police Benefit Fund established under the Metro Act and continued by subsection 434 (3) are deemed to be bodies corporate, but only for the purposes of acquiring, holding and disposing of land to carry out their objects. 2006, c. 11, Sched. A, s. 437.

**Accrued benefits, former plan**

**438** (1) Subsection (2) applies if an employee of the City or of one of its local boards was, on December 31, 1997, a member of a pension plan established by Metro by virtue of,

- (a) an election under subsection 24 (5) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection; or
- (b) an agreement under clause 24 (3) (c) of the Metro Act, as it read on December 31, 1997, or a predecessor of that clause. 2006, c. 11, Sched. A, s. 438 (1).

**Same**

(2) When the employee's services with the City or local board terminate,

- (a) the employee or his or her beneficiaries are entitled to all the benefits under the pension plan of the former employer referred to in subsection 24 (9) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection, accrued up to the date the employee became a member of the plan established by Metro; and

(b) for the purpose of determining eligibility for those accrued benefits, the employee's service with the City or local board (and, up to December 31, 1997, with Metro or its local board) is deemed to be service with the former employer. 2006, c. 11, Sched. A, s. 438 (2).

#### **Transfer from other plan**

(3) An employee who became a member of the pension plan of Metro or one of its local boards in accordance with subsection 24 (5) of the Metro Act, as it read on December 31, 1997, or a predecessor of that subsection, is entitled to elect to transfer money to that plan from the pension plan of the former employer, in accordance with subsection 117 (5) of the old *Municipal Act*. 2006, c. 11, Sched. A, s. 438 (3).

#### **Same**

(4) Subsection (3) applies even if the employee would not be entitled to a refund of contributions from the pension plan of the former employer; on the transfer, the employee and his or her beneficiaries cease to have any rights under the pension plan of the former employer. 2006, c. 11, Sched. A, s. 438 (4).

#### **Same**

(5) If the employee elects under subsection (3), the money shall be transferred when his or her service with the City or local board ends, subject to subsection (6). 2006, c. 11, Sched. A, s. 438 (5).

#### **Same**

(6) The money may be transferred earlier,

(a) at the option of the Toronto Transit Commission or the Toronto Police Services Board, as the case may be, if the Toronto Transit Commission or the Toronto Police Services Board, as the case may be, or a predecessor is the former employer;

(b) at the City's option, in all other cases. 2006, c. 11, Sched. A, s. 438 (6).

#### **Certain members of police force**

(7) Subsection (2) also applies to every person who was, on December 31, 1997, a member of the Toronto Police Force to whom subsection 204 (2) of the Metro Act, as it read on that day, applied. 2006, c. 11, Sched. A, s. 438 (7).

#### **Application of S.O. 1975, c. 116, s. 1**

(8) Section 1 of *The City of Toronto Act, 1975 (No. 1)* continues to apply to an employee of the City or of one of its local boards who was, on December 31, 1997, entitled to elect under that section. 2006, c. 11, Sched. A, s. 438 (8).

#### **Right to elect preserved**

**439** (1) An employee of the City or of one of its local boards who had, on December 31, 1997, the right to elect under subsection 24 (5) of the Metro Act as it read on that date continues to have that right. 2006, c. 11, Sched. A, s. 439 (1).

#### **Effect of election**

(2) Subsections 438 (2) to (6) apply if the employee exercises the right to elect. 2006, c. 11, Sched. A, s. 439 (2).

#### **Plans other than OMERS plan**

**440** A person who was, on December 31, 1997, an employee of an old municipality or one of its local boards and a member of a pension plan other than the one established under the *Ontario Municipal Employees Retirement System Act* and became an employee of the City or one of its local boards on January 1, 1998, remains a member of that other plan and the *Ontario Municipal Employees Retirement System Act, 2006* does not apply in respect of the person. 2006, c. 11, Sched. A, s. 440; 2006, c. 32, Sched. B, s. 90.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Contributions to pensions of craft tradespersons**

**441** (1) Despite section 7 of the *Ontario Municipal Employees Retirement System Act, 2006*, the City may make contributions in accordance with a collective agreement to provide pensions for persons it employs as craft tradespersons. 2006, c. 11, Sched. A, s. 441 (1); 2006, c. 32, Sched. B, s. 91 (1).

**Non-application of OMERS**

(2) The *Ontario Municipal Employees Retirement System Act, 2006* does not apply to the contributions referred to in subsection (1). 2006, c. 11, Sched. A, s. 441 (2); 2006, c. 32, Sched. B, s. 91 (2).

**Section Amendments with date in force (d/m/y) [ + ]****Toronto Fire Department Superannuation and Benefit Fund**

**442** Despite any other Act, the Toronto Fire Department Superannuation and Benefit Fund is deemed not to be a fraternal society for the purposes of the *Insurance Act*. 2006, c. 11, Sched. A, s. 442.

**Effect of certain by-laws**

**443** (1) A by-law passed under subsection 1 (2) of the *City of Toronto Act, 1988 (No. 3)* is deemed not to adversely affect the pensions, other benefits and privileges of members of any plan administered by a committee referred to in that subsection. 2006, c. 11, Sched. A, s. 443 (1).

**Same**

(2) Despite subsection (1), section 26 of the *Pension Benefits Act* applies to any amendment of a plan referred to in subsection (1) that would result in a reduction of pension benefits accruing after the effective date of the amendment or would otherwise adversely affect the rights or obligations of a person entitled to payment under the plan. 2006, c. 11, Sched. A, s. 443 (2).

**Persons administering certain pension funds**

**443.1** (1) This section applies to a person who is a member of a pension committee, as defined in the *Pension Benefits Act*, which is the administrator of,

- (a) the Toronto Fire Department Superannuation and Benefit Fund; or
- (b) The Toronto Civic Employees Pension and Benefit Fund. 2006, c. 32, Sched. B, s. 92.

**Indemnification**

(2) The City shall indemnify any person from losses, costs, damages or expenses arising out of or connected with the person's status as a member of a pension committee referred to in subsection (1) and shall defend the person in respect of any claim related thereto, but the City shall not indemnify a person if the losses, costs, damages or expenses are due to the person's fraud or deliberate breach of trust. 2006, c. 32, Sched. B, s. 92.

**Alternate member**

(3) For the purposes of this section, a person who is an alternate member of a pension committee is also a member of the committee. 2006, c. 32, Sched. B, s. 92.

**Section Amendments with date in force (d/m/y) [ + ]**

**444** REPEALED: 2006, c. 32, Sched. B, s. 93.

**Section Amendments with date in force (d/m/y) [ + ]****RESTRICTIONS ON SUPPLY OF WATER, SEWAGE DISPOSAL****No contract to supply water to lower-tier municipalities**

**445** (1) The City cannot enter into a contract with a local municipality of a regional municipality to supply water to the local municipality for its own use or for resale to the inhabitants of the local municipality. 2006, c. 11, Sched. A, s. 445 (1).

**Approval of sale beyond boundaries**

(2) If the City enters into a contract to supply water to a municipality with which it is entitled to enter such a contract, the municipality shall not supply or agree to supply any water beyond its own boundaries without the approval of the City. 2006, c. 11, Sched. A, s. 445 (2).

**No contract to supply sewage services to lower-tier municipality**

**446** The City cannot enter into a contract with a local municipality of a regional municipality to receive and dispose of sewage and land drainage for the local municipality. 2006, c. 11, Sched. A, s. 446.

**MISCELLANEOUS POWERS OF THE CITY****Long-term care homes**

**447** Long-term care homes that the City establishes and maintains under Part VIII of the *Long-Term Care Homes Act, 2007* may be located inside or outside the City. 2007, c. 8, s. 198 (5).

**Section Amendments with date in force (d/m/y) [ + ]****Grants, homes for care of elderly persons**

**448** The City may make grants in aid of the establishment, construction, extension or equipment of homes for the care of elderly persons. 2006, c. 11, Sched. A, s. 448.

**Vesting of trust fund**

**449** (1) The trust fund composed of undisbursed interest accumulated before January 1, 1982 on the trust accounts of residents of Metropolitan Toronto Homes for the Aged is vested in the City. 2006, c. 11, Sched. A, s. 449 (1).

**Distribution**

(2) The City may, in its absolute discretion, distribute both the fund and interest accruing on it for any purpose, other than the ordinary operation and maintenance of the long-term care homes of the City, that is for the general benefit of their residents. 2006, c. 11, Sched. A, s. 449 (2); 2007, c. 8, s. 198 (6).

**Section Amendments with date in force (d/m/y) [ + ]**

**450** Repealed: 2007, c. 8, s. 198 (7).

**Section Amendments with date in force (d/m/y) [ + ]****Agreement with conservation authority**

**451** (1) Subsection (2) applies in respect of land vested in the Toronto and Region Conservation Authority and managed and controlled by the City under an agreement with that body. 2006, c. 11, Sched. A, s. 451 (1).

**Powers of City**

(2) Without limiting sections 7 and 8, those sections authorize the City to do the following things:

1. To exercise all or any of the powers conferred by subsection 57 (1) and by paragraphs 52 and 58 of section 207 of the old *Municipal Act*, as those paragraphs read on December 31, 2002, in respect of the land.
2. To lay out, construct and maintain roads on the land.
3. To assume the maintenance of all or part of the existing roads.
4. To regulate traffic on roads referred to in paragraphs 2 and 3, subject to the *Highway Traffic Act*. 2006, c. 11, Sched. A, s. 451 (2).

**Additional powers**

(3) The City may,

- (a) prescribe the rate of speed for motor vehicles driven on the roads referred to in paragraphs 2 and 3 of subsection (2), in accordance with section 128 of the *Highway Traffic Act*; and
- (b) despite any other Act, exempt the land from municipal taxation for so long as it is managed and controlled by the City and used for park purposes. 2006, c. 11, Sched. A, s. 451 (3); 2006, c. 32, Sched. B, s. 94.

**Tax exemption**

(4) A tax exemption under clause (3) (b) has the same effect as an exemption from taxes under section 3 of the *Assessment Act*, 2006, c. 11, Sched. A, s. 451 (4).

### Section Amendments with date in force (d/m/y) [ + ]

#### Emergency measures

**452** Without limiting sections 7 and 8, those sections authorize the City to do the following things for emergency response purposes:

1. To acquire alternative headquarters for the City government outside the City.
2. To designate evacuation routes and empower members of the city police force to require persons to use them. 2006, c. 11, Sched. A, s. 452.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2 of section 452 of the Act is amended by striking out “police force” and substituting “police service”. (See: 2019, c. 1, Sched. 4, s. 10 (28))**

### Section Amendments with date in force (d/m/y) [ + ]

#### Payment of damages to employees

**453** (1) This section applies if the City recovers damages from a third person in respect of an injury to an employee, an injury to a member of the city police force or an injury to a person deemed to be a city employee for the purposes of the *Workplace Safety and Insurance Act, 1997*. 2006, c. 11, Sched. A, s. 453 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 453 (1) of the Act is amended by striking out “police force” and substituting “police service”. (See: 2019, c. 1, Sched. 4, s. 10 (29))**

#### Same

(2) Without limiting sections 7 and 8, those sections authorize the City to pay all or part of the damages to the injured person or, if he or she dies, to one or more of the person’s dependants. 2006, c. 11, Sched. A, s. 453 (2).

#### Conditions

(3) The City may impose conditions on the payment. 2006, c. 11, Sched. A, s. 453 (3).

#### Application

(4) Subsection (2) applies whether the damages were recovered by a court proceeding or otherwise. 2006, c. 11, Sched. A, s. 453 (4).

### Section Amendments with date in force (d/m/y) [ + ]

#### Social housing programs

##### Definition

**453.1** (1) In this section,

“social housing program” means a program or project that,

(a) is entirely owned or operated by or is leased to and operated by a non-profit housing co-operative as defined in the *Co-operative Corporations Act* or a non-profit corporation as defined in the *National Housing Act* (Canada) and that, in the opinion of the City, is designed to provide housing accommodation primarily for persons with low to moderate incomes, at a charge not exceeding the greater of,

(i) the amount required to finance, operate and maintain such accommodation without profit, and

(ii) the amount required to be charged for such accommodation under the terms of an agreement respecting the financing of the accommodation where one party is the provincial or federal government or an agent of either, or

(b) provides housing accommodation that is owned and operated by or on behalf of Toronto Housing Company Inc. or Toronto Community Housing Corporation. 2006, c. 32, Sched. B, s. 95.

**Zoning densities**

(2) Without limiting section 113, in a by-law passed under section 34 of the *Planning Act*, the City may, in addition to establishing densities under the authority of that section, establish one or more residential densities of development applicable to any land in respect of which the owner of the land and the operator of the housing accommodation, if different from the owner, agree with the City to provide all or such proportion as specified in the by-law of the housing accommodation located or to be located on the land, for the purpose of a social housing program. 2006, c. 32, Sched. B, s. 95.

**Agreements**

(3) The City may require an owner and an operator, if different from the owner, to enter into one or more agreements respecting the provision of social housing accommodation referred to in subsection (2). 2006, c. 32, Sched. B, s. 95.

**Registration of agreement**

(4) An agreement under subsection (3) may be registered against the land to which it applies and the City may enforce its provisions against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 32, Sched. B, s. 95.

**Validity of agreement**

(5) An agreement made under subsection (3) is not invalid by reason only of the failure to specify particulars of a social housing program. 2006, c. 32, Sched. B, s. 95.

**Consent required**

(6) If an agreement has been registered under subsection (4), no person shall, during the term of the agreement in respect of any unit of housing accommodation that is part of a social housing program, without the written consent of the City,

- (a) convey the unit, by way of deed or transfer, or grant, assign or exercise a power of appointment with respect to the unit;
- (b) mortgage or charge the unit or enter into an agreement of purchase and sale respecting the unit; or
- (c) enter into an agreement that has the effect of granting the use of or right in the unit directly or by entitlement to renewal for a period of 21 years or more. 2006, c. 32, Sched. B, s. 95.

**Effect of lack of consent**

(7) If an agreement has been registered under subsection (4), an agreement, conveyance, mortgage or charge made, or a power of appointment granted, assigned or exercised in contravention of subsection (6), does not create or convey any interest in the unit. 2006, c. 32, Sched. B, s. 95.

**Restriction**

(8) If notice of an agreement has been registered against land to which the *Land Titles Act* applies under subsection (4), the City shall apply to the land registrar to have an entry made on the register that, unless the City has given its consent,

- (a) no transfer shall be made or charge created;
- (b) no notice of agreement of sale and purchase shall be registered; and
- (c) no lease or notice of lease having the effect of granting the use of or right in land directly or by entitlement to renewal for a period of 21 years or more shall be registered. 2006, c. 32, Sched. B, s. 95.

**Certificate of clerk**

(9) If a written consent under subsection (6) has been given by the City, the city clerk shall provide a certificate, in registrable form, to the person obtaining the consent stating that the written consent of the City has been obtained and the certificate is conclusive evidence that the consent was given and that the provisions of this section leading to the consent have been complied with and, after the certificate has been given, no action may be maintained to question the validity of the consent and the certificate may be registered in the proper land registry office. 2006, c. 32, Sched. B, s. 95.

**Validity of by-laws restricting occupancy**

(10) A by-law passed by the City that implements subsection (2) is not invalid by reason only that the effect of it is to restrict occupancy of housing accommodation to such persons or classes of persons as are set out in the by-law. 2006, c. 32, Sched. B, s. 95.

**Offence**

(11) A by-law that implements subsection (2) may provide that any person entering into an agreement under subsection (3) who fails to provide the proportion or number of units for such period of time as may be specified in the agreement for the purposes of a social housing program is guilty of an offence and upon conviction is liable to a fine of not more than \$10,000. 2006, c. 32, Sched. B, s. 95.

**Damages**

(12) In addition to the penalty set out in subsection (11), every owner who contravenes the agreement is liable for damages payable to the City in an amount equal to the difference between the charge that should have been made for the housing accommodation under the agreement and the actual charge made for the housing accommodation for the period of time that the owner or operator has contravened the agreement and the damages may be recovered as a debt due to the City. 2006, c. 32, Sched. B, s. 95.

**Contents of agreement**

(13) Subsections (6), (7) and (8) do not apply to an agreement unless those subsections are set out in the agreement. 2006, c. 32, Sched. B, s. 95.

**Exemptions or reductions**

(14) In a by-law passed under section 34 of the *Planning Act* that implements subsection (2), the City may give exemptions or reductions, or both, from the zoning provisions and standards otherwise applicable to similar forms of housing accommodation that are not part of a social housing program. 2006, c. 32, Sched. B, s. 95.

**No appeal**

(15) Despite subsection 34 (11) of the *Planning Act*, a person may not appeal to the Local Planning Appeal Tribunal in respect of all or any part of a requested amendment to a City by-law passed under section 34 of that Act if the amendment or part of the amendment proposes to establish one or more residential densities of development authorized by subsection (2). 2006, c. 32, Sched. B, s. 95; 2017, c. 23, Sched. 5, s. 19.

**Agreement with owner**

(16) The City may enter into an agreement with the owner of land proposing a development on the land that is to contain housing accommodation for the purposes of a social housing program but for which no by-law under section 34 of the *Planning Act* prescribing the matters set out in subsection (2) is required and the agreement may contain provisions respecting the maintenance of the accommodation and such other terms as are agreed between the owner and the City and subsections (4), (5), (6), (7), (8), (9) and (13) apply to the agreement. 2006, c. 32, Sched. B, s. 95.

**Same, existing housing**

(16.1) The City may, regardless of whether a by-law under section 34 of the *Planning Act* prescribing the matters set out in subsection (2) is in effect, enter into an agreement with the owner of land that contains housing accommodation to be used for the purposes of a social housing program, and the agreement may contain provisions respecting the maintenance of the accommodation and such other terms as are agreed between the owner and the City and subsections (4), (5), (6), (7), (8), (9) and (13) apply to the agreement. 2017, c. 10, Sched. 2, s. 68.

**Old references**

(17) A reference in a by-law passed by the City before May 24, 1988 to “assisted housing”, “assisted housing program” or an “owner of land who has entered an agreement under section 5 of *The City of Toronto Act, 1975 (No. 2)*” is deemed to be a reference to “social housing”, “social housing program” and an “owner of land and operator of the housing accommodation if different from the owner”, respectively. 2006, c. 32, Sched. B, s. 95.

**Continuation of by-laws, agreements**

(18) A by-law referred to in subsection 5 (2) of *The City of Toronto Act, 1975 (No. 2)*, being chapter 117, and any agreement entered into under subsection 5 (3) of that Act before May 24, 1988, continues in force until repealed or revoked by the City. 2006, c. 32, Sched. B, s. 95.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Continuation of existing by-laws, agreements re: assisted housing**

**453.2** Despite the repeal of section 3 of *The City of Toronto Act, 1979*, being chapter 142, by section 96 of Schedule B to the *Municipal Statute Law Amendment Act, 2006*, a by-law passed under section 3 and an agreement entered into under the by-law remain in force and subsection 3 (3) of *The City of Toronto Act, 1979* continues to apply to the agreement as if section 3 had not been repealed. 2006, c. 32, Sched. B, s. 95.

#### **Section Amendments with date in force (d/m/y) [ + ]**

### PROCEEDINGS BEFORE COURTS AND TRIBUNALS

#### **Proof of by-laws**

##### **Convictions not invalidated**

**454 (1)** If a court convicts a person for a contravention of a by-law of the City or of a local board of the City without proof of the by-law, another court hearing a motion to quash the conviction may dispense with such proof or may permit the by-law to be proved by affidavit or in such other manner as it considers appropriate. 2006, c. 11, Sched. A, s. 454 (1).

##### **Requirement as to proof**

(2) Nothing in this section relieves a prosecutor from the duty of proving the by-law or entitles the convicting court to dispense with such proof. 2006, c. 11, Sched. A, s. 454 (2).

##### **Application re other Acts**

(3) This section applies, with necessary modifications, to by-laws passed by the City or the police services board of the City under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 454 (3).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 454 (3) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (30))**

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Matters of evidence re other documents**

##### **Admissibility of certified copies**

**455 (1)** A copy of any record under the control of the city clerk purporting to be certified by the clerk and under the seal of the City may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the seal or of the signature or official character of the person signing it, unless the court or tribunal otherwise directs. 2006, c. 11, Sched. A, s. 455 (1).

##### **Certified copies, local boards**

(2) A copy of any record under the control of an officer of a local board of the City purporting to be certified by the officer and under the seal of the local board or containing a statement by the officer that there is no seal, may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the seal or statement or of the signature or official character of the person signing it, unless the court or tribunal otherwise directs. 2006, c. 11, Sched. A, s. 455 (2).

##### **Same, archivist, etc.**

(3) A copy of any record transferred to a person pursuant to an agreement under section 200 and certified by the person or an officer of the person having responsibility for the record may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the signature or official character of the person signing it, unless the court or tribunal otherwise directs. 2006, c. 11, Sched. A, s. 455 (3).

##### **Prescribed records**

(3.1) A copy of any prescribed record purporting to have been made under this Act or under a by-law made under this Act and purporting to be certified by a prescribed person may be filed and used in any court or tribunal instead of the original and is admissible in evidence without proof of the signature or official character of the person signing it, unless the court or tribunal otherwise directs. 2017, c. 10, Sched. 2, s. 69.

#### **Statement of licensing status**

(4) In any prosecution or proceeding under a by-law passed under paragraph 11 of subsection 8 (2) providing for a system of licences for a business, a statement as to the licensing or non-licensing of any premises or person purporting to be signed by the city clerk, by the chief administrative officer of the police services board or by the chief administrative officer of any other person or body to whom the City has delegated its licensing powers is, without proof of the office or signature of the clerk or officer, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the prosecution or proceeding. 2006, c. 11, Sched. A, s. 455 (4).

#### **Statements, other than licensing status**

(4.1) In any prosecution or proceeding under this Act or under a by-law made under this Act, a statement as to a prescribed matter purporting to be signed by a prescribed person is, without proof of the office or signature of the person, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the prosecution or proceeding. 2017, c. 10, Sched. 2, s. 69.

#### **Proof of seal or signature not required**

(5) Every by-law purporting to be under the seal of the City and signed by head of council or presiding officer at the meeting at which the by-law is passed, when produced by the clerk or any other officer of the City charged with the custody of it, is admissible in evidence in all courts without proof of the seal or signature. 2006, c. 11, Sched. A, s. 455 (5).

#### **Photocopies**

(6) A by-law or resolution passed under section 201 may provide that a specified copy of a record is deemed to be the original for the purposes of this section if the original has been destroyed in accordance with section 201 or the by-law or resolution under that section. 2006, c. 11, Sched. A, s. 455 (6).

#### **Admissibility**

(7) Nothing in subsection (6) renders admissible in evidence a copy of a record that is not otherwise admissible by statute or the law of evidence. 2006, c. 11, Sched. A, s. 455 (7).

#### **Evidence re debentures**

(8) If there is no original written record of or related to a debenture, any writing produced from an electronic or magnetic medium that is in a readily understandable form is admissible in evidence to the same extent as if it were an original written record. 2006, c. 11, Sched. A, s. 455 (8).

#### **Application re other Acts**

(9) Subsection (5) applies, with necessary modifications, to by-laws of a police services board of the City passed under any Act. 2006, c. 11, Sched. A, s. 455 (9).

#### **Regulations**

(10) The Minister may make regulations prescribing anything referred to in subsections (3.1) and (4.1) as being prescribed. 2017, c. 10, Sched. 2, s. 69.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 455 of the Act is amended by striking out “police services board” wherever it appears and substituting in each case “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (31))**

**Section Amendments with date in force (d/m/y) [ + ]**

#### **Costs in legal proceedings**

**456** (1) Despite any Act, in any proceeding to which the City or local board of the City is a party, costs adjudged to the City or local board shall not be disallowed or reduced merely because the counsel who earned the costs, or in respect of whose services the costs are charged, was a salaried officer of the City or local board or a salaried officer of another municipality acting on behalf of the local board and for that, or any other reason, was not entitled to recover any costs from the City or local board in respect of the services rendered. 2006, c. 11, Sched. A, s. 456 (1).

#### **Costs to general fund**

(2) The costs recovered in any proceeding by or on behalf of the City or local board shall form part of the general funds of the City or local board, respectively. 2006, c. 11, Sched. A, s. 456 (2).

#### **Application re other Acts**

(3) This section applies to proceedings under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 456 (3).

## ADMINISTRATION

#### **Forms**

**457** (1) The Minister of Municipal Affairs and Housing may by order establish and require the use of forms for the purposes of this Act. 2006, c. 11, Sched. A, s. 457 (1).

#### **Not regulation**

(2) An order of the Minister under this section is not a regulation to which Part III (Regulations) of the *Legislation Act, 2006* applies. 2006, c. 11, Sched. A, s. 457 (2); 2006, c. 11, Sched. B, s. 3 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Power to adopt other codes, etc.**

**458** (1) A by-law of the City or of a local board of the City made under this or any other Act may,

- (a) adopt by reference, in whole or in part, with such changes as city council considers appropriate, any code, standard, procedure or regulation as it stands at a specific date, as it stands at the time of adoption or as amended from time to time; and
- (b) require compliance with any code, standard, procedure or regulation so adopted. 2006, c. 11, Sched. A, s. 458 (1).

#### **Inspection**

(2) A copy of a code, standard, procedure or regulation adopted under this section shall be available for public inspection. 2006, c. 11, Sched. A, s. 458 (2).

#### **Application re other Acts**

(3) This section applies, with necessary modifications, to by-laws passed by the City or the police services board of the City under any other Act except as otherwise provided in the other Act. 2006, c. 11, Sched. A, s. 458 (3).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 458 (3) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 10 (32))**

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Scope of regulations**

**459** A regulation made under this Act may be general or specific in its application and may differentiate in any way and on any basis that the maker of the regulation considers appropriate. 2006, c. 11, Sched. A, s. 459.

**460** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2006, c. 11, Sched. A, s. 460.

**461** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2006, c. 11, Sched. A, s. 461.

Français

This is Exhibit "B" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher but appears to be a name.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

**Details on most toronto.ca pages may not be accurate while the City responds to COVID-19. Learn about the current health situation, service changes and economic support (<https://www.toronto.ca/home/covid-19/>)**

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# City of Toronto's Governance System

The Canadian Constitution sets out the responsibilities of the federal and provincial governments and does not recognize municipalities as a separate order of government. The Constitution gives provinces exclusive control over municipalities, including the rules that govern them.

Provincial regulations and legislation define the City's relationship with the Ontario government. The most significant is the City of Toronto Act, 2006, which gives the City powers to provide services to its residents, manage its finances and establish accountability officers for the City.

Other Acts that define the rules governing the City include the Municipal Elections Act, Municipal Conflict of Interest Act, Municipal Freedom of Information and Protection of Personal Privacy Act, Planning Act and Heritage Act.

Level of Government	FEDERAL Government of Canada	PROVINCIAL Government of Ontario	MUNICIPAL City of Toronto
Powers defined by	Constitution Act, 1867	Constitution Act, 1867	City of Toronto Act, 2006

<p><b>Powers</b></p>	<ul style="list-style-type: none"> <li>• National defence and Canadian Armed Forces</li> <li>• Postal service</li> <li>• Banking</li> <li>• Employment</li> <li>• Immigration and citizenship</li> <li>• Census</li> <li>• Foreign affairs and international trade</li> <li>• Agriculture and more</li> </ul>	<ul style="list-style-type: none"> <li>• Health</li> <li>• Education</li> <li>• Driver and vehicle licensing</li> <li>• Energy</li> <li>• Human rights</li> <li>• Natural resources</li> <li>• Environment</li> <li>• Social services and more</li> </ul>	<ul style="list-style-type: none"> <li>• Water treatment and sewers</li> <li>• Parks and recreation centres</li> <li>• Libraries</li> <li>• Garbage collection</li> <li>• Public transit</li> <li>• Land use planning</li> <li>• Traffic and parking</li> <li>• Police and fire services</li> <li>• Paramedics</li> <li>• Homeless shelters</li> <li>• Childcare and more</li> </ul>
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Expand All

Collapse All

**City Motto, Flag & Coat of Arms**

**A Balanced Model of Governance**

**City Council**

**Council and Committee Structure**

**The Toronto Public Service**

**Accountability Officers**

**City Agencies and Corporations**

**Public Engagement**

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## Contact Information

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## Related Information

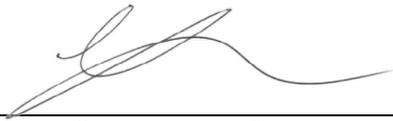
**2018 Council Issue Notes** (<https://www.toronto.ca/city-government/council/2018-council-issue-notes/>)

**City Council & Committees** (<https://www.toronto.ca/city-government/council/>)

**Get Involved** (<https://www.toronto.ca/community-people/get-involved/>)

**Download the Introduction to Toronto's Government guide**  ([https://www.toronto.ca/wp-content/uploads/2018/11/9223-A1804117\\_IntroToTheCity\\_C7.pdf](https://www.toronto.ca/wp-content/uploads/2018/11/9223-A1804117_IntroToTheCity_C7.pdf))

This is Exhibit "C" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



[Français](#)

**Housing Services Act, 2011**

S.O. 2011, CHAPTER 6  
SCHEDULE 1

**Consolidation Period:** From April 3, 2018 to the [e-Laws currency date](#).

Last amendment: [2017, c. 23, Sched. 5, s. 39](#).

Legislative History: [ + ]

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**PART I**  
**PURPOSE AND INTERPRETATION**

**Purpose of the Act**

**1** The purpose of this Act is,

- (a) to provide for community based planning and delivery of housing and homelessness services with general provincial oversight and policy direction; and

(b) to provide flexibility for service managers and housing providers while retaining requirements with respect to housing programs that predate this Act and housing projects that are subject to those programs. 2011, c. 6, Sched. 1, s. 1.

## Definitions

2 In this Act,

“designated housing project” means, in relation to a service manager, a housing project designated in the regulations for the purposes of subsection 68 (1) as a project in relation to which the service manager shall administer a transferred housing program; (“ensemble domiciliaire désigné”)

“district social services administration board” means a board established under the *District Social Services Administration Boards Act*; (“conseil d’administration de district des services sociaux”)

“dssab service manager” means a service manager that is a district social services administration board; (“conseil gestionnaire de services”)

“former Act” means the *Social Housing Reform Act, 2000* repealed by section 184; (“ancienne loi”)

“household” includes an individual living alone; (“ménage”)

“housing project” means all or part of the residential accommodation, including facilities used for ancillary purposes, located in one or more buildings used in whole or in part for residential accommodation; (“ensemble domiciliaire”)

“housing provider” means a person who operates a housing project; (“fournisseur de logements”)

“local housing corporation” means a local housing corporation as defined in section 24; (“société locale de logement”)

“Minister” means the Minister of Municipal Affairs and Housing or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“municipal service manager” means a service manager that is a municipality; (“municipalité gestionnaire de services”)

“Ontario Mortgage and Housing Corporation” means the Ontario Mortgage and Housing Corporation continued under the *Ontario Mortgage and Housing Corporation Act*; (“Société ontarienne d’hypothèques et de logement”)

“personal information” has the same meaning as in the *Freedom of Information and Protection of Privacy Act*; (“renseignements personnels”)

“pre-reform operating agreement” means an agreement, a memorandum of understanding, a letter of commitment or any combination of them, whether oral, written or in part oral and in part written, entered into before December 13, 2000 between a housing provider and one or more of the Crown in right of Ontario, the Crown in right of Canada, the Minister, the ministry of the Minister, a minister or ministry of the Crown in right of Canada, the Ontario Mortgage and Housing Corporation, Canada Mortgage and Housing Corporation, a local housing authority, an agent of the Crown in right of Ontario and an agent of the Crown in right of Canada under which funding is provided to the housing provider with respect to a housing project under a housing program, and “pre-reform operating agreement” includes any amendments made on or after December 13, 2000; (“accord d’exploitation antérieur à la réforme”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means regulations made under this Act; (“règlements”)

“service area”, in relation to a service manager, means the geographic area specified as the service area of that service manager under subsection 11 (2); (“aire de service”)

“service manager” means a service manager designated under subsection 11 (1); (“gestionnaire de services”)

“transferred housing program”, in relation to a service manager, means a housing program for which responsibility was transferred to the service manager under section 10 of the former Act and that is prescribed for the purposes of this definition; (“programme de logement transféré”)

“unit” means a unit intended for use as residential accommodation in a housing project. (“logement”) 2011, c. 6, Sched. 1, s. 2.

## Interpretation – housing project subject to a program

3 A housing project is subject to a transferred housing program for the purposes of this Act only if the project is designated in the regulations for the purposes of subsection 68 (1). 2011, c. 6, Sched. 1, s. 3.

## PART II PROVINCIAL POLICIES AND LOCAL PLANS

### PROVINCIAL INTEREST

#### Provincial interest

4 (1) For the purposes of sections 5 and 6, it is a matter of provincial interest that there be a system of housing and homelessness services that,

- (a) is focussed on achieving positive outcomes for individuals and families;
- (b) addresses the housing needs of individuals and families in order to help address other challenges they face;
- (c) has a role for non-profit corporations and non-profit housing co-operatives;
- (d) has a role for the private market in meeting housing needs;
- (e) provides for partnerships among governments and others in the community;

- (f) treats individuals and families with respect and dignity;
- (g) is co-ordinated with other community services;
- (h) is relevant to local circumstances;
- (i) allows for a range of housing options to meet a broad range of needs;
- (j) ensures appropriate accountability for public funding;
- (k) supports economic prosperity; and
- (l) is delivered in a manner that promotes environmental sustainability and energy conservation. 2011, c. 6, Sched. 1, s. 4 (1).

**Same**

(2) It is also a matter of provincial interest, for the purposes of sections 5 and 6, that a service manager's housing and homelessness plan be consistent with other plans prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 4 (2).

**Additional matters declared by Minister**

(3) The Minister may, with the approval of the Lieutenant Governor in Council, declare additional matters to be matters of provincial interest for the purposes of sections 5 and 6. 2011, c. 6, Sched. 1, s. 4 (3).

**Declaration may be included in policy statement**

(4) A declaration under subsection (3) may be incorporated into a policy statement under section 5. 2011, c. 6, Sched. 1, s. 4 (4).

**Publication and notice if not in policy statement**

(5) If a declaration under subsection (3) is not incorporated into a policy statement under section 5, subsections 5 (3) and (4) apply to the declaration with necessary modifications. 2011, c. 6, Sched. 1, s. 4 (5).

## MINISTER'S POLICY STATEMENTS

**Policy statements to guide plans**

5 (1) For the purpose of guiding service managers in the preparation of their housing and homelessness plans, the Minister may, with the approval of the Lieutenant Governor in Council, issue policy statements on matters relating to housing or homelessness that are of provincial interest under section 4. 2011, c. 6, Sched. 1, s. 5 (1).

**Joint issue**

(2) The Minister may issue a policy statement alone or together with any other minister. 2011, c. 6, Sched. 1, s. 5 (2).

**Publication and notice**

(3) If a policy statement is issued, the Minister shall,

- (a) publish it in *The Ontario Gazette*; and
- (b) give such notice of it, as the Minister considers appropriate, to each service manager. 2011, c. 6, Sched. 1, s. 5 (3).

**Legislation Act, 2006**

(4) For greater certainty, Part III (Regulations) of the *Legislation Act, 2006* does not apply to a policy statement. 2011, c. 6, Sched. 1, s. 5 (4).

**Review**

(5) The Minister shall, at least once every 10 years, undertake a review of the policy statement. 2011, c. 6, Sched. 1, s. 5 (5).

**Consultation**

(6) In the course of the review of a policy statement, the Minister shall consult with any persons the Minister considers appropriate. 2011, c. 6, Sched. 1, s. 5 (6).

## HOUSING AND HOMELESSNESS PLANS

**Housing and homelessness plans**

6 (1) Each service manager shall have a plan to address housing and homelessness. 2011, c. 6, Sched. 1, s. 6 (1).

**What plan must include**

(2) The plan must include,

- (a) an assessment of current and future housing needs within the service manager's service area;
- (b) objectives and targets relating to housing needs;
- (c) a description of the measures proposed to meet the objectives and targets;
- (d) a description of how progress towards meeting the objectives and targets will be measured; and
- (e) such other matters as may be prescribed. 2011, c. 6, Sched. 1, s. 6 (2).

**Requirements relating to provincial interest, policy statements**

(3) The plan must,

(a) address the matters of provincial interest under section 4, including each aspect described in a clause of subsection 4 (1); and

(b) be consistent with the policy statements issued under section 5. 2011, c. 6, Sched. 1, s. 6 (3).

**Prescribed requirements**

(4) The plan must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 6 (4).

**Period of plan**

(5) The period covered by the plan must extend for at least the minimum period described in subsection (6) after the plan was approved or, if the plan is reviewed under subsection 10 (1), after the review was completed. 2011, c. 6, Sched. 1, s. 6 (5).

**Minimum period**

(6) The minimum period referred to in subsection (5) is 10 years or such other period as may be prescribed. 2011, c. 6, Sched. 1, s. 6 (6).

**Time for initial plan**

(7) A service manager shall approve its initial plan on or before the prescribed date. 2011, c. 6, Sched. 1, s. 6 (7).

**Consultation with the public, etc.**

7 (1) In the course of preparing its housing and homelessness plan, a service manager shall consult with the public and the prescribed persons. 2011, c. 6, Sched. 1, s. 7 (1).

**Conduct of consultation**

(2) Consultations under subsection (1) shall be conducted in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 7 (2).

**Consultation with Minister**

8 (1) Before approving its housing and homelessness plan, a service manager shall consult with the Minister by providing the Minister with a copy of the proposed plan. 2011, c. 6, Sched. 1, s. 8 (1).

**Comments from Minister**

(2) The service manager shall allow the Minister at least the prescribed period of time to comment on the plan and, before approving the plan, the service manager shall consider any comments the Minister provides. 2011, c. 6, Sched. 1, s. 8 (2).

**Copy of approved plan to Minister**

(3) The service manager shall provide the Minister with a copy of the plan without delay after approving it. 2011, c. 6, Sched. 1, s. 8 (3).

**Amendment of plan**

9 A service manager may amend its approved housing and homelessness plan, either after a review under section 10 or at any other time, and sections 7 and 8 apply, with necessary modifications, to the amendment. 2011, c. 6, Sched. 1, s. 9.

**Periodic review**

10 (1) At least once every five years, a service manager shall review its housing and homelessness plan and amend it as the service manager considers necessary or advisable. 2011, c. 6, Sched. 1, s. 10 (1).

**Report to Minister**

(2) The service manager shall give the Minister a written report on the results of the review without delay after the completion of the review. 2011, c. 6, Sched. 1, s. 10 (2).

### PART III SERVICE MANAGERS

**Designation of service managers**

11 (1) The regulations shall designate the municipalities and district social services administration boards that are service managers for the purposes of this Act. 2011, c. 6, Sched. 1, s. 11 (1).

**Service areas**

(2) The regulations shall specify the geographic area that is the service area of each service manager for the purposes of this Act. 2011, c. 6, Sched. 1, s. 11 (2).

**Role of service manager**

12 A service manager shall, in accordance with its housing and homelessness plan, carry out measures to meet the objectives and targets relating to housing needs within the service manager's service area. 2011, c. 6, Sched. 1, s. 12.

**General powers of service manager**

**13** (1) A service manager may establish, administer and fund housing and homelessness programs and services and may provide housing directly. 2011, c. 6, Sched. 1, s. 13 (1).

**Natural person powers**

(2) For greater certainty, a service manager may exercise the capacity, rights, powers and privileges of a natural person conferred on it by the following provisions, for the purposes of this Act:

1. If the service manager is a municipal service manager, section 9 of the *Municipal Act, 2001* or section 7 of the *City of Toronto Act, 2006*.
2. If the service manager is a dssab service manager, section 126.1 of the *Corporations Act, 2017*, c. 20, Sched. 7, s. 78 (1).

**Note: On the later of the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and January 13, 2018, subsection 13 (2) of the Act is repealed and the following substituted: (See: 2017, c. 20, Sched. 8, s. 88 (1))**

**Natural person powers**

(2) For greater certainty, a service manager may use its powers under the following provisions for the purposes of this Act:

1. If the service manager is a municipal service manager, section 9 of the *Municipal Act, 2001* or section 7 of the *City of Toronto Act, 2006*.
2. If the service manager is a dssab service manager, section 15 of the *Not-for-Profit Corporations Act, 2010*. 2017, c. 20, Sched. 8, s. 88 (1).

**Powers not exclusive**

(3) Paragraphs 5 and 6 of subsection 11 (4) of the *Municipal Act, 2001* do not apply with respect to a power a service manager has under this section. 2011, c. 6, Sched. 1, s. 13 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Clarification on powers – municipal service manager**

**14** Section 19 of the *Municipal Act, 2001* does not limit a municipal service manager from exercising its powers under this Act or section 9 of the *Municipal Act, 2001* throughout its service area for the purposes of this Act. 2011, c. 6, Sched. 1, s. 14.

**Clarification on powers – dssab service manager**

**15** (1) Subsection 4 (1) of the *District Social Services Administration Boards Act* does not limit a dssab service manager from exercising its powers under this Act or the capacity, rights, powers and privileges of a natural person under section 126.1 of the *Corporations Act* throughout its service area for the purposes of this Act. 2017, c. 20, Sched. 7, s. 78 (2).

**Note: On the later of the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force and January 13, 2018, subsection 15 (1) of the Act is repealed and the following substituted: (See: 2017, c. 20, Sched. 8, s. 88 (2))**

**Clarification on powers – dssab service manager**

(1) Subsection 4 (1) of the *District Social Services Administration Boards Act* does not limit a dssab service manager from exercising its powers under this Act or section 15 of the *Not-for-Profit Corporations Act, 2010* throughout its service area for the purposes of this Act. 2017, c. 20, Sched. 8, s. 88 (2).

**Provisions of *Municipal Act, 2001***

(2) The following provisions of the *Municipal Act, 2001* and the regulations that relate to those provisions apply, with necessary modifications, to a dssab service manager for the purposes of this Act:

1. Section 6.
2. Sections 106 and 107.
3. Subsections 110 (1), (2), (3), (4), (10) and (11).
4. Subsections 417 (1), (2) and (3).
5. Subsections 418 (1), (2), (3) and (4). 2011, c. 6, Sched. 1, s. 15 (2).

**Section Amendments with date in force (d/m/y) [ + ]****Powers of dssab service manager re debentures**

**16** (1) This section applies if a dssab service manager wishes to make permanent improvements to a housing project and wishes to obtain financing for the improvements. 2011, c. 6, Sched. 1, s. 16 (1).

**Direction**

(2) The dssab service manager may direct a municipality within its service area that is prescribed for the purposes of this subsection to issue and sell debentures on the credit of the municipality to raise such sums as the dssab service manager may require to make the improvements. 2011, c. 6, Sched. 1, s. 16 (2).

**Same**

(3) The direction must state the purpose of the debenture and the nature and estimated cost of the improvements. 2011, c. 6, Sched. 1, s. 16 (3).

**Application for approval**

(4) A dssab service manager that proposes to give a direction to a municipality shall apply to the Local Planning Appeal Tribunal for approval of the proposed direction under section 25 of the *Local Planning Appeal Tribunal Act, 2017* and the dssab service manager is deemed, for the purposes of that section, to make the application on behalf of the municipality. 2017, c. 23, Sched. 5, s. 39 (1).

**Approval**

(5) If the Local Planning Appeal Tribunal approves the proposed direction, the council of the municipality shall pass a by-law authorizing the borrowing of money by the issue and sale of debentures on the credit of the municipality for the purposes stated in the direction. 2011, c. 6, Sched. 1, s. 16 (5); 2017, c. 23, Sched. 5, s. 39 (2).

**Various powers and duties re debentures**

(6) Section 401, subsections 404 (7) to (13) and section 405 of the *Municipal Act, 2001* apply, with necessary modifications, with respect to debentures issued pursuant to a direction under this section as if the dssab service manager were a school board. 2011, c. 6, Sched. 1, s. 16 (6).

**Interest on temporary borrowing**

(7) If a municipality has raised money for a dssab service manager by temporary financing pending the sale of debentures issued pursuant to a direction under this section, the municipality shall charge the cost of the borrowing to the dssab service manager for the period before the sale for which the money is borrowed or for a period of one year, whichever is less. 2011, c. 6, Sched. 1, s. 16 (7).

**Liability under debentures**

(8) Debentures issued pursuant to a direction under this section are joint and several obligations of the dssab service manager and all of the municipalities in its service area even if the costs of the improvements have not been apportioned to all the municipalities. 2011, c. 6, Sched. 1, s. 16 (8).

**Same**

(9) Nothing in subsection (8) affects the rights of the dssab service manager and the municipalities in its service area as among themselves. 2011, c. 6, Sched. 1, s. 16 (9).

**Debenture costs included in housing costs**

(10) The costs of servicing debentures issued pursuant to a direction under this section and any costs of borrowing under subsection (7) shall be included as housing costs of the dssab service manager under section 109. 2011, c. 6, Sched. 1, s. 16 (10).

**Section Amendments with date in force (d/m/y) [ + ]****Delegation by service manager**

**17** (1) Subject to the prescribed limitations, a service manager may, in writing, delegate all or some of its powers and duties under this Act with respect to all or part of its service area. 2011, c. 6, Sched. 1, s. 17 (1).

**Conditions, etc., relating to exercise**

(2) A service manager may impose conditions or restrictions relating to the exercise or performance of delegated powers and duties and a service manager shall impose such conditions or restrictions as may be prescribed. 2011, c. 6, Sched. 1, s. 17 (2).

**Consent of delegate**

(3) A delegation may not be made without the consent of the delegate. 2011, c. 6, Sched. 1, s. 17 (3).

**No limit to delegate boundaries, etc.**

(4) If a delegate is,

(a) a municipality, section 19 of the *Municipal Act, 2001* or section 15 of the *City of Toronto Act, 2006* does not limit the municipality from exercising or performing a delegated power or duty outside its municipal boundaries; or

(b) a district social services administration board, subsection 4 (1) of the *District Social Services Administration Boards Act* does not limit the board from exercising or performing a delegated power or duty outside its district. 2011, c. 6, Sched. 1, s. 17 (4).

**Service manager remains responsible**

(5) A service manager remains responsible for the exercise or performance of any delegated powers or duties. 2011, c. 6, Sched. 1, s. 17 (5).

**Municipal delegation scheme not to apply**

(6) Sections 23.1 to 23.5 of the *Municipal Act, 2001* and sections 20 to 24 of the *City of Toronto Act, 2006* do not apply with respect to powers and duties under this Act. 2011, c. 6, Sched. 1, s. 17 (6).

**Language of services**

**18** (1) A service manager shall provide its services that relate to housing in both English and French if any part of the service manager's service area is in an area that is designated in the Schedule to the *French Language Services Act*. 2011, c. 6, Sched. 1, s. 18 (1).

**Same**

(2) In addition to what is required under subsection (1), a service manager shall provide services in both English and French to the prescribed housing providers. 2011, c. 6, Sched. 1, s. 18 (2).

**Requirement if services delegated**

(3) If the provision of services is delegated under section 17,

- (a) the requirement under subsection (1) applies to the delegate only if the delegate provides any of the services in an area that is designated in the Schedule to the *French Language Services Act*; and
- (b) the requirement under subsection (2) applies to the delegate. 2011, c. 6, Sched. 1, s. 18 (3).

**Service manager consent – Ministerial policies and directives**

**19** (1) The Minister may issue policies and directives in writing to service managers in respect of consents given by service managers under this Act. 2011, c. 6, Sched. 1, s. 19 (1).

**Policies and directives binding**

(2) A service manager shall ensure that a policy or directive issued under subsection (1) is followed. 2011, c. 6, Sched. 1, s. 19 (2).

**Legislation Act, 2006**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to policies and directives issued under subsection (1). 2011, c. 6, Sched. 1, s. 19 (3).

**Enumeration by service manager**

**19.1** (1) An enumeration of persons who are homeless shall be conducted by the service manager in the service manager's service area at the times and in the form and manner directed by the Minister. 2016, c. 25, Sched. 3, s. 1.

**Clarifications**

(2) In a direction issued under subsection (1) with respect to the enumeration of persons who are homeless, the Minister may clarify the categories of persons who are or are not considered to be homeless for the purposes of the enumeration. 2016, c. 25, Sched. 3, s. 1.

**Legislation Act, 2006**

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction issued under subsection (1). 2016, c. 25, Sched. 3, s. 1.

**Information relating to enumeration**

(4) A service manager shall give the Minister in the form and manner specified by the Minister and at the times specified by the regulations and at such other times as the Minister may specify,

- (a) the information collected in the course of the enumeration; and
- (b) any other prescribed information relating to the enumeration. 2016, c. 25, Sched. 3, s. 1.

**Reporting to public**

(5) A service manager shall make available to the public in the form and manner specified by the Minister and at the times specified by the regulations and at such other times as the Minister may specify,

- (a) a summary of the information collected in the course of the enumeration; and
- (b) any other prescribed information relating to the enumeration. 2016, c. 25, Sched. 3, s. 1.

**Summary, prescribed requirements**

(6) The summary referred to in clause (5) (a) must comply with the prescribed requirements. 2016, c. 25, Sched. 3, s. 1.

**Periodic reports to Minister**

**20** (1) At the prescribed times, a service manager shall give the Minister reports on the following:

- (a) the implementation of its housing and homelessness plan;
- (b) the administration and funding of its transferred housing programs; and
- (c) such other matters as may be prescribed. 2011, c. 6, Sched. 1, s. 20 (1).

**Form, manner and contents**

(2) The reports required under subsection (1) must be given in the form and manner authorized by the Minister and must include the prescribed information and the prescribed documents. 2011, c. 6, Sched. 1, s. 20 (2).

**False information**

(3) A service manager shall not knowingly furnish false information in a report given under subsection (1). 2011, c. 6, Sched. 1, s. 20 (3).

**Other reports, etc., to Minister**

**21** (1) A service manager shall give the Minister,

- (a) such reports as the regulations require; and
- (b) such reports, documents and information as the Minister requests. 2011, c. 6, Sched. 1, s. 21 (1).

**Timing**

(2) A service manager shall give reports, documents and information requested under clause (1) (b) at the times the Minister specifies. 2011, c. 6, Sched. 1, s. 21 (2).

**Form and manner**

(3) The reports, documents and information required under subsection (1) must be given in the form and manner authorized by the Minister. 2011, c. 6, Sched. 1, s. 21 (3).

**False information**

(4) A service manager shall not knowingly furnish false information in a report, document or information given under subsection (1). 2011, c. 6, Sched. 1, s. 21 (4).

**Reporting to public**

**22** A service manager shall report to the public in accordance with the prescribed requirements. 2011, c. 6, Sched. 1, s. 22.

**Remedy if service manager contravention**

**23** (1) If, in the opinion of the Minister, a service manager has contravened a provision of this Act or the regulations, the Minister may exercise the following remedies:

1. The Minister may discontinue or suspend the payment of federal housing funding to the service manager under section 102.
2. The Minister may reduce the amount of any payment of federal housing funding to the service manager under section 102.
3. The Minister may apply to a judge of the Superior Court of Justice for an order,
  - i. directing the service manager to carry out a specified activity or course of action to rectify the contravention or to ensure future compliance, or
  - ii. prohibiting the service manager from carrying out a specified activity or course of action that would result in, or would be likely to result in, the continuation or repetition of the contravention.
4. The Minister may take away any of the service manager's powers or duties under this Act, other than a power or duty under Part VIII, and may
  - i. exercise the powers or perform the duties that were taken away, or
  - ii. enter into an agreement with another service manager providing for that other service manager to exercise the powers or perform the duties that were taken away. 2011, c. 6, Sched. 1, s. 23 (1).

**Notice and opportunity to avoid remedy**

(2) The Minister may exercise a remedy under subsection (1) only if,

- (a) the Minister has given the service manager a written notice that complies with subsection (3); and
- (b) the service manager has not complied with the notice by the deadline specified in the notice. 2011, c. 6, Sched. 1, s. 23 (2).

**Content of notice**

(3) The notice referred to in clause (2) (a) must,

- (a) specify the particulars of the service manager's contravention;
- (b) specify what the service manager must do or refrain from doing to avoid the exercise of a remedy under subsection (1);
- (c) specify the matters that must be addressed in any plan the service manager is required to submit; and
- (d) specify the deadline for compliance with the notice, which may not be earlier than 60 days after the date the notice is given. 2011, c. 6, Sched. 1, s. 23 (3).

**If required plan is not acceptable**

(4) If a notice requires the submission of a plan and the Minister is reasonably of the opinion that the plan submitted is not acceptable, the service manager is deemed, for the purposes of clause (2) (b), to have not complied with the notice. 2011, c. 6, Sched. 1, s. 23 (4).

**Power of Court to make order**

(5) If the Minister applies to a judge of the Superior Court of Justice under paragraph 3 of subsection (1), the Court may make the order or any other order it considers reasonable. 2011, c. 6, Sched. 1, s. 23 (5).

**Remedy to take away powers or duties**

(6) The following apply with respect to the remedy under paragraph 4 of subsection (1):

1. If the Minister intends to exercise the remedy, the Minister may request the service manager to give the Minister or the other service manager with whom the Minister has entered into an agreement under subparagraph 4 ii of subsection (1), any records or information relevant to the exercise of the remedy and the service manager shall comply with such a request.
2. Expenses incurred by the Minister in exercising the remedy, including amounts paid by the Minister to another service manager with whom the Minister has entered into an agreement under subparagraph 4 ii of subsection (1), may be included in the provincial housing costs under section 103.
3. A service manager exercising or performing a power or duty under an agreement under subparagraph 4 ii of subsection (1) has the powers necessary to do so and if the service manager is,
  - i. a municipal service manager, section 19 of the *Municipal Act, 2001* or section 15 of the *City of Toronto Act, 2006* does not limit the service manager from exercising or performing the power or duty outside its municipal boundaries, or
  - ii. a district social services administration board, subsection 4 (1) of the *District Social Services Administration Boards Act* does not limit the board from exercising or performing the power or duty outside its district. 2011, c. 6, Sched. 1, s. 23 (6).

**Other remedies not limited**

(7) Nothing in this section limits the exercise of any other remedy the Minister may have. 2011, c. 6, Sched. 1, s. 23 (7).

**PART IV  
LOCAL HOUSING CORPORATIONS**

**DEFINITIONS**

**Definitions**

**24** In this Part,

“local housing corporation” means a corporation that was incorporated in accordance with section 23 of the former Act, including a corporation that results from an amalgamation with such a corporation, subject to section 30; (“société locale de logement”)

“related service manager” means, in relation to a local housing corporation,

- (a) the service manager to whom common shares were deemed to have been issued under subsection 23 (7) of the former Act, or
- (b) such other service manager as is prescribed for the purposes of this clause. (“gestionnaire de services lié”) 2011, c. 6, Sched. 1, s. 24.

**GENERAL**

**Not a crown agent**

**25** A local housing corporation is not an agent of the Crown for any purpose, despite the *Crown Agency Act* and it is not an administrative unit of the Government of Ontario. 2011, c. 6, Sched. 1, s. 25.

**Status – municipal aspects**

**26** A local housing corporation is deemed,

- (a) not to be a commercial enterprise for the purposes of subsection 106 (1) of the *Municipal Act, 2001* and subsection 82 (1) of the *City of Toronto Act, 2006*;  
and
- (b) not to be a local board of a service manager or of any municipality. 2011, c. 6, Sched. 1, s. 26.

**Rules governing operation**

**27** (1) A local housing corporation shall be operated in accordance with,

- (a) the prescribed rules; and
- (b) the rules made by the related service manager. 2011, c. 6, Sched. 1, s. 27 (1).

**Content**

(2) The rules may address the operation and activities of the local housing corporation, including such matters as reporting requirements, budgeting and funding, the maintenance of housing projects, audits and investigations, the exchange of information and such other matters as the service manager or Lieutenant Governor in Council considers appropriate to ensure the performance of the local housing corporation's duties under this Act. 2011, c. 6, Sched. 1, s. 27 (2).

**Capital fund**

(3) Without limiting the scope of subsection (2), the rules may provide for the establishment and maintenance of a fund for capital expenditures of the local housing corporation. 2011, c. 6, Sched. 1, s. 27 (3).

**Conflicts**

(4) A rule made by the related service manager does not apply to the extent that it conflicts with a prescribed rule, unless the prescribed rule provides otherwise. 2011, c. 6, Sched. 1, s. 27 (4).

**Application of rules to entity that is not a local housing corporation**

(5) The rules may provide that they apply to an entity described in paragraph 1 or 2 of subsection 30 (1) that owns a housing project that was previously transferred to a local housing corporation by a transfer order under Part IV of the former Act, but the rules may apply to the entity,

(a) only in respect of the housing project; and

(b) only with respect to the period of time in which the entity owns the housing project. 2011, c. 6, Sched. 1, s. 27 (5).

**Subsidy from related service manager**

**28** (1) The related service manager shall pay a subsidy to a local housing corporation in accordance with the regulations. 2011, c. 6, Sched. 1, s. 28 (1).

**Same**

(2) An entity described in paragraph 2 of section 29 or paragraph 2 of subsection 30 (1) is entitled to a subsidy under subsection (1) in respect of a housing project that was previously transferred to a local housing corporation by a transfer order under Part IV of the former Act and is owned by the entity, but only with respect to the period of time during which the entity owns the housing project. 2011, c. 6, Sched. 1, s. 28 (2).

**Authority to acquire shares**

**29** Without limiting who else may acquire shares in a local housing corporation, the following are authorized to acquire such shares:

1. The related service manager.

2. A municipality in the service manager's service area, other than a municipality that forms part of the service manager for municipal purposes. 2011, c. 6, Sched. 1, s. 29.

**Requirement to be a local housing corporation**

**30** (1) A corporation is a local housing corporation only if all the shares are held by the following:

1. An entity authorized to acquire shares under section 29.

2. A corporation one of whose objects is the provision of housing and that is controlled by an entity authorized to acquire shares under section 29. 2011, c. 6, Sched. 1, s. 30 (1).

**Same**

(2) A corporation is a local housing corporation only if the related service manager owns, legally or beneficially, shares that carry voting rights sufficient to elect a majority of the board of directors. 2011, c. 6, Sched. 1, s. 30 (2).

**Language of services**

**31** A local housing corporation shall provide its services that relate to housing in both English and French if the corporation provides any of such services in an area that is designated in the Schedule to the *French Language Services Act*. 2011, c. 6, Sched. 1, s. 31.

## RESTRICTION ON CERTAIN CORPORATE CHANGES

**Share issue – restriction**

**32** A local housing corporation shall not issue shares unless,

(a) the related service manager consents in writing; or

(b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 32; 2016, c. 25, Sched. 3, s. 2.

**Section Amendments with date in force (d/m/y) [ + ]**

**Share transfer, etc. – restriction**

**33** (1) A shareholder of a local housing corporation shall not transfer or encumber shares unless,

(a) the related service manager consents in writing; or

(b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 33 (1); 2016, c. 25, Sched. 3, s. 3.

**Duty on local housing corporation**

(2) A local housing corporation shall not permit or acquiesce in a transfer or encumbrance that is prohibited under subsection (1). 2011, c. 6, Sched. 1, s. 33 (2).

**Definition**

(3) For the purposes of this section,

“transfer or encumber” includes the transfer or encumbrance of the beneficial ownership in shares. 2011, c. 6, Sched. 1, s. 33 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Amalgamation – restriction**

**34** A local housing corporation shall not amalgamate with another corporation unless,

- (a) the related service manager consents in writing; or
- (b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 34; 2016, c. 25, Sched. 3, s. 4.

**Section Amendments with date in force (d/m/y) [ + ]****Voluntary wind-up or dissolution – restriction**

**35** A local housing corporation shall not be voluntarily wound up or dissolved unless,

- (a) the related service manager consents in writing; or
- (b) the requirements prescribed for the purposes of this clause are satisfied. 2011, c. 6, Sched. 1, s. 35; 2016, c. 25, Sched. 3, s. 5.

**Section Amendments with date in force (d/m/y) [ + ]****Notice of consent**

**35.1** (1) The related service manager shall give the Minister written notice within 30 days of giving a consent under clause 32 (a), 33 (1) (a), 34 (a) or 35 (a). 2016, c. 25, Sched. 3, s. 6.

**Same, prescribed requirements**

(2) The notice must comply with the prescribed requirements. 2016, c. 25, Sched. 3, s. 6.

**Section Amendments with date in force (d/m/y) [ + ]****Consent by Minister instead of related service manager**

**35.2** The regulations may provide that it shall be the Minister and not the related service manager who gives consent under clause 32 (a), 33 (1) (a), 34 (a) or 35 (a). 2016, c. 25, Sched. 3, s. 6.

**Section Amendments with date in force (d/m/y) [ + ]****Invalidity if provisions contravened**

**36** (1) An issue, transfer, encumbrance, amalgamation, winding-up or dissolution carried out in contravention of section 32, 33, 34 or 35 is invalid and of no force or effect. 2011, c. 6, Sched. 1, s. 36 (1).

**Invalidity – things done in furtherance of contravention**

(2) Anything done by a local housing corporation or the shareholders or directors of a local housing corporation in furtherance of an action that would contravene section 32, 33, 34 or 35 is invalid and of no force or effect. 2011, c. 6, Sched. 1, s. 36 (2).

**Conflicts with *Business Corporations Act***

**37** In the event of a conflict between sections 32 to 36 and the *Business Corporations Act* or regulations made under that Act, sections 32 to 36 prevail. 2011, c. 6, Sched. 1, s. 37.

**PART V  
RENT-GEARED-TO-INCOME ASSISTANCE AND SPECIAL NEEDS HOUSING**

**DEFINITIONS**

**Definitions**

**38** In this Part,

“rent-geared-to-income assistance” means financial assistance provided in respect of a household to reduce the amount the household must otherwise pay to occupy a unit; (“aide sous forme de loyer indexé sur le revenu”)

“special needs housing” means housing intended for use by a household with one or more members who require accessibility modifications or provincially funded support services in order to live independently in the community; (“logement adapté”)

“special needs housing administrator” means, in relation to a housing project with special needs housing,

- (a) the service manager for the service area where the housing project is located, or
- (b) if the regulations so provide, the housing provider operating the housing project. (“administrateur de logements adaptés”) 2011, c. 6, Sched. 1, s. 38.

**APPLICATION OF PART**

**Application of Part**

**39** (1) This Part applies with respect to rent-geared-to-income assistance and special needs housing provided under a transferred housing program that is prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 39 (1).

**Exception**

(2) Despite subsection (1), sections 55 to 58 are not limited to rent-geared-to-income assistance described in subsection (1). 2011, c. 6, Sched. 1, s. 39 (2).

### MINIMUM SERVICE LEVELS

**Service levels, rent-geared-to-income assistance**

**40** (1) A service manager shall ensure that rent-geared-to-income assistance under this Part is provided in its service area for at least,

- (a) the prescribed number of households whose income is no greater than the household income limit; and
- (b) the prescribed number of high need households. 2011, c. 6, Sched. 1, s. 40 (1).

**Households not included**

(2) A household accommodated under a housing program prescribed for the purpose of this subsection may not be included to meet the requirements of clause (1) (a) or (b). 2011, c. 6, Sched. 1, s. 40 (2).

**Households included**

(3) A household may be included to meet the requirements of clause (1) (a) or (b) even if this Part does not apply to the rent-geared-to-income assistance received by the household, as long as the assistance is provided in accordance with the scheme set out in this Part. 2011, c. 6, Sched. 1, s. 40 (3).

**Same**

(3.1) A household may be included to meet the requirements of clause (1) (a) or (b) even if no rent-geared-to-income assistance is provided to the household under this Part, if the following requirements are met:

1. An alternate form of financial assistance related to housing is provided to the household.
2. The alternate form of financial assistance referred to in paragraph 1 is specified by the regulations or has been approved by the Minister for the purposes of this paragraph. 2016, c. 25, Sched. 3, s. 7.

**Legislation Act, 2006**

(3.2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an approval under paragraph 2 of subsection (3.1). 2016, c. 25, Sched. 3, s. 7.

**Definitions**

(4) In this section,

“high need household” means a household that meets such criteria as may be prescribed for the purposes of this definition; (“ménage ayant des besoins importants”)

“household income limit” means the household income limit prescribed for the purposes of this definition. (“seuil de revenu des ménages”) 2011, c. 6, Sched. 1, s. 40 (4).

**Service levels, modified units**

**41** (1) The following apply with respect to housing projects that are subject to the transferred housing programs prescribed for the purposes of this section:

1. The service manager shall ensure that the housing projects have, in total, at least the prescribed number of modified units.
2. The service manager shall ensure that the modified units required under paragraph 1 meet the prescribed requirements. 2011, c. 6, Sched. 1, s. 41 (1).

**Definition of “modified unit”**

(2) In this section,

“modified unit” means a unit that has been modified so as to be accessible to an individual with a physical disability or so as to allow an individual with a physical disability to live independently. 2011, c. 6, Sched. 1, s. 41 (2).

### RENT-GEARED-TO-INCOME ASSISTANCE

**Eligibility rules**

**42** (1) Eligibility for rent-geared-to-income assistance shall be determined in accordance with the following:

1. The prescribed provincial eligibility rules.
2. The local eligibility rules made by the service manager. 2011, c. 6, Sched. 1, s. 42 (1).

**Limits of local rules**

(2) A service manager may make local eligibility rules only with respect to the prescribed matters. 2011, c. 6, Sched. 1, s. 42 (2).

**Prescribed requirements for local rules**

(3) The local eligibility rules must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 42 (3).

**Conflicts**

(4) A local eligibility rule does not apply to the extent that it conflicts with a provincial eligibility rule, unless the provincial eligibility rule provides otherwise. 2011, c. 6, Sched. 1, s. 42 (4).

**Occupancy standards**

**43** (1) A service manager shall establish occupancy standards for determining the size and type of unit permissible for a household receiving rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 43 (1).

**Prescribed requirements**

(2) The occupancy standards must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 43 (2).

**Application for assistance**

**44** (1) A member of a household may apply, on behalf of the household, to a service manager for rent-geared-to-income assistance for a unit in a housing project in the service manager's service area. 2011, c. 6, Sched. 1, s. 44 (1).

**Contents of application**

(2) An application must include,

- (a) the prescribed information and documents; and
- (b) the information and documents required by the service manager. 2011, c. 6, Sched. 1, s. 44 (2).

**Limitations on required information and documents**

(3) The information and documents a service manager may require under clause (2) (b) are subject to the prescribed limitations. 2011, c. 6, Sched. 1, s. 44 (3).

**Form of application**

(4) An application must be in a form authorized by the service manager. 2011, c. 6, Sched. 1, s. 44 (4).

**Determination of eligibility**

**45** (1) The service manager shall determine whether the household is eligible for rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 45 (1).

**Rules guiding determination**

(2) The service manager's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 42.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 45 (2).

**Determination of size and type of unit**

**46** (1) The service manager shall determine the size and type of unit that would be permissible if the household received rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 46 (1).

**Rules guiding determination**

(2) The service manager's determination shall be made in accordance with the occupancy standards established under section 43. 2011, c. 6, Sched. 1, s. 46 (2).

**System for selecting waiting households**

**47** (1) A service manager shall have a system for selecting households from those waiting for rent-geared-to-income assistance in the housing projects in the service manager's service area. 2011, c. 6, Sched. 1, s. 47 (1).

**Specific inclusions**

(2) The system must include,

- (a) rules for determining whether a unit that becomes vacant should be occupied by a household that will be receiving rent-geared-to-income assistance;
- (b) priority rules for households waiting for rent-geared-to-income assistance; and
- (c) rules governing the selection by a housing provider of households to occupy units or receive rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 47 (2).

**Prescribed requirements**

(3) The system must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 47 (3).

**Rules for certain waiting households**

(4) The regulations may provide that the system may include rules that,

- (a) deal with households waiting for rent-geared-to-income assistance that have accepted an offer of an alternate form of financial assistance related to housing that is specified by the regulations or has been approved by the Minister for the purposes of this clause; and
- (b) apply despite the prescribed requirements. 2016, c. 25, Sched. 3, s. 8.

**Legislation Act, 2006**

(5) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an approval under clause (4) (a). 2016, c. 25, Sched. 3, s. 8.

**Determination of priority**

**48** (1) The service manager shall determine the priority of households waiting for rent-geared-to-income assistance, including whether a household is included in a category given priority over other categories. 2011, c. 6, Sched. 1, s. 48 (1).

**Rules guiding determination**

(2) The service manager's determination shall be made in accordance with the following:

- 1. The prescribed provincial priority rules.
- 2. The service manager's priority rules included in the service manager's system under clause 47 (2) (b). 2011, c. 6, Sched. 1, s. 48 (2).

**Conflicts**

(3) A service manager's priority rule does not apply to the extent that it conflicts with a provincial priority rule, unless the provincial priority rule provides otherwise. 2011, c. 6, Sched. 1, s. 48 (3).

**Requirement to provide information**

(4) If a service manager, for the purposes of determining the priority of a household and with the household's consent, requests another service manager to provide information prescribed for the purposes of this subsection, the other service manager shall supply the requested information. 2011, c. 6, Sched. 1, s. 48 (4).

**Use of system by housing provider**

**49** A housing provider shall use the system under section 47 for its housing projects. 2011, c. 6, Sched. 1, s. 49.

**Amount of geared-to-income rent**

**50** (1) The service manager shall determine the amount of rent payable by a household receiving rent-geared-to-income assistance for a unit in a housing project in the service manager's service area. 2011, c. 6, Sched. 1, s. 50 (1).

**Requirements guiding determination**

(2) The service manager's determination shall be made in accordance with the requirements prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 50 (2).

**Housing provider bound**

(3) A determination under this section is binding on the housing provider. 2011, c. 6, Sched. 1, s. 50 (3).

**Deferral or forgiveness of geared-to-income rent**

**51** (1) The service manager may, upon the application of a household receiving rent-geared-to-income assistance, defer or forgive all or part of the rent payable by the household. 2011, c. 6, Sched. 1, s. 51 (1).

**Rules guiding decision and deferral or forgiveness**

(2) The service manager's decision on an application and any resulting deferral or forgiveness of rent shall be made in accordance with the rules made by the service manager. 2011, c. 6, Sched. 1, s. 51 (2).

**Prescribed requirements**

(3) The rules must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 51 (3).

**Housing provider bound**

(4) A deferral or forgiveness under this section is binding on the housing provider. 2011, c. 6, Sched. 1, s. 51 (4).

**Review of continued eligibility**

**52** (1) On a periodic basis and at such other times as the regulations may require, a service manager shall determine whether the households receiving rent-geared-to-income assistance for units in housing projects of the service manager continue to be eligible for rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 52 (1).

**Requirements relating to periodic basis**

(2) The regulations may govern the periodic basis upon which determinations under subsection (1) shall be made. 2011, c. 6, Sched. 1, s. 52 (2).

**Rules guiding determination**

(3) The service manager's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 42.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 52 (3).

**Notice of certain decisions**

**53** (1) A service manager shall give a household written notice, in accordance with any prescribed requirements, of the following decisions:

1. A determination, under subsection 45 (1), whether the household is eligible for rent-geared-to-income assistance.
2. A determination, under subsection 46 (1), of the size and type of unit that would be permissible if the household received rent-geared-to-income assistance.
3. A determination, under subsection 48 (1), whether the household is included in a category given priority over other categories.
4. A determination, under subsection 50 (1), of the amount of rent payable by the household.
5. A determination, under subsection 52 (1), that the household is no longer eligible for rent-geared-to-income assistance.
6. A determination, under subsection 51 (1), as to whether or not rent will be deferred or forgiven.
7. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 53 (1).

**Notice to housing provider**

(2) The service manager shall also give the affected housing provider notice of the following decisions:

1. A determination described in paragraph 4 of subsection (1) of the amount of rent payable by the household.
2. A determination described in paragraph 5 subsection (1) that the household is no longer eligible for rent-geared-to-income assistance.
3. A determination described in paragraph 6 of subsection (1) that rent is being deferred or forgiven.
4. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 53 (2).

**Information, etc., made available to the public**

**54** (1) A service manager shall make the following available to the public in accordance with any prescribed requirements:

1. The service manager's procedures for applications for rent-geared-to-income assistance, including what information and documents the service manager requires under clause 44 (2) (b) and the form authorized for the purposes of subsection 44 (4).
2. The service manager's local eligibility rules made under section 42.
3. The service manager's occupancy standards established under section 43.
4. The rules included, under subsection 47 (2), in the service manager's system for selecting households required under section 47.
5. Information on the housing projects in the service manager's service area where rent-geared-to-income assistance is provided.
6. Information about the provincial eligibility rules prescribed for the purposes of paragraph 1 of subsection 42 (1).
7. Information about the provincial priority rules prescribed for the purposes of paragraph 1 of subsection 48 (2).
8. Any information or documents prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 54 (1).

**Service manager request for information**

(2) A housing provider shall provide such information as the service manager requests for the purposes of complying with paragraph 5 of subsection (1). 2011, c. 6, Sched. 1, s. 54 (2).

**Information, etc., made available by housing provider**

(3) The housing provider operating a housing project that is subject to a program prescribed for the purposes of subsection 39 (1) shall make the prescribed information or documents relating to rent-geared-to-income assistance available to the public in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 54 (3).

**Prohibition re obtaining assistance**

**55** (1) No member of a household shall knowingly obtain or receive rent-geared-to-income assistance for which the household is not eligible. 2011, c. 6, Sched. 1, s. 55 (1).

**Same**

(2) A person shall not knowingly aid or abet a member of a household to obtain or receive rent-geared-to-income assistance for which the household is not eligible. 2011, c. 6, Sched. 1, s. 55 (2).

**Penalty**

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and, on conviction, is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both. 2011, c. 6, Sched. 1, s. 55 (3).

**Assistance improperly received**

**56** (1) This section applies if a household received rent-geared-to-income assistance to which it was not entitled because either,

- (a) the amount of the geared-to-income rent was less than what the household was entitled to; or
- (b) the household was not entitled to rent-geared-to-income assistance. 2011, c. 6, Sched. 1, s. 56 (1).

**Repayment by household**

(2) Subject to any prescribed limitations, the service manager may require the household to pay the service manager the difference between the rent the household paid and the rent the household should have paid. 2011, c. 6, Sched. 1, s. 56 (2).

**Individuals liable**

(3) The members of the household who were parties to the lease or occupancy agreement are jointly and severally liable to pay the amount required under subsection (2). 2011, c. 6, Sched. 1, s. 56 (3).

**Recovery**

(4) An amount a person is required to pay under subsection (3) is a debt owed to the service manager and the service manager may recover the debt by any remedy or procedure available to the service manager by law. 2011, c. 6, Sched. 1, s. 56 (4).

**Recovery by rent increase**

(5) Subject to any prescribed limitations or requirements, the service manager may recover an amount required under subsection (2) by increasing the amount of the geared-to-income rent payable by the household to the housing provider and either,

- (a) deducting the increase from the subsidy paid by the service manager to the housing provider under section 28 or 78; or
- (b) requiring the housing provider to pay the service manager the increase. 2011, c. 6, Sched. 1, s. 56 (5).

**Same**

(6) Sections 116 and 118 of the *Residential Tenancies Act, 2006* do not apply with respect to an increase under subsection (5). 2011, c. 6, Sched. 1, s. 56 (6).

**Eligibility review officers**

**57** (1) A service manager may designate persons as eligibility review officers. 2011, c. 6, Sched. 1, s. 57 (1).

**Investigation**

(2) An eligibility review officer may investigate the past or present eligibility of a household to receive rent-geared-to-income assistance and may investigate any member of a household under investigation. 2011, c. 6, Sched. 1, s. 57 (2).

**Powers**

(3) An eligibility review officer has the prescribed powers. 2011, c. 6, Sched. 1, s. 57 (3).

**Search warrants**

(4) An eligibility review officer may apply for and act under a search warrant. 2011, c. 6, Sched. 1, s. 57 (4).

**Powers subject to regulations**

(5) The regulations may govern the exercise of an eligibility review officer's powers under subsection (3) or (4). 2011, c. 6, Sched. 1, s. 57 (5).

**Personal information**

(6) An eligibility review officer is deemed to be engaged in law enforcement for the purposes of the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*. 2011, c. 6, Sched. 1, s. 57 (6).

**Prohibition, obstruction**

(7) No person shall obstruct or knowingly give false information to an eligibility review officer engaged in an investigation under subsection (2). 2011, c. 6, Sched. 1, s. 57 (7).

**Penalty**

(8) A person who contravenes subsection (7) is guilty of an offence and, on conviction, is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both. 2011, c. 6, Sched. 1, s. 57 (8).

**Family support workers**

**58** (1) A service manager, or a person or organization authorized to do so by the service manager, may designate persons as family support workers to assist any member of a household that is eligible for rent-geared-to-income assistance in taking whatever action is necessary to pursue financial support from persons with a legal obligation to provide it. 2011, c. 6, Sched. 1, s. 58 (1).

**Powers and duties**

(2) A family support worker has the prescribed powers and duties. 2011, c. 6, Sched. 1, s. 58 (2).

**Personal information**

(3) A family support worker may collect and disclose personal information to assist in legal proceedings for financial support and in the enforcement of agreements, orders and judgments relating to financial support. 2011, c. 6, Sched. 1, s. 58 (3).

## SPECIAL NEEDS HOUSING

**Eligibility rules**

**59** Eligibility for special needs housing shall be determined in accordance with the prescribed provincial eligibility rules. 2011, c. 6, Sched. 1, s. 59.

**Application for special needs housing**

**60** (1) A member of a household may apply, on behalf of the household, to the special needs housing administrator for special needs housing in a housing project. 2011, c. 6, Sched. 1, s. 60 (1).

**Contents of application**

(2) An application must include,

- (a) the prescribed information and documents; and
- (b) the information and documents required by the special needs housing administrator. 2011, c. 6, Sched. 1, s. 60 (2).

**Limitations on required information and documents**

(3) The information and documents the special needs housing administrator may require under clause (2) (b) are subject to the prescribed limitations. 2011, c. 6, Sched. 1, s. 60 (3).

**Form of application**

(4) An application must be in a form authorized by the special needs housing administrator. 2011, c. 6, Sched. 1, s. 60 (4).

**Determination of eligibility**

**61** (1) The special needs housing administrator shall determine whether the household is eligible for special needs housing. 2011, c. 6, Sched. 1, s. 61 (1).

**Rules guiding determination**

(2) The special needs housing administrator's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 59.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 61 (2).

**System for selecting waiting households**

**62** (1) A special needs housing administrator shall have a system for selecting households from those waiting for special needs housing in the administrator's housing projects. 2011, c. 6, Sched. 1, s. 62 (1).

**Prescribed requirements**

(2) The system must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 62 (2).

**Determination of priority**

**63** (1) The special needs housing administrator shall determine the priority of households waiting for special needs housing, including whether a household is included in a category given priority over other categories. 2011, c. 6, Sched. 1, s. 63 (1).

**Rules guiding determination**

(2) The special needs housing administrator's determination shall be made in accordance with the prescribed provincial priority rules. 2011, c. 6, Sched. 1, s. 63 (2).

**Use of system by housing provider**

**64** A housing provider shall use the system under section 62 for its housing projects. 2011, c. 6, Sched. 1, s. 64.

**Review of continued eligibility**

**65** (1) On a periodic basis and at such other times as the regulations may require, a special needs housing administrator shall determine whether the households that occupy special needs housing in housing projects of the administrator continue to be eligible for special needs housing. 2011, c. 6, Sched. 1, s. 65 (1).

**Requirements relating to periodic basis**

(2) The regulations may govern the periodic basis upon which determinations under subsection (1) shall be made. 2011, c. 6, Sched. 1, s. 65 (2).

**Rules guiding determination**

(3) The special needs housing administrator's determination shall be made in accordance with the following:

1. The eligibility rules referred to in section 59.
2. The requirements prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 65 (3).

**Notice of certain decisions**

**66** (1) A special needs housing administrator shall give a household written notice, in accordance with any prescribed requirements, of the following decisions:

1. A determination, under subsection 61 (1), whether the household is eligible for special needs housing.
2. A determination, under subsection 63 (1), whether the household is included in a category given priority over other categories.
3. A determination, under subsection 65 (1), that the household is no longer eligible for special needs housing.
4. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 66 (1).

**Notice to housing provider**

(2) A special needs housing administrator that is a service manager shall also give the affected housing provider notice of the following decisions:

1. A determination described in paragraph 3 of subsection (1) that the household is no longer eligible for special needs housing.
2. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 66 (2).

**Information, etc., made available to the public**

**67** (1) A special needs housing administrator shall make the following available to the public in accordance with any prescribed requirements:

1. The special needs housing administrator's procedures for applications for special needs housing, including what information and documents the administrator requires under subsection 60 (2) and the form authorized for the purposes of subsection 60 (4).
2. The rules included in the special needs housing administrator's system for selecting households required under section 62.
3. Information on the special needs housing administrator's housing projects where there is special needs housing.
4. Information about the provincial eligibility rules prescribed for the purposes of section 59.
5. Information about the provincial priority rules prescribed for the purposes of subsection 63 (2).
6. Any information or documents prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 67 (1).

**Administrator request for information**

(2) If the special needs housing administrator for a housing project is the service manager, the housing provider shall provide such information as the administrator requests for the purposes of complying with paragraph 3 of subsection (1). 2011, c. 6, Sched. 1, s. 67 (2).

**Information, etc., made available by service manager**

(3) If the special needs housing administrator for a housing project is the housing provider, the service manager in whose service area the project is located shall make the prescribed information or documents relating to special needs housing available to the public in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 67 (3).

**Information, etc., made available by housing provider**

(4) The housing provider operating a housing project that is subject to a program prescribed for the purposes of subsection 39 (1) shall make the prescribed information or documents relating to special needs housing available to the public in accordance with any prescribed requirements. 2011, c. 6, Sched. 1, s. 67 (4).

**PART VI****GENERAL RULES FOR TRANSFERRED HOUSING PROGRAMS AND PROJECTS****General duty of service manager**

**68** (1) A service manager shall administer and fund a transferred housing program as it relates to a housing project designated in the regulations for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 68 (1).

**How duty carried out**

(2) A service manager shall carry out the duty under subsection (1) in accordance with,

- (a) this Act and the regulations, including such criteria and rules as may be prescribed for the program for the purposes of this clause; and
- (b) any applicable pre-reform operating agreement. 2011, c. 6, Sched. 1, s. 68 (2).

**Conflicts**

(3) A requirement under clause (2) (a) does not apply to the extent that it conflicts with a requirement under clause (2) (b). 2011, c. 6, Sched. 1, s. 68 (3).

**Restriction on amendments to agreement**

(4) No amendment shall be made to a pre-reform operating agreement after this section comes into force if the amendment would result in a conflict with a requirement under clause (2) (a). 2011, c. 6, Sched. 1, s. 68 (4).

**Same**

(5) Subsection (3) does not apply with respect to an amendment made contrary to subsection (4). 2011, c. 6, Sched. 1, s. 68 (5).

**General duty of housing provider**

69 (1) This section applies to a housing provider that operates a designated housing project. 2011, c. 6, Sched. 1, s. 69 (1).

**General management**

(2) The housing provider shall ensure that the project is well managed, maintained in a satisfactory state of repair and fit for occupancy. 2011, c. 6, Sched. 1, s. 69 (2).

**Rent and leases**

(3) The housing provider is responsible, in relation to the project, for the collection of rent and the administration of leases. 2011, c. 6, Sched. 1, s. 69 (3).

**Information to service manager**

(4) The housing provider shall give such information as the regulations require to the service manager that administers the transferred housing program to which the project is subject. 2011, c. 6, Sched. 1, s. 69 (4).

**Plans**

(5) The housing provider shall prepare and follow such plans relating to the governance or operation of the housing provider as the regulations may require. 2011, c. 6, Sched. 1, s. 69 (5).

**Records**

70 A service manager shall keep records, in accordance with the regulations, in relation to its transferred housing programs and the designated housing projects that are subject to those programs. 2011, c. 6, Sched. 1, s. 70.

**Audit or investigation**

71 (1) The Minister may appoint a person to conduct an audit or investigation to ensure that a service manager is administering and funding its transferred housing programs in accordance with this Act and the regulations. 2011, c. 6, Sched. 1, s. 71 (1).

**Notice to service manager**

(2) The person appointed under subsection (1) shall give the service manager notice before beginning the audit or investigation. 2011, c. 6, Sched. 1, s. 71 (2).

**Duty to co-operate**

(3) The service manager and its employees and agents shall co-operate in all respects with the person appointed under subsection (1). 2011, c. 6, Sched. 1, s. 71 (3).

**Solicitor-client privilege**

(4) Subsection (3) does not override any solicitor-client privilege. 2011, c. 6, Sched. 1, s. 71 (4).

**Report to service manager**

(5) Within 60 days after the audit or investigation is completed, the Minister shall prepare a report of the results and give a copy of the report to the service manager. 2011, c. 6, Sched. 1, s. 71 (5).

**Exception if referral to law enforcement agency**

(6) If the report or circumstances identified in the report have been referred to a law enforcement agency, the Minister is not required to give the service manager a copy under subsection (5) but may give the service manager a copy of all or part of the report if the Minister is satisfied that the service manager will use it only for the purposes of the proper administration and funding of the transferred housing programs. 2011, c. 6, Sched. 1, s. 71 (6).

**Notice of certain projects in difficulty**

72 (1) A service manager shall promptly give written notice to the Minister if,

(a) one of its designated housing projects is in difficulty; and

(b) the project is subject to a mortgage guaranteed by the Province of Ontario or the Ontario Mortgage and Housing Corporation. 2011, c. 6, Sched. 1, s. 72

(1).

**When a project is in difficulty**

(2) For the purposes of clause (1) (a), a designated housing project is in difficulty if,

(a) the mortgage described in clause (1) (b) is in default;

(b) the service manager is of the opinion that, because of the financial position or the projected financial position of the housing provider, either of the following is likely to happen within 12 months after the end of the current fiscal year of the housing provider,

(i) the mortgage described in clause (1) (b) will go into default, or

(ii) the housing provider will fail to meet a substantial financial obligation; or

(c) the service manager is of the opinion that the housing provider has failed to comply with a substantial obligation under this Act. 2011, c. 6, Sched. 1, s. 72 (2).

**Notice to housing provider**

(3) If a service manager gives the Minister notice under subsection (1), the service manager shall, at the same time, give the housing provider a copy of the notice unless there are circumstances contributing to the housing project being in difficulty that have been referred to a law enforcement agency. 2011, c. 6, Sched. 1, s. 72 (3).

**Content of notice**

(4) The notice must include such information as may be prescribed. 2011, c. 6, Sched. 1, s. 72 (4).

**PART VII  
GENERAL RULES FOR CERTAIN HOUSING PROJECTS**

**DEFINITION**

**Definition**

**73** In this Part,

“Part VII housing project” means a designated housing project that is prescribed for the purposes of this definition. 2011, c. 6, Sched. 1, s. 73.

**APPLICATION OF PART**

**Application of Part**

**74** This Part applies with respect to,

(a) a housing provider only if it operates a Part VII housing project; and

(b) a service manager only if there is a Part VII housing project in its service area. 2011, c. 6, Sched. 1, s. 74.

**OPERATION OF PROJECTS**

**Operating rules for projects**

**75** (1) A housing provider shall operate a Part VII housing project and govern itself in accordance with,

(a) the prescribed provincial requirements; and

(b) the local standards made by the service manager. 2011, c. 6, Sched. 1, s. 75 (1).

**Limits of local standards**

(2) A service manager may make local standards only with respect to the prescribed matters. 2011, c. 6, Sched. 1, s. 75 (2).

**Conflicts**

(3) A local standard does not apply to the extent that it conflicts with a provincial requirement, unless the provincial requirement provides otherwise. 2011, c. 6, Sched. 1, s. 75 (3).

**Mandates under former Act**

**76** (1) A mandate of a housing provider established under section 99 of the former Act continues with respect to a Part VII housing project despite the repeal of that section. 2011, c. 6, Sched. 1, s. 76 (1).

**Amendment, etc.**

(2) The housing provider and the service manager may amend, terminate or replace the mandate by a written agreement. 2011, c. 6, Sched. 1, s. 76 (2).

**Targets for rent-geared-to-income and modified units**

**77** (1) For each Part VII housing project, there shall be a target for,

(a) the number of units occupied by households receiving rent-geared-to-income assistance as defined in section 38; and

(b) the number of modified units. 2011, c. 6, Sched. 1, s. 77 (1).

**Definition of “modified unit”**

(2) In clause (1) (b),

“modified unit” means a unit that has been modified so as to be accessible to an individual with a physical disability or so as to allow an individual with a physical disability to live independently. 2011, c. 6, Sched. 1, s. 77 (2).

**Prescribed requirements for target**

(3) A target, including a target changed under subsection (4) or (5), must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 77 (3).

**Changes by agreement**

(4) The service manager and housing provider may change a target by a written agreement. 2011, c. 6, Sched. 1, s. 77 (4).

**Changes by service manager**

(5) The service manager may change a target without the agreement of the housing provider, subject to the following:

1. The service manager shall consult with the housing provider before making the change.
2. The change is subject to the prescribed restrictions. 2011, c. 6, Sched. 1, s. 77 (5).

**Transition – initial targets**

(6) The initial targets for a Part VII housing project shall be the targets, applicable immediately before this section came into force, under the targeting plan under section 98 of the former Act with any changes under section 101 of the former Act. 2011, c. 6, Sched. 1, s. 77 (6).

## FUNDING

**Subsidy from service manager**

**78** (1) A service manager shall pay a subsidy to a housing provider. 2011, c. 6, Sched. 1, s. 78 (1).

**Amount**

(2) The amount of the subsidy shall be determined in the prescribed manner. 2011, c. 6, Sched. 1, s. 78 (2).

**Times for payment**

(3) The subsidy shall be paid at the prescribed times. 2011, c. 6, Sched. 1, s. 78 (3).

**Determinations by Minister**

(4) The regulations may provide for the Minister to determine amounts to be used in the determination of the amount of the subsidy. 2011, c. 6, Sched. 1, s. 78 (4).

**Notice of determinations by Minister**

(5) If the Minister determines any amounts under the regulations, the Minister shall give the following notices in accordance with any prescribed requirements:

1. A notice to each housing provider of the amounts relevant to the determination of the subsidy paid to the housing provider.
2. A notice to each service manager of the amounts relevant to the determination of the subsidies paid by the service manager. 2011, c. 6, Sched. 1, s. 78 (5).

## RECORDS AND REPORTS

**Records of housing provider**

**79** (1) A housing provider shall keep records in accordance with the regulations. 2011, c. 6, Sched. 1, s. 79 (1).

**Records required by service manager**

(2) A housing provider shall also keep such records as the service manager specifies for such periods as the service manager specifies. 2011, c. 6, Sched. 1, s. 79 (2).

**Annual report from housing provider**

**80** (1) Within five months after the end of each fiscal year of a housing provider, the housing provider shall give the service manager an annual report for the year. 2011, c. 6, Sched. 1, s. 80 (1).

**Form and contents**

(2) The annual report must be in the form authorized by the Minister and must include the prescribed information and the prescribed documents. 2011, c. 6, Sched. 1, s. 80 (2).

**False information**

(3) A housing provider shall not knowingly furnish false information in an annual report. 2011, c. 6, Sched. 1, s. 80 (3).

**Reduction in subsidy**

(4) If a housing provider does not give the service manager its annual report in accordance with this section, the service manager may reduce the subsidy payments to be made to the housing provider under section 78 by no more than 2 per cent of the unreduced subsidy for the fiscal year or \$5,000, whichever is less, for each month in which the report remains undelivered. 2011, c. 6, Sched. 1, s. 80 (4).

**Notice**

(5) The service manager shall give the housing provider written notice of the reduction in its subsidy under subsection (4) at least 30 days before implementing it. 2011, c. 6, Sched. 1, s. 80 (5).

**Other reports, etc., from housing provider**

**81** (1) A housing provider shall give the service manager such reports, documents and information as the service manager requests at the times the service manager specifies. 2011, c. 6, Sched. 1, s. 81 (1).

**Form and manner**

(2) The reports, documents and information required under subsection (1) must be given in the form and manner authorized by the service manager. 2011, c. 6, Sched. 1, s. 81 (2).

**False information**

(3) A housing provider shall not knowingly furnish false information in a report, document or information given under subsection (1). 2011, c. 6, Sched. 1, s. 81 (3).

## ENFORCEMENT

**Audit or investigation**

**82** (1) A service manager may appoint a person to conduct an audit or investigation to ensure that a housing provider is complying with this Act and the regulations. 2011, c. 6, Sched. 1, s. 82 (1).

**Notice to housing provider**

(2) The person appointed under subsection (1) shall give the housing provider notice before beginning the audit or investigation. 2011, c. 6, Sched. 1, s. 82 (2).

**Entry, etc., into housing project**

(3) For the purposes of the audit or investigation, the person appointed under subsection (1) may enter and inspect a Part VII housing project at any reasonable time. 2011, c. 6, Sched. 1, s. 82 (3).

**Restriction**

(4) Despite subsection (3), the person appointed under subsection (1) shall not enter and inspect a unit in which a household resides unless a member of the household consents to the entry and inspection after being informed that he or she may refuse to consent to the entry and inspection. 2011, c. 6, Sched. 1, s. 82 (4).

**Use of force prohibited**

(5) For greater certainty, subsection (3) does not authorize the use of force. 2011, c. 6, Sched. 1, s. 82 (5).

**Duty to co-operate**

(6) The housing provider and its employees and agents shall co-operate in all respects with the person appointed under subsection (1). 2011, c. 6, Sched. 1, s. 82 (6).

**Solicitor-client privilege**

(7) Subsection (6) does not override any solicitor-client privilege. 2011, c. 6, Sched. 1, s. 82 (7).

**Report to housing provider**

(8) Within 60 days after the audit or investigation is completed, the service manager shall prepare a report of the results and give a copy of the report to the housing provider. 2011, c. 6, Sched. 1, s. 82 (8).

**Exception if referral to law enforcement agency**

(9) If the report or circumstances identified in the report have been referred to a law enforcement agency, the service manager is not required to give the housing provider a copy under subsection (8) but may give the housing provider a copy of all or part of the report if the service manager is satisfied that the housing provider will use it only for the purposes of the proper operation of the housing provider. 2011, c. 6, Sched. 1, s. 82 (9).

**Triggering events**

**83** The following are triggering events for the purposes of sections 84 to 98:

1. The housing provider contravenes this Act or the regulations.

2. The housing provider becomes bankrupt or insolvent, takes the benefit of any statute for bankrupt or insolvent debtors or makes any proposal, assignment or arrangement with its creditors.
3. Steps are taken or proceedings are commenced by any person to dissolve or wind up the housing provider.
4. The housing provider ceases or threatens to cease to carry on business in the normal course.
5. A trustee, receiver, receiver and manager or similar person is appointed with respect to the business or assets of the housing provider.
6. REVOKED: 2017, c. 2, Sched. 3, s. 5 (1).
7. Any assets of the housing provider are seized under execution or attachment.
8. The housing provider is unable to fulfil its obligations.
9. The housing provider incurs an expenditure that is, in the opinion of the service manager, substantial and excessive.
10. The housing provider incurs an accumulated deficit that is, in the opinion of the service manager, substantial and excessive.
11. In the opinion of the service manager, the housing provider has failed to operate a designated housing project properly.
12. The housing provider contravenes a lease under which it has a leasehold interest in a designated housing project or in land where a designated housing project is located. 2011, c. 6, Sched. 1, s. 83; 2017, c. 2, Sched. 3, s. 5 (1).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Assistance before triggering event**

**84.** (1) If a housing provider notifies the service manager of a situation that may give rise to a triggering event, or if the service manager otherwise becomes aware of such a situation, the service manager shall use reasonable efforts to assist the housing provider to deal with the situation. 2011, c. 6, Sched. 1, s. 84 (1).

##### **Expenditures not required**

(2) Subsection (1) does not require the service manager to do anything that would require the expenditure of funds. 2011, c. 6, Sched. 1, s. 84 (2).

##### **No limit on remedies**

(3) The duty under subsection (1) does not limit the use of a remedy under section 85. 2011, c. 6, Sched. 1, s. 84 (3).

##### **Remedies**

**85** If a triggering event occurs, the service manager may exercise the following remedies:

1. The service manager may discontinue or suspend the subsidy payments under section 78.
2. The service manager may reduce the amount of the subsidy payments under section 78.
3. The service manager may deduct amounts from the subsidy payments under section 78 to pay all or part of a debt of the housing provider.
4. The service manager may,
  - i. exercise any of the powers or perform any of the duties of the housing provider under this Act, or
  - ii. act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects.
5. The service manager may appoint an operational advisor for the housing provider.
6. The service manager may appoint an interim receiver or interim receiver and manager for the housing provider.
7. The service manager may seek the appointment by the Superior Court of Justice of a receiver or receiver and manager for the housing provider.
8. The service manager may remove some or all of the directors or the deemed directors of the housing provider, regardless of whether they were elected or appointed or became directors by virtue of their office.
9. The service manager may appoint one or more individuals as directors of the housing provider. 2011, c. 6, Sched. 1, s. 85.

##### **Other remedies not limited**

**86** (1) Nothing in sections 84 to 98 limits the exercise of any remedy the service manager may have other than under section 85. 2011, c. 6, Sched. 1, s. 86 (1).

##### **Exception**

(2) Subsection (1) does not apply with respect to the appointment, by the court, of a receiver or receiver and manager for a housing provider and a service manager may not seek such an appointment other than under paragraph 7 of section 85. 2011, c. 6, Sched. 1, s. 86 (2).

##### **Multiple remedies allowed**

**87** In respect of the same occurrence of a triggering event, the service manager may,

- (a) exercise more than one remedy; or

(b) exercise the same or different remedies at different times. 2011, c. 6, Sched. 1, s. 87.

#### **Waiver of a remedy**

**88** The following apply with respect to a waiver by a service manager of the right to exercise a remedy under section 85:

1. To be effective, a waiver must be in writing and must be signed by the service manager.
2. No delay by the service manager operates as a waiver.
3. A waiver of the right to exercise a remedy in respect of an occurrence of a triggering event does not operate as a waiver,
  - i. to exercise another remedy in respect of that same occurrence, or
  - ii. to exercise the same remedy in respect of a different occurrence. 2011, c. 6, Sched. 1, s. 88.

#### **Remedy must be reasonable**

**89** The service manager may exercise a remedy only if, in the circumstances, it is reasonable to exercise the remedy and the remedy is exercised in a reasonable way. 2011, c. 6, Sched. 1, s. 89.

#### **Notice, opportunity to rectify and make submission**

**90** (1) A service manager may exercise a remedy under section 85 in respect of an occurrence of a triggering event only if,

- (a) the service manager has given the housing provider a written notice that complies with subsection (2);
- (b) the triggering event continues following the last day of the period referred to in clause (2) (c), and the service manager has subsequently given the housing provider a written notice that complies with subsection (4);
- (c) the service manager has given the housing provider an opportunity to make a submission to the service manager in accordance with clause (4) (c); and
- (d) the service manager has considered the submission if a submission is made, made a decision, and provided the housing provider with notice of the decision and the reasons for it. 2011, c. 6, Sched. 1, s. 90 (1).

#### **Content of notice of triggering event**

(2) The notice referred to in clause (1) (a) must,

- (a) specify the particulars of the occurrence of the triggering event or events;
- (b) specify what if anything the housing provider must do or refrain from doing to rectify the situation that gave rise to the occurrence of the triggering event or events in order to avoid an exercise of a remedy or remedies;
- (c) specify the period within which the housing provider must comply with the notice, which may not be less than 60 days from the date the notice is given; and
- (d) if the notice provides for the submission of a plan by the housing provider, specify the matters that must be addressed in the plan. 2011, c. 6, Sched. 1, s. 90 (2).

#### **Training requirement**

(3) Without restricting the generality of clause (2) (b), for the purposes of that clause, a service manager may require a housing provider to ensure that any or all of the following persons receive training:

1. A director, employee or agent of the housing provider.
2. A person who has contracted with the housing provider to manage a Part VII housing project on behalf of the housing provider. 2011, c. 6, Sched. 1, s. 90 (3).

#### **Content of notice regarding submission**

(4) The notice referred to in clause (1) (b) must,

- (a) specify the particulars of the occurrence of the triggering event or events;
- (b) specify the remedy or remedies that the service manager is considering exercising to address the triggering event or events and the reasons why the service manager is considering them;
- (c) inform the housing provider that it can make a written submission on the service manager's proposed exercise of a remedy or remedies to the service manager by a date that is not less than 60 days after the date the notice is given;
- (d) inform the housing provider that if no submission is received within the period referred to in clause (c), the service manager will make a decision based on the information that is available to it; and
- (e) if the service manager is considering exercising the remedy under paragraph 4 of section 85, advise the housing provider of which powers the service manager would be exercising, which duties the service manager would be performing and the assets, liabilities or undertakings with respect to which it would be acting as the housing provider. 2011, c. 6, Sched. 1, s. 90 (4).

#### **Exceptions**

(5) Subsection (1) does not apply if,

- (a) the triggering event is a contravention of section 162;
- (b) the housing provider is unable to pay its debts as they become due;
- (c) the housing provider has operated a designated housing project in a way that has resulted in,
  - (i) significant physical deterioration of the housing project affecting the structural integrity of the housing project, or
  - (ii) danger to the health or safety of the residents of the housing project;
- (d) a report of an audit or investigation of the housing provider alleges fraud, criminal activity or a misuse of the assets of the housing provider and the alleged fraud, criminal activity or misuse of assets has been referred to a law enforcement agency;
- (e) a designated housing project of the housing provider is subject to a mortgage guaranteed by the Province of Ontario or the Ontario Mortgage and Housing Corporation and the mortgage is in default;
- (f) the number of directors of the housing provider has been less than the quorum needed for a meeting of the board of directors for a period of 90 days and remains less than the quorum; or
- (g) a circumstance exists that is prescribed for the purpose of this clause. 2011, c. 6, Sched. 1, s. 90 (5).

**Opportunity to make submission regarding court appointed receiver**

(6) Where a service manager is entitled to seek the appointment of a receiver or a receiver and manager under paragraph 7 of section 85, or to make an application for an extension of the appointment of an interim receiver or an interim receiver and manager under subsection 95 (3), the service manager shall not make a decision to do so unless,

- (a) the service manager has first given the housing provider a written notice that complies with subsection (7);
- (b) the service manager has given the housing provider an opportunity to make a submission to the service manager in accordance with clause (7) (c); and
- (c) the service manager has considered the submission if a submission is made, made a decision, and provided the housing provider with notice of the decision and the reasons for it. 2011, c. 6, Sched. 1, s. 90 (6).

**Content of notice**

(7) The notice referred to in clause (6) (a) must,

- (a) specify the particulars of the occurrence or continuation of the triggering event or events and the circumstances in subsection (5) that are continuing;
- (b) specify that the service manager is considering making an application to seek the appointment of a receiver or a receiver and manager under paragraph 7 of section 85 or extend the appointment of an interim receiver or an interim receiver and manager under subsection 95 (3) and the reasons why the service manager is doing so;
- (c) inform the housing provider that it can make a written submission on the service manager's proposed exercise of the remedy or application for extension by a date that is not less than 60 days after the date the notice is given; and
- (d) inform the housing provider that if no submission is received by the date specified by the service manager under clause (c), the service manager will make a decision based on the information that is available to it. 2011, c. 6, Sched. 1, s. 90 (7).

**Decision not to exercise a remedy**

(8) If the service manager decides not to exercise a remedy specified in a notice referred to in clause (1) (b) but the triggering event or events are continuing, the service manager shall not exercise that remedy unless the service manager has given the housing provider a further written notice that specifies the particulars of the continuation of the triggering event or events and repeats the steps referred to in clauses (1) (c) and (d). 2011, c. 6, Sched. 1, s. 90 (8).

**Limitation**

(9) Subsection (8) does not apply if the service manager has decided to exercise the remedy only if specified events do not occur by a specified date. 2011, c. 6, Sched. 1, s. 90 (9).

**Discontinuation or suspension of subsidy**

**91** A service manager shall not discontinue or suspend subsidy payments under paragraph 1 of section 85 unless the service manager is of the opinion that the triggering event is substantial. 2011, c. 6, Sched. 1, s. 91.

**Exercise of powers, etc., by service manager**

**92** (1) This section applies with respect to the exercise of the remedy under paragraph 4 of section 85 to either exercise powers or perform duties of a housing provider or to act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects. 2011, c. 6, Sched. 1, s. 92 (1).

**Time limit**

(2) The maximum period during which a service manager may exercise the remedy in respect of a triggering event or events is two years unless,

- (a) the period is extended by agreement with the housing provider; or
- (b) the service manager has extended the period, for no more than one year for each extension, after having first given the housing provider a further written notice that specifies the particulars of the continuation of the triggering event or events and having repeated the steps referred to in clauses 90 (1) (c) and (d). 2011, c. 6, Sched. 1, s. 92 (2).

**Requirement re property managers**

(3) A service manager shall not retain a property manager to act on its behalf in the exercise of the remedy in relation to a housing provider unless the service manager is of the opinion,

- (a) if the property manager is an individual, that the property manager is knowledgeable about this Act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,
  - (i) if the housing provider is a non-profit housing corporation, the property manager is knowledgeable about the structure and operation of non-profit housing corporations, or
  - (ii) if the housing provider is a non-profit housing co-operative, the property manager is knowledgeable about the structure and operation of non-profit housing co-operatives; or
- (b) if the property manager is not an individual, that the staff of the property manager are knowledgeable about this Act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,
  - (i) if the housing provider is a non-profit housing corporation, the staff of the property manager are knowledgeable about the structure and operation of non-profit housing corporations, or
  - (ii) if the housing provider is a non-profit housing co-operative, the staff of the property manager are knowledgeable about the structure and operation of non-profit housing co-operatives. 2011, c. 6, Sched. 1, s. 92 (3).

**Appointment by agreement**

(4) A property manager retained to act on the service manager's behalf in the exercise of the remedy shall be appointed under an agreement between the service manager and the property manager. 2011, c. 6, Sched. 1, s. 92 (4).

**Time limit**

(5) The term of the appointment of the property manager shall be determined under the agreement retaining the property manager. 2011, c. 6, Sched. 1, s. 92 (5).

**Qualification on time limit**

(6) Subsection (5) does not limit the retention of a property manager in respect of a different occurrence of a triggering event. 2011, c. 6, Sched. 1, s. 92 (6).

**Termination, etc.**

(7) Despite anything to the contrary in the agreement appointing a property manager, the service manager may, without the consent of the property manager, terminate or shorten the appointment at any time. 2011, c. 6, Sched. 1, s. 92 (7).

**Copy of agreement to housing provider**

(8) The service manager shall give the housing provider a copy of any agreement appointing a property manager and any amendment to the agreement. 2011, c. 6, Sched. 1, s. 92 (8).

**Powers**

(9) For greater certainty, section 162 applies to a service manager exercising the remedy. 2011, c. 6, Sched. 1, s. 92 (9).

**Powers not included**

(10) The powers of a service manager do not include the power to sell, convey, lease, assign, give as security or otherwise dispose of the assets of the housing provider, including its housing projects, outside of the ordinary course of business. 2011, c. 6, Sched. 1, s. 92 (10).

**Use of powers**

(11) The service manager may only use its powers with the objective of returning control to the housing provider and only for the following purposes:

1. To carry on the business of the housing provider.
2. To improve the governance of the housing provider.
3. To stabilize or improve the financial situation of the housing provider. 2011, c. 6, Sched. 1, s. 92 (11).

**Return of control**

(12) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall cease exercising the remedy. 2011, c. 6, Sched. 1, s. 92 (12).

**Duty to co-operate**

(13) The housing provider shall co-operate with the service manager and any property manager retained by the service manager to act on its behalf in the exercise of the remedy, give the service manager and property manager full access to the housing provider's books and records, and not take any action to reverse or set aside the acts or omissions of the service manager or property manager. 2011, c. 6, Sched. 1, s. 92 (13).

**Ratification of acts of service manager, etc.**

(14) The housing provider is deemed to ratify and confirm what the service manager and any property manager retained by the service manager to act on its behalf in the exercise of the remedy do during the exercise of the remedy, but only with respect to things done in accordance with this Act and the regulations. 2011, c. 6, Sched. 1, s. 92 (14).

**Release of service manager, etc.**

(15) The housing provider is deemed to release and discharge the service manager and the property manager and every person for whom the service manager or property manager is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the exercise of this remedy, other than the following claims:

1. A claim for an accounting of the money and other property received by the service manager or property manager or another person for whom the service manager or property manager is responsible.
2. A claim arising from negligence or dishonesty by the service manager or property manager or by another person for whom the service manager or property manager is responsible. 2011, c. 6, Sched. 1, s. 92 (15).

**Expenses of service manager**

(16) If the service manager exercises the remedy,

- (a) the service manager may bill the housing provider for expenses incurred by the service manager in exercising the remedy;
- (b) the housing provider shall pay an amount billed under clause (a) at the time specified by the service manager; and
- (c) an amount billed under clause (a) is a debt owing from the housing provider to the service manager and may be recovered by reducing the amount of any subsidy required under section 78 or by any remedy or procedure available to the service manager by law. 2011, c. 6, Sched. 1, s. 92 (16).

**Remuneration**

(17) For greater certainty, the remuneration of the property manager shall be determined under the agreement retaining the property manager and shall be paid out of the funds of the housing provider. 2011, c. 6, Sched. 1, s. 92 (17).

**Reports to housing provider**

(18) During the period when the remedy is being exercised, the service manager shall give the housing provider, at least every three months, a written report that includes a summary of what the service manager has done in the exercise of the remedy. 2011, c. 6, Sched. 1, s. 92 (18).

**Operational advisor**

**93** (1) This section applies with respect to the exercise of the remedy to appoint an operational advisor for a housing provider under paragraph 5 of section 85. 2011, c. 6, Sched. 1, s. 93 (1).

**Requirement re operational advisors**

(2) A service manager shall not appoint an operational advisor for a housing provider unless the service manager is of the opinion,

- (a) if the operational advisor is an individual, that the operational advisor is knowledgeable about this Act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,
  - (i) if the housing provider is a non-profit housing corporation, the operational advisor is knowledgeable about the structure and operation of non-profit housing corporations, or
  - (ii) if the housing provider is a non-profit housing co-operative, the operational advisor is knowledgeable about the structure and operation of non-profit housing co-operatives; or
- (b) if the operational advisor is not an individual, that the staff of the operational advisor are knowledgeable about this Act and the transferred housing program or programs under which the housing provider's housing project or projects operate and,
  - (i) if the housing provider is a non-profit housing corporation, the staff of the operational advisor are knowledgeable about the structure and operation of non-profit housing corporations, or

- (ii) if the housing provider is a non-profit housing co-operative, the staff of the operational advisor are knowledgeable about the structure and operation of non-profit housing co-operatives. 2011, c. 6, Sched. 1, s. 93 (2).

**Appointment by agreement**

(3) The operational advisor shall be appointed under an agreement between the service manager and the operational advisor. 2011, c. 6, Sched. 1, s. 93 (3).

**Purpose**

(4) The purpose of an operational advisor is to provide written recommendations and advice to the housing provider and the service manager on how the housing provider may improve all or part of the operation of its housing project or projects as stipulated in the agreement appointing the operational advisor. 2011, c. 6, Sched. 1, s. 93 (4).

**Time limit**

(5) The term of the appointment of the operational advisor shall be determined under the agreement appointing the operational advisor, but shall not exceed two years unless extended with the agreement of the housing provider. 2011, c. 6, Sched. 1, s. 93 (5).

**Qualification on time limit**

(6) Subsection (5) does not limit the appointment of an operational advisor in respect of a different occurrence of a triggering event. 2011, c. 6, Sched. 1, s. 93 (6).

**Termination, etc.**

(7) Despite anything to the contrary in the agreement appointing the operational advisor, the service manager may, without the consent of the operational advisor, terminate or shorten the appointment at any time. 2011, c. 6, Sched. 1, s. 93 (7).

**Copy of agreement to housing provider**

(8) The operational advisor shall give the housing provider a copy of the agreement appointing the operational advisor and any amendment to the agreement. 2011, c. 6, Sched. 1, s. 93 (8).

**Remuneration**

(9) The remuneration of the operational advisor shall be determined under the agreement appointing the operational advisor and shall be paid out of the funds of the housing provider. 2011, c. 6, Sched. 1, s. 93 (9).

**Duty to co-operate**

(10) The housing provider shall co-operate with the operational advisor, give the operational advisor full access to the housing provider's books and records, and consider any recommendations or advice that the operational advisor provides to the housing provider on how to improve the operation of the housing project or housing projects. 2011, c. 6, Sched. 1, s. 93 (10).

**Release of service manager and operational advisor, etc.**

(11) The housing provider is deemed to release and discharge the service manager and the operational advisor and every person for whom the service manager or the operational advisor is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the operational advisor's appointment, other than claims arising from negligence or dishonesty by the operational advisor or by another person for whom the service manager or operational advisor is responsible. 2011, c. 6, Sched. 1, s. 93 (11).

**Restriction on appointment of receiver, etc.**

**94** A service manager may appoint an interim receiver or interim receiver and manager under paragraph 6 of section 85, or seek the appointment of a receiver or receiver and manager under paragraph 7 of section 85, only if one of the situations listed in subsection 90 (5) is continuing. 2011, c. 6, Sched. 1, s. 94.

**Service manager – appointed receiver, etc.**

**95** (1) This section applies with respect to the exercise of the remedy to appoint an interim receiver or interim receiver and manager under paragraph 6 of section 85. 2011, c. 6, Sched. 1, s. 95 (1).

**Time limit**

(2) The maximum period during which there may be an interim receiver or interim receiver and manager is 180 days. 2011, c. 6, Sched. 1, s. 95 (2).

**Extension by court**

(3) The Superior Court of Justice may, on application of the service manager, extend the maximum period under subsection (2). 2011, c. 6, Sched. 1, s. 95 (3).

**Qualification on time limit**

(4) Subsection (2) does not limit the appointment of an interim receiver or interim receiver and manager in respect of a different occurrence of a triggering event. 2011, c. 6, Sched. 1, s. 95 (4).

**Appointment by agreement**

(5) The interim receiver or interim receiver and manager shall be appointed under an agreement between the service manager and the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (5).

**Termination, etc.**

(6) Despite anything to the contrary in the agreement appointing the interim receiver or interim receiver and manager, the service manager may, without the consent of the interim receiver or interim receiver and manager, terminate or shorten the appointment at any time. 2011, c. 6, Sched. 1, s. 95 (6).

**Return of control**

(7) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall terminate the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (7).

**Copy of agreement to housing provider**

(8) The interim receiver or interim receiver and manager shall give the housing provider a copy of the agreement appointing the interim receiver or interim receiver and manager and any amendment to the agreement. 2011, c. 6, Sched. 1, s. 95 (8).

**Powers**

(9) The interim receiver or interim receiver and manager has the prescribed powers, subject to subsection (10) and any limits in the agreement appointing the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (9).

**Powers continued**

(10) The powers of an interim receiver do not include the power to sell, convey, lease, assign, give as security or otherwise dispose of the assets of the housing provider, including its housing projects, outside of the ordinary course of business of the housing provider. 2011, c. 6, Sched. 1, s. 95 (10).

**Powers are exclusive**

(11) The powers of the interim receiver or interim receiver and manager are exclusive and no other person may exercise those powers during the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (11).

**Restriction on dealing with housing project**

(12) For greater certainty, section 162 applies to an interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (12).

**Remuneration**

(13) The remuneration of the interim receiver or interim receiver and manager shall be determined under the agreement appointing the interim receiver or interim receiver and manager and shall be paid out of the funds of the housing provider. 2011, c. 6, Sched. 1, s. 95 (13).

**Duty to co-operate**

(14) The housing provider shall co-operate with the interim receiver or interim receiver and manager and give the interim receiver or interim receiver and manager full access to the housing provider's books and records. 2011, c. 6, Sched. 1, s. 95 (14).

**Ratification of acts of receiver, etc.**

(15) The housing provider is deemed to ratify and confirm what the interim receiver or interim receiver and manager does during the appointment of the interim receiver or interim receiver and manager, but only with respect to things done in accordance with this Act, the regulations and the agreement appointing the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (15).

**Release of receiver, etc.**

(16) The housing provider is deemed to release and discharge the service manager and the interim receiver or interim receiver and manager and every person for whom the service manager and the interim receiver or interim receiver and manager is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the appointment of the interim receiver or interim receiver and manager, other than the following claims:

1. A claim for an accounting of the money and other property received by the interim receiver or interim receiver and manager or another person for whom the interim receiver or interim receiver and manager is responsible.
2. A claim arising from negligence or dishonesty by the interim receiver or interim receiver and manager or by another person for whom the interim receiver or interim receiver and manager is responsible. 2011, c. 6, Sched. 1, s. 95 (16).

**Reports to housing provider**

(17) Every three months, the interim receiver or interim receiver and manager shall give the housing provider and service manager a written report that includes,

- (a) a summary of what the interim receiver or interim receiver and manager has done during the period covered by the report;
- (b) a summary of what the interim receiver or interim receiver and manager proposes to do in the future;
- (c) a summary of the operations of the housing provider during the period covered by the report; and
- (d) a general description of the financial situation of the housing provider. 2011, c. 6, Sched. 1, s. 95 (17).

**Not bound by proposed actions**

(18) The interim receiver or interim receiver and manager is not required to do anything or prevented from doing anything only because it was included or not included in a report under clause (17) (b). 2011, c. 6, Sched. 1, s. 95 (18).

**Reports to cover entire appointment period**

(19) The interim receiver or interim receiver and manager shall make reports under subsection (17) covering the entire period of the appointment of the interim receiver or interim receiver and manager, even if that requires a report to be made after the end of the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (19).

**Access by housing provider**

(20) The interim receiver or interim receiver and manager shall give the housing provider access to the books and records of the housing provider at reasonable times during the appointment of the interim receiver or interim receiver and manager. 2011, c. 6, Sched. 1, s. 95 (20).

**Limit on report requirements**

(21) Subsections (17) and (20) do not require the disclosure of information that, in the opinion of the interim receiver or interim receiver and manager, may relate to fraud or other criminal activity by a director, member or employee of the housing provider. 2011, c. 6, Sched. 1, s. 95 (21).

**Restriction**

(22) An interim receiver or interim receiver and manager may not be the same person as a property manager retained to act on behalf of the service manager in the exercise of paragraph 4 of section 85 or an operational advisor appointed under paragraph 5 of section 85 in respect of the housing provider. 2011, c. 6, Sched. 1, s. 95 (22).

**Court appointed receiver, etc.**

**96** (1) This section applies with respect to the exercise of the remedy to seek the appointment of a receiver or receiver and manager under paragraph 7 of section 85. 2011, c. 6, Sched. 1, s. 96 (1).

**Return of control**

(2) When it is appropriate, in the opinion of the service manager, to return control to the housing provider, the service manager shall seek the termination by the court of the appointment of the receiver or receiver and manager. 2011, c. 6, Sched. 1, s. 96 (2).

**Limits on receivers, etc., appointed by service manager or court**

**97** (1) This section applies with respect to a receiver or receiver and manager appointed under paragraph 7 of section 85. 2011, c. 6, Sched. 1, s. 97 (1).

**Restriction on dealing with housing project**

(2) For greater certainty, section 162 applies to a receiver or receiver and manager. 2011, c. 6, Sched. 1, s. 97 (2).

**Restriction on transfer to service manager, etc.**

(3) A receiver or receiver and manager shall not transfer a designated housing project unless,

- (a) the receiver or receiver and manager used an open and competitive process to select a transferee that would continue to operate the project under the transferred housing program administered by the service manager; or
- (b) the receiver or receiver and manager was of the opinion that it would not be reasonable to use such a process. 2011, c. 6, Sched. 1, s. 97 (3).

**Appointment of directors**

**98** (1) This section applies with respect to the exercise of the remedy to appoint individuals as directors under paragraph 9 of section 85. 2011, c. 6, Sched. 1, s. 98 (1).

**Maximum not to be exceeded**

(2) The remedy may not be exercised in a way that results in the total number of directors exceeding the maximum number allowed under the legislation applying to the governance of the housing provider or under the housing provider's articles, letters patent, by-laws or similar governing documents. 2011, c. 6, Sched. 1, s. 98 (2).

**Three-year term limit**

(3) A director may not be appointed for a term exceeding three years. 2011, c. 6, Sched. 1, s. 98 (3).

**Return of control**

(4) When it is appropriate, in the opinion of the service manager, to return control to a board of directors that does not include directors appointed under paragraph 9 of section 85, the service manager shall terminate the appointment of those appointed directors. 2011, c. 6, Sched. 1, s. 98 (4).

**Requirements, qualifications and disqualifications**

(5) The following do not apply with respect to an appointed director:

1. A requirement that a director be a shareholder or member of the housing provider or a shareholder, member, director or employee of a member of the housing provider, even if the requirement is in legislation.
2. A qualification or disqualification under the housing provider's articles, letters patent, by-laws or similar governing documents. 2011, c. 6, Sched. 1, s. 98 (5).

**Consultation before appointment**

(6) Before appointing a director, the service manager shall consult with the current directors, if any. 2011, c. 6, Sched. 1, s. 98 (6).

**No other directors without consent**

(7) While an appointed director is in office, the shareholders or members of the housing provider may not elect or appoint a director without the written consent of the service manager. 2011, c. 6, Sched. 1, s. 98 (7).

**Solicitor-client privilege**

**99** (1) Despite subsections 92 (13), 93 (10) and 95 (14), the housing provider is not required to provide the service manager, a property manager, an operational advisor, an interim receiver or an interim receiver and manager with access to any records or documents that are solicitor-client privileged and relate to a proceeding, or bringing a proceeding, involving any such party. 2011, c. 6, Sched. 1, s. 99 (1).

**No waiver**

(2) The provision of access to books and records under subsection 92 (13), 93 (10) or 95 (14) does not constitute a waiver of any applicable solicitor-client privilege. 2011, c. 6, Sched. 1, s. 99 (2).

**Required review**

**100** The Minister shall, by the prescribed date, undertake a review of sections 82 to 99 of this Act. 2011, c. 6, Sched. 1, s. 100.

## CONFLICTS WITH OTHER ACTS, ETC.

**Part prevails**

**101** (1) In the event of a conflict between this Part and any of the Acts specified in subsection (2) or a regulation made under any of those Acts, this Part prevails. 2011, c. 6, Sched. 1, s. 101 (1).

**Specified Acts**

(2) The Acts referred to in subsection (1) are the following:

1. The *Corporations Act*.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 is repealed and the following substituted:**

1. The *Not-for-Profit Corporations Act, 2010*.

**See: 2011, c. 6, Sched. 1, ss. 185 (3), 189.**

2. The *Business Corporations Act*.
3. The *Co-operative Corporations Act*. 2011, c. 6, Sched. 1, s. 101 (2).

**Section Amendments with date in force (d/m/y) [ + ]**

## PART VIII PAYMENT OF CERTAIN HOUSING COSTS

### DISTRIBUTION OF FEDERAL HOUSING FUNDING

**Distribution to service managers**

**102** (1) The Minister shall distribute the federal housing funding received by the Crown in right of Ontario to the service managers in accordance with this section. 2011, c. 6, Sched. 1, s. 102 (1).

**Federal housing funding**

(2) In this section,

“federal housing funding” means money received from the Crown in right of Canada or the Canada Mortgage and Housing Corporation for the purpose of funding transferred housing programs. 2011, c. 6, Sched. 1, s. 102 (2).

**Amounts allocated to service managers**

(3) For each year, the Minister shall,

- (a) determine what the total amount of federal housing funding is for the year; and
- (b) allocate the total amount determined under clause (a) among the service managers. 2011, c. 6, Sched. 1, s. 102 (3).

**Notice of allocated amounts**

- (4) The Minister shall publish in *The Ontario Gazette* a notice setting out for each service manager the amount allocated to the service manager under clause (3) (b). 2011, c. 6, Sched. 1, s. 102 (4).

**Payment by Minister**

- (5) The Minister shall pay, to each service manager, the amount allocated to the service manager for a year under clause (3) (b) in equal instalments due on January 1, April 1, July 1 and October 1 in that year, subject to subsection (6). 2011, c. 6, Sched. 1, s. 102 (5).

**Deductions to pay certain amounts**

- (6) The Minister may deduct amounts from any instalment that would otherwise be payable to a service manager under subsection (5) to pay,

- (a) payments due in respect of amounts owed by the Ontario Mortgage and Housing Corporation to the Crown in right of Ontario in respect of a housing project developed under the *National Housing Act* (Canada) that is located within the service manager's service area;
- (b) payments due in respect of amounts owed by the Ontario Mortgage and Housing Corporation to the Canada Mortgage and Housing Corporation under a debenture issued by the Ontario Mortgage and Housing Corporation in favour of the Canada Mortgage and Housing Corporation to secure the capital funding advanced by the Canada Mortgage and Housing Corporation for a housing project developed under the *National Housing Act* (Canada) that is located within the service manager's service area; or
- (c) an amount owed by the service manager under subsection 106 (3) or 107 (4). 2011, c. 6, Sched. 1, s. 102 (6).

**Notice of deductions**

- (7) The Minister shall give written notice to the service manager of any deduction and payment made by the Minister under subsection (6) and shall do so no later than 30 days after the payment is made. 2011, c. 6, Sched. 1, s. 102 (7).

**Amounts only for permitted costs**

- (8) The service manager may use amounts paid under subsection (5) only to defray the permitted costs described in subsection (9). 2011, c. 6, Sched. 1, s. 102 (8).

**Permitted costs**

- (9) A cost is a permitted cost for the purposes of subsection (8) if,

- (a) the cost is incurred by the service manager with respect to a transferred housing program;
- (b) the cost is incurred in respect of residential accommodation or facilities, common areas or services used directly with residential accommodation; and
- (c) the cost is not incurred in respect of non-residential uses, such as commercial or institutional uses, social or recreational services and services or facilities related to mental or physical health care, education, corrections, food services, social support or public recreation. 2011, c. 6, Sched. 1, s. 102 (9).

## PROVINCIAL HOUSING COSTS

**Provincial housing costs – definition**

- 103** (1) For the purposes of sections 104 to 108, the provincial housing costs for a period are the costs incurred or to be incurred by the Minister or the Crown in right of Ontario in respect of that period that are,

- (a) costs relating to a transferred housing program;
- (b) costs relating to a housing project that is subject to, or formerly was subject to, a transferred housing program;
- (c) costs relating to a mortgage on a housing project that is subject to, or formerly was subject to, a transferred housing program, even if the mortgage is not related to a transferred housing program; or
- (d) costs under the social housing agreement dated November 15, 1999 between the Canada Mortgage and Housing Corporation and Her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Municipal Affairs and Housing, as amended from time to time. 2011, c. 6, Sched. 1, s. 103 (1).

**Clarifications**

- (2) The Minister may clarify, by a written notice to service managers, types of costs that are or are not provincial housing costs. 2011, c. 6, Sched. 1, s. 103 (2).

**Amount of provincial housing costs**

- 104** (1) For each billing period, the Minister shall determine, in accordance with the regulations, the amount of the provincial housing costs. 2011, c. 6, Sched. 1, s. 104 (1).

**Billing periods**

- (2) The billing periods for provincial housing costs shall be prescribed. 2011, c. 6, Sched. 1, s. 104 (2).

**Amount of recoverable costs**

- 105** For each billing period, the Minister shall determine, in accordance with the regulations, the amount of the provincial housing costs to be recovered from service managers. 2011, c. 6, Sched. 1, s. 105.

**Allocation of costs among service managers**

**106** (1) The Minister shall allocate, in accordance with the regulations, the amount determined under section 105 among the service managers. 2011, c. 6, Sched. 1, s. 106 (1).

**Notice of amounts due**

(2) If an amount other than zero is allocated to a service manager, the Minister shall give the service manager a written notice setting out,

- (a) the amount allocated to the service manager;
- (b) the date the service manager is required to pay the amount; and
- (c) such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 106 (2).

**Payment by service manager**

(3) The service manager shall pay the allocated amount to the Minister of Finance in accordance with the notice. 2011, c. 6, Sched. 1, s. 106 (3).

**Revisions to costs or allocations**

**107** (1) The Minister may revise a determination of provincial housing costs under subsection 104 (1), a determination of recoverable costs under section 105 or an allocation among service managers under subsection 106 (1). 2011, c. 6, Sched. 1, s. 107 (1).

**Required revisions in relation to estimates**

(2) If any estimates of costs were used, the Minister shall make the appropriate revisions under subsection (1) after the actual costs are known. 2011, c. 6, Sched. 1, s. 107 (2).

**If revision changes allocation**

(3) If a revision under subsection (1) would result in a change to the allocation to a service manager, the Minister shall give the service manager a written notice setting out,

- (a) the revised amount allocated to the service manager;
- (b) if the amount allocated to a service manager is increased, the date the service manager is required to pay the difference; and
- (c) such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 107 (3).

**If allocation is increased**

(4) If the amount allocated to a service manager is increased, the service manager shall pay the difference to the Minister of Finance in accordance with the notice. 2011, c. 6, Sched. 1, s. 107 (4).

**If allocation is decreased**

(5) If the amount allocated to a service manager is decreased, the Minister of Finance shall,

- (a) pay the difference to the service manager; or
- (b) credit the service manager with the difference for any future amount the service manager is required to pay. 2011, c. 6, Sched. 1, s. 107 (5).

**Collection of amounts owing**

**108** An amount a service manager is required to pay the Minister of Finance under subsection 106 (3) or 107 (4) is a debt of the service manager owing to the Crown in right of Ontario and the debt together with any interest or penalty that is charged may be recovered by any remedy or procedure available to the Crown by law. 2011, c. 6, Sched. 1, s. 108.

**SERVICE MANAGER'S HOUSING COSTS****Housing costs – definition**

**109** (1) For the purposes of sections 110 to 116, a service manager's housing costs for a period are the sum of,

- (a) the costs incurred or to be incurred by the service manager in respect of that period in administering and funding the service manager's transferred housing programs; and
- (b) the amount for that period allocated to the service manager under subsection 106 (1). 2011, c. 6, Sched. 1, s. 109 (1).

**Exclusion**

(2) A service manager's housing costs do not include such amounts as may be prescribed. 2011, c. 6, Sched. 1, s. 109 (2).

**Amount of housing costs**

**110** A service manager shall determine, in accordance with the regulations, the amount of its housing costs. 2011, c. 6, Sched. 1, s. 110.

**Apportionment by municipal service manager**

**111** (1) This section provides for the apportionment of housing costs by a municipal service manager if there is a municipality within the service manager's service area that does not form part of the service manager for municipal purposes. 2011, c. 6, Sched. 1, s. 111 (1).

**Billing periods**

(2) The billing periods for a service manager shall be determined by the service manager. 2011, c. 6, Sched. 1, s. 111 (2).

**Apportionment**

(3) For each billing period, the service manager shall apportion, in accordance with the regulations, the service manager's housing costs among itself and each municipality described in subsection (1). 2011, c. 6, Sched. 1, s. 111 (3).

**Notice of amounts due**

(4) The service manager shall give each municipality described in subsection (1) a written notice setting out,

- (a) the amount apportioned to the municipality;
- (b) the date the municipality is required to pay the amount; and
- (c) such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 111 (4).

**Payment by municipality**

(5) The municipality shall pay the apportioned amount to the service manager in accordance with the notice. 2011, c. 6, Sched. 1, s. 111 (5).

**Lower-tier municipalities**

(6) Where a municipality described in subsection (1) is an upper-tier municipality, subsections (3) to (5) do not apply with respect to the individual lower-tier municipalities within the upper-tier municipality. 2011, c. 6, Sched. 1, s. 111 (6).

**Interpretation**

(7) For the purposes of this section, "lower-tier municipality" and "upper-tier municipality" have the same meaning as in the *Municipal Act, 2001*. 2011, c. 6, Sched. 1, s. 111 (7).

**Apportionment by dssab service manager**

**112** (1) This section provides for the apportionment of housing costs by a dssab service manager. 2011, c. 6, Sched. 1, s. 112 (1).

**Billing periods**

(2) The billing periods for a service manager shall be determined by the service manager. 2011, c. 6, Sched. 1, s. 112 (2).

**Apportionment**

(3) For each billing period, the service manager shall apportion, in accordance with the regulations, the service manager's housing costs among the municipalities and territory without municipal organization in the service manager's service area. 2011, c. 6, Sched. 1, s. 112 (3).

**Payment of municipal apportionment**

(4) A municipality shall pay the amount apportioned to it to the service manager on demand. 2011, c. 6, Sched. 1, s. 112 (4).

**Payment of unorganized territory apportionment**

(5) The Minister shall pay to the service manager, in accordance with the regulations,

- (a) the amount apportioned to territory without municipal organization; and
- (b) any amount excluded under subsection 109 (2) if,
  - (i) the amount is a cost relating to a transferred housing program, and
  - (ii) the amount is a cost incurred or to be incurred with respect to a municipality that is deemed, under subsection (6), to be territory without municipal organization. 2011, c. 6, Sched. 1, s. 112 (5).

**Municipality deemed to be unorganized**

(6) A regulation may specify that a municipality is deemed to be territory without municipal organization for the purposes of this section. 2011, c. 6, Sched. 1, s. 112 (6).

**Regulations relating to apportionments**

**113** The following apply with respect to the regulations referred to in subsections 111 (3) and 112 (3) relating to the apportionment of the service manager's housing costs:

1. The regulations may provide for the apportionment to be done by a method set out in the regulations.
2. The regulations may provide for the apportionment to be done by an arbitration process set out in the regulations.
3. The regulations may provide for the apportionment to be done,

- i. if the service manager is a municipal service manager, by agreement between the service manager and each municipality described in subsection 111 (1), or
- ii. if the service manager is a dssab service manager, by a method determined by the service manager.

4. The regulations may provide for the apportionment to be done by an interim method specified by the regulations until an arbitration referred to in paragraph 2 is completed or an agreement referred to in subparagraph 3 i is entered into and may provide for the reconciliation, after the arbitration is completed or agreement is entered into, of any amounts paid on an interim basis. 2011, c. 6, Sched. 1, s. 113.

#### **Revisions to costs or apportionment**

**114 (1)** A service manager may revise a determination of housing costs under section 110 or an apportionment under subsection 111 (3) or 112 (3). 2011, c. 6, Sched. 1, s. 114 (1).

#### **Required revisions in relation to estimates**

(2) If any estimates of costs were used, the service manager shall make the appropriate revisions under subsection (1) after the actual costs are known. 2011, c. 6, Sched. 1, s. 114 (2).

#### **If revision changes apportionment**

(3) If a revision under subsection (1) would result in a change to the apportionment to a municipality, the service manager shall give the municipality a written notice of the change setting out such information as may be prescribed. 2011, c. 6, Sched. 1, s. 114 (3).

#### **If apportionment is increased**

(4) If the amount apportioned to a municipality is increased, the municipality shall pay the difference to the service manager in accordance with the notice. 2011, c. 6, Sched. 1, s. 114 (4).

#### **If apportionment is decreased**

(5) If the amount apportioned to a municipality is decreased, the service manager shall,

- (a) pay the difference to the municipality; or
- (b) credit the municipality with the difference for any future amount the municipality is required to pay. 2011, c. 6, Sched. 1, s. 114 (5).

#### **Apportionment change – unorganized territory**

(6) The following apply if a revision under subsection (1) would result in a change to the apportionment to territory without municipal organization under subsection 112 (3), including to a municipality that is deemed to be territory without municipal organization under subsection 112 (6):

1. If the apportioned amount is increased, the Minister shall pay the difference to the service manager in accordance with the regulations.
2. If the apportioned amount is decreased, the service manager shall pay the difference to the Minister in accordance with the regulations. 2011, c. 6, Sched. 1, s. 114 (6).

#### **Interest and penalties**

**115 (1)** If a municipality does not pay a service manager an amount required under subsection 111 (5), 112 (4) or 114 (4), the service manager may charge the municipality interest and penalties in accordance with the regulations. 2011, c. 6, Sched. 1, s. 115 (1).

#### **If apportionment by arbitration or agreement**

(2) If the regulations to which section 113 applies provide for the apportionment to be done by an arbitration process or by agreement, the regulations may provide for the interest and penalties to be determined in accordance with the arbitration process or the agreement. 2011, c. 6, Sched. 1, s. 115 (2).

#### **If apportionment by dssab service manager**

(3) If the regulations to which section 113 applies provide for the apportionment to be done by a method determined by the dssab service manager, the regulations may provide for the interest and penalties to be determined by the service manager. 2011, c. 6, Sched. 1, s. 115 (3).

#### **Collection of amounts owing**

**116 (1)** An amount a municipality is required to pay a service manager under subsection 111 (5), 112 (4) or 114 (4) is a debt of the municipality owing to the service manager and the debt together with any interest or penalty that is charged by the service manager under this Act may be recovered by any remedy or procedure available to the service manager by law. 2011, c. 6, Sched. 1, s. 116 (1).

#### **Same**

(2) A service manager may set off against amounts owing to a municipality any amount it may recover from that municipality under subsection (1). 2011, c. 6, Sched. 1, s. 116 (2).

## SPECIAL RULES FOR THE GREATER TORONTO AREA

#### **GTA service manager**

117 In sections 118 and 119,

“GTA service manager” means a service manager whose service area is within the area consisting of the City of Toronto and the regional municipalities of Durham, Halton, Peel and York. 2011, c. 6, Sched. 1, s. 117.

**No revisions to costs**

118 Section 114 does not apply with respect to a GTA service manager. 2011, c. 6, Sched. 1, s. 118.

119 Repealed: 2011, c. 6, Sched. 1, s. 119 (8).

**Section Amendments with date in force (d/m/y) [ + ]**

**PART IX  
HOUSING SERVICES CORPORATION**

**DEFINITION**

**Definition**

120 In this Part,

“Corporation” means the Housing Services Corporation continued under section 121. 2011, c. 6, Sched. 1, s. 120.

**CONTINUATION, OBJECTS, POWERS, ETC.**

**Corporation continued**

121 The Social Housing Services Corporation established under the former Act is continued as a corporation without share capital under the name Housing Services Corporation in English and Société des services de logement in French. 2011, c. 6, Sched. 1, s. 121.

**Objects**

122 The objects of the Corporation are the following:

1. To improve the operation, efficiency and long-term sustainability of housing providers that provide housing for moderate and low-income households.
2. To improve the management, maintenance and long-term sustainability and viability of the physical assets of housing providers that provide housing for moderate and low-income households.
3. To improve the quality of life of residents in housing for moderate and low-income households.
4. Such other objects as may be prescribed. 2011, c. 6, Sched. 1, s. 122.

**Powers of a natural person**

123 The Corporation has the capacity, rights, powers and privileges of a natural person. 2011, c. 6, Sched. 1, s. 123.

**Required activities**

124 The Corporation shall,

- (a) establish and manage insurance programs for members prescribed for the purposes of this clause;
- (b) establish and manage schemes to pool capital reserve funds for members that are housing providers and that are prescribed for the purposes of this clause;
- (c) establish and manage schemes for the joint purchase of natural gas by members that are housing providers and that are prescribed for the purposes of this clause;
- (d) undertake research and provide advice to the Province of Ontario, service managers and housing providers with respect to the establishment and use of performance measures and good practices to achieve the efficient and effective provision and long-term sustainability and viability of housing for moderate and low-income households; and
- (e) undertake such other activities as are prescribed. 2011, c. 6, Sched. 1, s. 124.

**Not a crown agent**

125 The Corporation is not an agent of the Crown for any purpose, despite the *Crown Agency Act* and it is not an administrative unit of the Government of Ontario. 2011, c. 6, Sched. 1, s. 125.

**Non- application of the *Corporations Act***

126 The *Corporations Act* does not apply to the Corporation except as provided for in the regulations. 2011, c. 6, Sched. 1, s. 126.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 126 is amended by striking out “*Corporations Act*” and substituting “*Not-for-Profit Corporations Act, 2010*”. See: 2011, c. 6, Sched. 1, ss. 185 (4), 189.**

**Section Amendments with date in force (d/m/y) [ + ]****MEMBERS****Members**

**127** The members of the Corporation are,

- (a) all service managers;
- (b) all local housing corporations;
- (c) the housing providers that are non-profit corporations and that are prescribed for the purposes of this clause;
- (d) the housing providers that are non-profit housing co-operatives under the *Co-operative Corporations Act* and that are prescribed for the purposes of this clause; and
- (e) the housing providers or other persons that meet the requirements prescribed for the purposes of this clause. 2011, c. 6, Sched. 1, s. 127.

**DIRECTORS AND OFFICERS****Board of directors**

**128** (1) The Corporation shall have a board of directors that shall manage, or supervise the management of, the Corporation. 2011, c. 6, Sched. 1, s. 128 (1).

**Composition**

(2) The board of directors shall consist of the following:

1. Two directors appointed by the Minister.
2. One director selected by the City of Toronto.
3. One director selected jointly by the regional municipalities of Durham, Halton, Peel and York.
4. One director selected jointly by the City of Toronto and the regional municipalities of Durham, Halton, Peel and York.
5. One director selected jointly by the dssab service managers.
6. Four directors selected jointly by the service managers.
7. Three directors selected jointly by the housing providers described in clause 127 (c).
8. Two directors selected jointly by the housing providers described in clause 127 (d). 2011, c. 6, Sched. 1, s. 128 (2).

**Selection process**

(3) The regulations may govern the selection of directors under paragraphs 2 to 8 of subsection (2). 2011, c. 6, Sched. 1, s. 128 (3).

**Terms of directors**

**129** (1) A director appointed or selected under subsection 128 (2) shall hold office for the prescribed term, subject to sections 130 to 133. 2011, c. 6, Sched. 1, s. 129 (1).

**Continuation until successor selected, etc.**

(2) Despite subsection (1) but subject to sections 130 to 133, a director continues in office after the end of his or her prescribed term until his or her successor is appointed or selected under subsection 128 (2). 2011, c. 6, Sched. 1, s. 129 (2).

**More than one term**

(3) A director may hold office for more than one term. 2011, c. 6, Sched. 1, s. 129 (3).

**Removal of director by appointer, selectors**

**130** (1) A director may be removed at any time by the person or entity or entities that appointed or selected the director. 2011, c. 6, Sched. 1, s. 130 (1).

**Removal process**

(2) The regulations may govern the removal of directors under subsection (1). 2011, c. 6, Sched. 1, s. 130 (2).

**Removal of director by board**

**131** The board of directors may remove a director if,

- (a) the director is unable to perform his or her duties; or
- (b) the director has not performed his or her duties for a period of 90 days or more. 2011, c. 6, Sched. 1, s. 131.

**Director ceasing to be member of municipal council, etc.**

**132** A director selected under paragraphs 2 to 8 of subsection 128 (2) ceases to be a director if,

- (a) when selected, the director was a member of the council or board of the entity or one of the entities that selected the director; and

(b) the director ceases to be a member of that council or board. 2011, c. 6, Sched. 1, s. 132.

**Resignation of director**

**133** A director may resign. 2011, c. 6, Sched. 1, s. 133.

**Filling director vacancies**

**134** (1) If there is a vacancy on the board of directors, a replacement may be appointed,

(a) by the Minister, if the director being replaced was appointed by the Minister; or

(b) by the board of directors of the Corporation, in any other case. 2011, c. 6, Sched. 1, s. 134 (1).

**Consultation before appointment**

(2) Before appointing a replacement under clause (1) (b), the board of directors shall consult, or make reasonable efforts to consult, with the entity or entities that selected the director being replaced. 2011, c. 6, Sched. 1, s. 134 (2).

**Alternative for certain directors**

(3) In relation to the replacement of a director selected under paragraph 6, 7 or 8 of subsection 128 (2), the regulations may prescribe different consultation requirements as an alternative to what would otherwise be required under subsection (2). 2011, c. 6, Sched. 1, s. 134 (3).

**Reappointment of certain directors**

(4) If a person ceases to be a director under section 132, the board of directors may reappoint that person under clause (1) (b). 2011, c. 6, Sched. 1, s. 134 (4).

**Term of replacement director**

(5) Subject to sections 130 and 133, a director appointed under subsection (1) shall hold office until a successor is appointed or selected under subsection 128 (2). 2011, c. 6, Sched. 1, s. 134 (5).

**Chair of board**

**135** (1) The board of directors shall elect one of the directors as chair. 2011, c. 6, Sched. 1, s. 135 (1).

**Term**

(2) The term of the chair is two years. 2011, c. 6, Sched. 1, s. 135 (2).

**Limit on terms**

(3) A chair may not be elected for more than two terms. 2011, c. 6, Sched. 1, s. 135 (3).

**If chair ceases to be member**

(4) If the chair ceases to be a director, the chair ceases to be the chair. 2011, c. 6, Sched. 1, s. 135 (4).

**Filling vacancy**

(5) If the office of chair becomes vacant before the end of the chair's term, the board of directors shall elect one of the directors as a replacement for the remainder of the term. 2011, c. 6, Sched. 1, s. 135 (5).

**Acting chair**

(6) The board of directors may, by by-law or resolution, provide for a director to act in the place of the chair when the chair is absent or refuses to act or when the office of the chair is vacant. 2011, c. 6, Sched. 1, s. 135 (6).

**Quorum of board**

**136** A quorum for the board of directors is a majority of the directors, including at least one director selected under paragraph 7 or 8 of subsection 128 (2) or appointed under section 134 to replace such a director. 2011, c. 6, Sched. 1, s. 136.

**Voting by directors**

**137** (1) Each director has one vote. 2011, c. 6, Sched. 1, s. 137 (1).

**Chair**

(2) The chair, including a replacement under subsection 135 (5), does not have a vote, except to break a tie. 2011, c. 6, Sched. 1, s. 137 (2).

**Acting chair**

(3) An acting chair under subsection 135 (6) may vote as a director, but does not have an additional vote to break ties. 2011, c. 6, Sched. 1, s. 137 (3).

**Directors' remuneration**

**138** (1) The Corporation shall pay the directors such remuneration as the by-laws of the Corporation provide. 2011, c. 6, Sched. 1, s. 138 (1).

**Expenses**

(2) The board of directors shall establish a policy for the reimbursement of reasonable expenses incurred by a director in the course of performing his or her duties, and the Corporation shall follow that policy when reimbursing a director for expenses. 2011, c. 6, Sched. 1, s. 138 (2).

**Regulations**

(3) The regulations may govern the policy referred to in subsection (2). 2011, c. 6, Sched. 1, s. 138 (3).

**Decisions not made at meeting**

**139** (1) The board of directors may make a decision otherwise than at a meeting and the signature of a majority of the directors on a document setting out the decision is evidence of the board's decision. 2011, c. 6, Sched. 1, s. 139 (1).

**Committees**

(2) Subsection (1) applies with necessary modifications to a committee of the board of directors. 2011, c. 6, Sched. 1, s. 139 (2).

**Meeting by telephone, etc.**

**140** Subsection 126 (13) of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 140.

**Chief executive officer**

**141** (1) The board of directors shall appoint a chief executive officer who is responsible for the operation of the Corporation and who shall implement the policies and procedures established by the board and perform such other duties as may be assigned by the board. 2011, c. 6, Sched. 1, s. 141 (1).

**Secretary**

(2) The chief executive officer is the secretary of the board of directors. 2011, c. 6, Sched. 1, s. 141 (2).

**Conduct of elections**

(3) The chief executive officer shall conduct elections of,

- (a) the chair under subsection 135 (1); and
- (b) a replacement chair under subsection 135 (5). 2011, c. 6, Sched. 1, s. 141 (3).

**Conflict of interest of directors and officers**

**142** Section 132 of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 142.

**Standards of care, etc., of directors and officers**

**143** Section 134 of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 143.

**Reasonable diligence defence**

**144** Section 135 (4) of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 144.

**Indemnification of directors and officers**

**145** Section 136 of the *Business Corporations Act* applies, with necessary modifications, with respect to the Corporation. 2011, c. 6, Sched. 1, s. 145.

## FINANCIAL PROVISIONS

**Funding from service managers**

**146** The service managers shall pay such amounts as may be prescribed to the Corporation and shall pay the amounts in the prescribed manner and at the prescribed times. 2011, c. 6, Sched. 1, s. 146.

**Funds held on behalf of members**

**147** Funds that are held by the Corporation on behalf of a member and any returns on such funds are the property of the member. 2011, c. 6, Sched. 1, s. 147.

**Use of income**

**148** The Corporation shall use its income solely in furtherance of its objects and shall not distribute it to its members. 2011, c. 6, Sched. 1, s. 148.

**Regulations may govern fees**

**149** The regulations may govern the fees the Corporation may charge for services it provides. 2011, c. 6, Sched. 1, s. 149.

**Audit**

**150** The accounts of the Corporation shall be audited annually by an auditor or auditors appointed by the board of directors. 2011, c. 6, Sched. 1, s. 150.

## MISCELLANEOUS

**Required member participation**

**151** (1) The regulations may require prescribed members of the Corporation to participate in the prescribed programs and activities of the Corporation. 2011, c. 6, Sched. 1, s. 151 (1).

**Specific requirements**

(2) Without limiting what other programs and activities a local housing corporation may be required to participate in under subsection (1), a local housing corporation shall participate in the following, unless the Minister gives written consent for the local housing corporation to not participate:

1. The insurance programs under clause 124 (a).
2. The schemes for the joint purchase of natural gas under clause 124 (c). 2011, c. 6, Sched. 1, s. 151 (2).

**Annual report**

**152** (1) The Corporation shall prepare an annual report on the affairs of the Corporation and deliver it to the Minister within 180 days after the end of its fiscal year. 2011, c. 6, Sched. 1, s. 152 (1).

**Contents**

(2) The report must include the audited financial statements and such other information as may be prescribed. 2011, c. 6, Sched. 1, s. 152 (2).

**Copies to directors**

(3) The Corporation shall provide a copy of the report to each director. 2011, c. 6, Sched. 1, s. 152 (3).

**Report available to public**

(4) The Corporation shall make the report available to the public. 2011, c. 6, Sched. 1, s. 152 (4).

**Reports by service managers, etc.**

**153** (1) A service manager or housing provider shall file reports with the Corporation containing the prescribed information in the prescribed manner and at the prescribed times. 2011, c. 6, Sched. 1, s. 153 (1).

**Information on request**

(2) A service manager or housing provider shall provide the Corporation with such information as the Corporation requests for the purposes of carrying out its objects. 2011, c. 6, Sched. 1, s. 153 (2).

**Limit to members**

(3) This section only applies to members of the Corporation. 2011, c. 6, Sched. 1, s. 153 (3).

**Application of certain municipal statutes**

**154** The following apply to the Corporation:

1. The Corporation is deemed to be an institution for the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*.
2. The Corporation is deemed to be a local board for the purposes of the *Ontario Municipal Employees Retirement System Act, 2006*, but section 7 of that Act does not apply to the Corporation or its employees. 2011, c. 6, Sched. 1, s. 154.

**PART X  
MISCELLANEOUS**

**REVIEWS OF CERTAIN DECISIONS**

**System for dealing with reviews**

**155** (1) A service manager shall have a system for dealing with reviews requested under section 156 or 157. 2011, c. 6, Sched. 1, s. 155 (1).

**System may be shared**

(2) The system may be shared with one or more other service managers. 2011, c. 6, Sched. 1, s. 155 (2).

**Requirements**

(3) The system must include,

- (a) provision for a review body, including rules for the appointment and removal of members and their remuneration; and
- (b) procedural rules for the reviews. 2011, c. 6, Sched. 1, s. 155 (3).

**Prescribed requirements**

(4) The system must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 155 (4).

**Reviews requested by households**

**156** A member of a household may, on behalf of the household, request a review of the following decisions:

1. A determination, under subsection 45 (1), that the household is not eligible for rent-geared-to-income assistance.
2. A determination, under subsection 46 (1), of the size and type of unit that would be permissible if the household received rent-geared-to-income assistance.

3. A determination, under subsection 48 (1), that the household is not included in a category given priority over other categories.
4. A determination, under subsection 50 (1), of the amount of rent payable by the household.
5. A determination, under subsection 52 (1), that the household is no longer eligible for rent-gear-to-income assistance.
6. A determination, under subsection 61 (1), that the household is not eligible for special needs housing.
7. A determination, under subsection 63 (1), that the household is not included in a category given priority over other categories.
8. A determination, under subsection 65 (1), that the household is no longer eligible for special needs housing.
9. A decision prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 156.

#### Reviews requested by housing providers

**157** A housing provider may request a review of a decision of a service manager if the decision is prescribed for the purposes of this section. 2011, c. 6, Sched. 1, s. 157.

#### Rules for reviews

**158** The following rules apply to a review requested under section 156 or 157:

1. The review body may substitute its decision for the decision that was reviewed.
2. The review body shall give its decision in writing and shall give reasons in writing.
3. The review body shall give notice of its decision and reasons to,
  - i. the person who requested the review,
  - ii. the person who made the decision that was reviewed, and
  - iii. any housing provider that was given notice, under subsection 53 (2) or 66 (2), of the decision that was reviewed.
4. The *Statutory Powers Procedure Act* does not apply. 2011, c. 6, Sched. 1, s. 158.

#### Effective date of decision

**159** (1) The date on which the following are effective shall be determined in accordance with the regulations:

1. A decision for which a review may be requested under section 156 or 157.
2. A decision made by the review body conducting a review requested under section 156 or 157. 2011, c. 6, Sched. 1, s. 159 (1).

#### Regulations

(2) Without limiting what else the regulations may provide, the regulations may provide for a decision to be effective,

- (a) on a date specified by the person or body making the decision; or
- (b) as of a date before the decision is made. 2011, c. 6, Sched. 1, s. 159 (2).

## RESTRICTIONS ON DEALING WITH CERTAIN HOUSING PROJECTS AND LAND

#### Definitions

**160** In sections 161 to 165,

“develop” includes redevelop; (“aménager”)

“mortgage” includes encumbering in any way and includes extending or amending a mortgage or encumbrance; (“hypothéquer”)

“transfer” includes transferring or granting an interest, including a leasehold interest. (“transférer”) 2011, c. 6, Sched. 1, s. 160.

#### Designated housing projects transferred under a transfer order

**161** (1) This section applies with respect to a designated housing project that was transferred under a transfer order made under Part IV of the former Act. 2016, c. 25, Sched. 3, s. 10.

#### Consent required for certain transactions or activities

(2) The housing provider may transfer, mortgage or develop the designated housing project or the land where it is located only with the written consent of the service manager in whose service area the designated housing project is located. 2016, c. 25, Sched. 3, s. 10.

#### Clarification of scope

(3) For greater certainty, the restrictions under subsection (2) apply to a housing provider even if the housing provider is not the transferee under the transfer order referred to in subsection (1). 2016, c. 25, Sched. 3, s. 10.

#### Prescribed exceptions

(4) The following apply with respect to a transaction or activity prescribed for the purposes of this subsection:

1. Consent is not required under subsection (2) for the transaction or activity.
2. If a document is to be registered or deposited under the *Registry Act* or the *Land Titles Act* in respect of a transaction for which the exemption in paragraph 1 is being relied on, the document must include a statement setting out the reason why consent is not required under subsection (2).
3. A statement included under paragraph 2 is deemed to be conclusive evidence of the facts stated in it for the purposes of determining whether consent is not required under subsection (2). 2016, c. 25, Sched. 3, s. 10.

**Transition, statements on title**

(5) The following apply to a statement setting out the restrictions imposed by section 50 of the former Act included in a document registered or deposited under section 43 of the former Act:

1. References to the restrictions imposed by section 50 of the former Act are deemed to be references to the restrictions imposed by subsection (2).
2. A reference to the consent of the Minister is deemed to be a reference to consent required under subsection (2). 2016, c. 25, Sched. 3, s. 10.

**Statements on title of no force or effect**

(6) For greater certainty, a statement referred to in subsection (5) that is included in a document registered or deposited under section 43 of the former Act with respect to real property is of no force or effect if the designated housing project included in the real property ceases to be a designated housing project. 2016, c. 25, Sched. 3, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]**

**Certain housing projects**

**162** (1) This section applies with respect to,

- (a) a Part VII housing project as defined in section 73; and
- (b) a designated housing project with respect to which a pre-reform operating agreement applies. 2016, c. 25, Sched. 3, s. 11.

**Consent required for certain transactions**

(2) The housing provider may transfer or mortgage the housing project or the land where it is located only with the written consent of the service manager in whose service area the housing project is located. 2016, c. 25, Sched. 3, s. 11.

**Same, Minister**

(3) For a transfer of the housing project or the land where it is located, the written consent required under subsection (2) shall be the written consent of the Minister if,

- (a) a receiver or receiver and manager for the housing provider has been appointed under paragraph 7 of section 85; or
- (b) the board of directors of the housing provider includes one or more directors appointed under paragraph 9 of section 85. 2016, c. 25, Sched. 3, s. 11.

**Prescribed exceptions**

(4) Consent is not required under subsection (2) for a transaction prescribed for the purposes of this subsection. 2016, c. 25, Sched. 3, s. 11.

**Transition, statements on title**

(5) The following apply to a statement setting out the restrictions imposed by section 95 of the former Act included in a document registered or deposited under section 96 of the former Act:

1. The references to the restrictions imposed by section 95 of the former Act are deemed to be references to the restrictions imposed by subsections (2) and (3).
2. A reference to the consent of the service manager and the Minister is deemed to be a reference to consent required under subsection (2).
3. A reference to the exceptions under section 95 of the former Act is deemed to be a reference to the exceptions under subsection (4). 2016, c. 25, Sched. 3, s. 11.

**Statements on title of no force or effect**

(6) For greater certainty, a statement referred to in subsection (5) that is included in a document registered or deposited under section 96 of the former Act with respect to a housing project is of no force or effect if the housing project ceases to be a Part VII housing project as defined in section 73. 2016, c. 25, Sched. 3, s. 11.

**Section Amendments with date in force (d/m/y) [ + ]**

**Notice**

**163** (1) A service manager shall give the Minister written notice within 10 days of giving a consent under subsection 161 (2) or 162 (2), other than a consent referred to in subsection (2). 2016, c. 25, Sched. 3, s. 12.

**Notice before consent is given**

(2) Where a housing project is subject to a mortgage guaranteed by the Province of Ontario or the Ontario Mortgage and Housing Corporation, a service manager shall give the Minister written notice at least 45 days before giving a consent under subsection 161 (2) or 162 (2) to transfer the housing project or the land where it is located. 2016, c. 25, Sched. 3, s. 12.

**Notice, prescribed requirements**

(3) A notice under subsection (1) or (2) must comply with the prescribed requirements. 2016, c. 25, Sched. 3, s. 12.

**Waiver of notice or abridgment of time**

(4) The Minister may, at any time and in writing,

(a) waive the giving of the notice under subsection (2); or

(b) abridge the time for the giving of the notice under subsection (2). 2016, c. 25, Sched. 3, s. 12.

**Section Amendments with date in force (d/m/y) [ + ]****Consent by Minister instead of service manager**

**164** The regulations may provide that it shall be the Minister and not a service manager who gives consent under subsection 161 (2) or 162 (2). 2011, c. 6, Sched. 1, s. 164.

**Invalidity**

**165** (1) Anything done in contravention of subsection 161 (2) or 162 (2) or (3) is invalid and of no force or effect. 2016, c. 25, Sched. 3, s. 13.

**Exception**

(2) Subsection (1) does not affect an interest acquired by a person in contravention of subsection 161 (2) in a designated housing project or in land where a designated housing project is located if, at the time the interest was acquired, no notice of the restrictions imposed by section 50 of the former Act had been registered or deposited against title to the property under section 43 of the former Act. 2016, c. 25, Sched. 3, s. 13.

**Conflict with other Acts**

(3) Subsection (1) prevails over the *Land Titles Act* or any other Act with which subsection (1) conflicts. 2016, c. 25, Sched. 3, s. 13.

**Section Amendments with date in force (d/m/y) [ + ]****RESTRICTIONS ON CERTAIN CORPORATE CHANGES****Certain housing providers restricted**

**166** (1) This section applies with respect to a housing provider that is a corporation and that operates,

(a) a Part VII housing project as defined in section 73; or

(b) a designated housing project with respect to which a pre-reform operating agreement applies. 2011, c. 6, Sched. 1, s. 166 (1).

**Amendment of articles**

(2) A housing provider's articles or any other document or instrument by which the housing provider was incorporated may not be amended without the consent described in subsection (5). 2011, c. 6, Sched. 1, s. 166 (2).

**Amalgamation**

(3) A housing provider shall not amalgamate with another corporation without the consent described in subsection (5). 2011, c. 6, Sched. 1, s. 166 (3).

**Voluntary wind-up or dissolution**

(4) A housing provider shall not be voluntarily wound up or dissolved without the consent described in subsection (5). 2011, c. 6, Sched. 1, s. 166 (4).

**Required consent**

(5) The consent required under subsection (2), (3) or (4) in relation to a housing provider is the written consent of each service manager whose service area includes a housing project described in subsection (1) that is operated by the housing provider. 2011, c. 6, Sched. 1, s. 166 (5).

**Prescribed exceptions**

(6) Consent is not required under subsection (2), (3) or (4) in the circumstances prescribed for the purposes of this subsection. 2011, c. 6, Sched. 1, s. 166 (6).

**Invalidity if provisions contravened**

(7) An amendment, amalgamation, winding-up or dissolution carried out in contravention of subsection (2), (3) or (4) is invalid and of no force or effect. 2011, c. 6, Sched. 1, s. 166 (7).

**Notice**

(8) A service manager shall give the Minister written notice within 10 days of giving a consent under subsection (2), (3) or (4). 2011, c. 6, Sched. 1, s. 166 (8).

**Content of notice**

(9) A notice under subsection (8) must comply with the prescribed requirements. 2011, c. 6, Sched. 1, s. 166 (9).

**EXEMPTIONS FOR CERTAIN TRANSFERS****Legislation from which certain transfers exempt**

**167** (1) Subject to such conditions and limitations as may be prescribed, the following do not apply to the transfers described in subsection (2):

1. The *Assignments and Preferences Act*.
2. REVOKED: 2017, c. 2, Sched. 3, s. 5 (2).
3. The *Environmental Assessment Act*.
4. The *Fraudulent Conveyances Act*.
5. The *Land Transfer Tax Act*.
6. The *Retail Sales Tax Act*.
7. Such other Acts or provisions of Acts as may be prescribed for the purposes of this paragraph.
8. Such regulations or provisions of regulations as may be prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 167 (1); 2017, c. 2, Sched. 3, s. 5 (2).

**Exempt transfers**

(2) Subsection (1) applies to the following transfers:

1. A transfer of an asset, liability, right or obligation that was transferred to a local housing corporation by a transfer order under Part IV of the former Act if the transfer is from the local housing corporation to,
  - i. the related service manager as defined in section 24,
  - ii. a municipality in the related service manager's service area, other than a municipality that forms part of the service manager for municipal purposes, or
  - iii. a non-profit corporation controlled by an entity described in subparagraph i or ii, but only if an object of the non-profit corporation is the provision of housing.
2. A transfer that is related to housing and that is prescribed for the purposes of this paragraph. 2011, c. 6, Sched. 1, s. 167 (2).

**Power to prescribe transfers**

(3) A transfer may be prescribed for the purposes of paragraph 2 of subsection (2) even if the transfer is not a transfer of an asset, liability, right or obligation that was transferred by a transfer order under Part IV of the former Act or if the transfer is not to or from an entity referred to in paragraph 1 of subsection (2). 2011, c. 6, Sched. 1, s. 167 (3).

**Section Amendments with date in force (d/m/y) [ + ]**

**Note: Section 168 comes into force on a day to be named by proclamation of the Lieutenant Governor. See: 2011, c. 6, Sched. 1, s. 189.**

**REPORTING BY MINISTER**

Reporting to public

**168** The Minister shall report to the public in accordance with the prescribed requirements. 2011, c. 6, Sched. 1, s. 168.

**DEALING WITH INFORMATION****Personal information, standards**

**169** (1) A person providing services with respect to a housing program prescribed for the purposes of this subsection shall comply with the prescribed standards for the collection, use, disclosure and safeguarding of privacy of personal information and for a person's access to his or her personal information. 2011, c. 6, Sched. 1, s. 169 (1).

**Exception**

(2) This section does not apply to an institution under the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*. 2011, c. 6, Sched. 1, s. 169 (2).

**Disclosure to or from institutions**

**170** (1) If this Act or the regulations authorize the disclosure of information to or from an institution under the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*,

- (a) subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply to the receiving institution in respect of the information;
- (b) the information is deemed to have been disclosed for the purpose of complying with this section; and
- (c) the information is deemed to have been obtained or compiled by the receiving institution for a purpose consistent with the purpose for which the information was initially obtained or compiled. 2011, c. 6, Sched. 1, s. 170 (1).

**Control of record**

(2) A person does not have control of a record for the purposes of the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act* just because the person is entitled under section 20 or 21, subsection 69 (4) or section 71, 80, 81 or 82 to obtain a copy of a record. 2011, c. 6, Sched. 1, s. 170 (2).

**Agreements of Minister re information**

171 (1) The Minister may enter into an agreement with respect to the collection, use and disclosure of information with the following:

1. The Government of Canada or a department, ministry or agency of it.
2. The government of a province or territory in Canada or a department, ministry or agency of it.
3. The government of the United States or the government of a state of the United States or a department or agency of either.
4. The government of another country or a department or agency of it.
5. An institution under the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*.
6. Such other bodies as may be prescribed. 2011, c. 6, Sched. 1, s. 171 (1).

**Disclosure of personal information**

(2) The Minister may disclose personal information collected for the purpose of administering or enforcing this Act and the regulations to a party to an agreement under subsection (1) if,

- (a) the disclosure is made in accordance with the agreement;
- (b) the party administers, enforces or is conducting research relating to,
  - (i) a social benefit program,
  - (ii) a social housing or rent-geared-to-income assistance program,
  - (iii) the *Taxation Act, 2007*, the *Income Tax Act* or the *Income Tax Act (Canada)*,
  - (iv) the *Immigration and Refugee Protection Act (Canada)*, or
  - (v) a prescribed Act; and
- (c) the party agrees to use the information only for the administration, enforcement or research described in clause (b). 2011, c. 6, Sched. 1, s. 171 (2).

**No notice required**

(3) Subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act* do not apply with respect to information collected under an agreement under subsection (1) if,

- (a) the information has been collected by data matching;
- (b) notice to the individual might frustrate an investigation; or
- (c) notice to the individual is not feasible. 2011, c. 6, Sched. 1, s. 171 (3).

**Collection of personal information**

(4) The Minister may collect personal information from a party to an agreement under subsection (1) if the collection is made in accordance with the agreement. 2011, c. 6, Sched. 1, s. 171 (4).

**Disclosure by institution**

(5) An institution described in paragraph 5 of subsection (1) that is a party to an agreement under subsection (1) may disclose personal information to the Minister, a service manager or a housing provider if,

- (a) the disclosure is made in accordance with the agreement; and
- (b) the information is necessary for purposes related to the powers and duties under this Act of the Minister, service manager or housing provider. 2011, c. 6, Sched. 1, s. 171 (5).

**Confidentiality provisions in other Acts**

(6) Subsection (5) prevails over a confidentiality provision in any other Act, other than the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*. 2011, c. 6, Sched. 1, s. 171 (6).

**Service manager bound**

(7) With respect to information disclosed to a service manager by an institution under subsection (5), the service manager is bound by the terms and conditions of the agreement under subsection (1) unless the service manager has an agreement with that institution under section 172. 2011, c. 6, Sched. 1, s. 171 (7).

**Agreements of service managers re information**

**172** (1) A service manager may enter into an agreement with an entity referred to in subsection 171 (1) with respect to the collection, use and disclosure of information. 2011, c. 6, Sched. 1, s. 172 (1).

**Disclosure of personal information**

(2) The service manager may disclose personal information collected for the purpose of administering or enforcing this Act and the regulations to a party to an agreement under subsection (1) if,

- (a) the disclosure is made in accordance with the agreement;
- (b) the party administers, enforces or is conducting research relating to,
  - (i) a social benefit program,
  - (ii) a social housing or rent-geared-to-income assistance program,
  - (iii) the *Taxation Act, 2007*, the *Income Tax Act* or the *Income Tax Act (Canada)*,
  - (iv) the *Immigration and Refugee Protection Act (Canada)*, or
  - (v) a prescribed Act; and

(c) the party agrees to use the information only for the administration, enforcement or research described in clause (b). 2011, c. 6, Sched. 1, s. 172 (2).

**Collection of personal information**

(3) The service manager may collect personal information from a party to an agreement under subsection (1) if the collection is made in accordance with the agreement. 2011, c. 6, Sched. 1, s. 172 (3).

**Provisions relating to agreements**

**173** (1) This section applies to an agreement under section 171 or 172. 2011, c. 6, Sched. 1, s. 173 (1).

**Protection of information**

(2) In relation to the personal information collected, used or disclosed under it, an agreement must,

- (a) provide that the information is confidential;
- (b) establish mechanisms for maintaining the confidentiality and security of the information; and
- (c) include a plan for the disposition of the information. 2011, c. 6, Sched. 1, s. 173 (2).

**Names of individuals**

(3) Information disclosed under an agreement shall not include the names of individuals unless information about identifiable individuals is necessary for the purposes of the agreement. 2011, c. 6, Sched. 1, s. 173 (3).

**Accuracy of information**

(4) The Minister or service manager shall take reasonable measures to seek assurances that information collected under the agreement is accurate and current. 2011, c. 6, Sched. 1, s. 173 (4).

**Sharing information**

**174** (1) The Minister, the Ontario Mortgage and Housing Corporation, the Housing Services Corporation, each service manager, each delegate under section 17, each housing provider and each person or organization providing services by contract to any of them may share personal information with each other or with the other persons specified in subsection (2) if,

- (a) the personal information was collected under this Act, the *Ontario Works Act, 1997*, the *Ontario Disability Support Program Act, 1997*, the *Child Care and Early Years Act, 2014* or the *Day Nurseries Act*; and

- (b) the information is necessary for the purposes of making decisions or verifying eligibility for assistance under this Act or the other Acts referred to in clause (a). 2011, c. 6, Sched. 1, s. 174 (1); 2014, c. 11, Sched. 6, s. 4 (1).

**Other persons with whom information may be shared**

(2) The following are the other persons referred to in subsection (1):

1. The Director appointed under the *Ontario Disability Support Program Act, 1997* and any person exercising the Director's powers and duties under section 37 or 39 of that Act.
2. The Director appointed under the *Ontario Works Act, 1997* and any person exercising the Director's powers and duties under section 47 of that Act.
3. A director appointed under the *Child Care and Early Years Act, 2014*. 2011, c. 6, Sched. 1, s. 174 (2); 2014, c. 11, Sched. 6, s. 4 (2).

**Section Amendments with date in force (d/m/y) [ + ]**

**Restriction re prescribed personal information**

**175** The prescribed types of personal information shall not be disclosed or shared under section 171, 172 or 174 except in accordance with the regulations. 2011, c. 6, Sched. 1, s. 175.

**Notification on collection**

**176** When a service manager or special needs housing administrator as defined in section 38 collects personal information from a household in the course of performing its duties under this Act, it shall,

- (a) notify the household that information provided by the household may be shared,
- (i) as necessary for the purposes of making decisions or verifying eligibility for assistance under this Act, the *Ontario Works Act, 1997*, the *Ontario Disability Support Program Act, 1997* or the *Child Care and Early Years Act, 2014*, or
  - (ii) as authorized by an agreement made under section 171 or 172; and
- (b) notify the household of the name, business address and business telephone number of a person who can answer questions and respond to complaints about the collection, use or disclosure of the information. 2011, c. 6, Sched. 1, s. 176; 2014, c. 11, Sched. 6, s. 4 (3).

**Section Amendments with date in force (d/m/y) [ + ]**

**PROVINCIAL REFINANCING SYSTEM FOR HOUSING PROVIDERS**

**No liability for changes, etc.**

**177** No cause of action arises against the Crown in right of Ontario or an agent of the Crown in right of Ontario as a direct or indirect result of a change to, or discontinuance of, the system or process established by the Minister before this section came into force for renewing or replacing mortgage financing for housing providers. 2011, c. 6, Sched. 1, s. 177.

**TRANSFER ORDERS**

**Past transfers not affected**

**178 (1)** For greater certainty, the repeal of the former Act does not affect any transfer made by a transfer order made under Part IV of the former Act. 2011, c. 6, Sched. 1, s. 178 (1).

**Restrictions cease**

(2) A restriction contained in a transfer order under section 35 of the former Act ceases to be of any effect upon the repeal of the former Act. 2011, c. 6, Sched. 1, s. 178 (2).

**Temporary continuation of power**

**179 (1)** During the two-year period following the repeal of the former Act, a transfer order may be made or amended under Part IV of the former Act as though that Part, other than section 35, was still in force. 2011, c. 6, Sched. 1, s. 179 (1).

**Application of former Act**

(2) For the purposes of a transfer order or amendment made under subsection (1),

- (a) Part IV of the former Act, other than section 50 and subsections 61 (2) and (3), is deemed to remain in force during the two-year period following the repeal of the former Act; and
- (b) the reference to section 50 in subparagraph 2 vi of subsection 43 (1) of the former Act, as it applies under clause (a), is deemed to be a reference to section 161 of this Act. 2011, c. 6, Sched. 1, s. 179 (2).

**CONFLICTS WITH OTHER ACTS, ETC.**

**This Act prevails**

**180** In the event of a conflict between this Act and another Act or a regulation made under another Act, this Act prevails except where otherwise provided in this Act. 2011, c. 6, Sched. 1, s. 180.

## REGULATIONS

### Regulations

**181 (1)** The Lieutenant Governor in Council may make regulations,

- (a) prescribing or otherwise providing for anything required or permitted under this Act, other than the provisions referred to in clause 182 (a), to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations;
- (b) exempting any person, premises or thing, any combination of any of them or any class of any of them from any provision of this Act or the regulations, and prescribing conditions or restrictions that apply in respect of an exemption;
- (c) providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable in connection with the implementation of this Act or the regulations. 2011, c. 6, Sched. 1, s. 181 (1).

### Transition regulations

(2) A regulation made under clause (1) (c),

- (a) may provide that, despite the proclamation of this Act or a provision of this Act, this Act or the provision does not take effect in all or part of the province until the date specified in the regulation;
- (b) may provide that the former Act or a provision of the former Act continues to apply, for a specified period of time and with necessary modifications, to specified things or in specified circumstances;
- (c) may specify that, for a specified period of time, a person is entitled to exercise the powers or required to perform the duties of another person under this or any other Act instead of the person otherwise entitled or required to do so and providing that actions by the person who exercises those powers or performs those duties are deemed, for the purposes of the applicable Act, to be the actions of the person otherwise entitled to exercise the powers or required to perform the duties under that Act. 2011, c. 6, Sched. 1, s. 181 (2).

### Transition regulations, 2016 amendments

**181.1 (1)** The Lieutenant Governor in Council may make regulations providing for such transitional matters as the Lieutenant Governor in Council considers necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 3 to the *Promoting Affordable Housing Act, 2016*. 2016, c. 25, Sched. 3, s. 14.

### Application of subs. 181 (2)

(2) Subsection 181 (2) applies with necessary modifications to regulations made under subsection (1). 2016, c. 25, Sched. 3, s. 14.

### Section Amendments with date in force (d/m/y) [ + ]

#### Regulations made by Minister

**182** The Minister may make regulations,

- (a) prescribing or otherwise providing for anything required or permitted under section 35.2, subsection 40 (4) or 68 (1) or section 78 or 164 to be prescribed or otherwise provided for in the regulations, including governing anything required or permitted to be done in accordance with the regulations;
- (b) exempting any person, premises or thing, any combination of any of them or any class of any of them from any provision of the regulations made by the Minister, and prescribing conditions or restrictions that apply in respect of an exemption;
- (c) providing for such transitional matters relating to a regulation made by the Minister as the Minister considers necessary or advisable in connection with the implementation of the regulation. 2011, c. 6, Sched. 1, s. 182; 2016, c. 25, Sched. 3, s. 15.

### Section Amendments with date in force (d/m/y) [ + ]

#### Conditions and restrictions

**183** A regulation under section 181, 181.1 or 182 may impose conditions and restrictions with respect to the exercise of a power or the performance of a duty established by the regulation. 2011, c. 6, Sched. 1, s. 183; 2016, c. 25, Sched. 3, s. 16.

### Section Amendments with date in force (d/m/y) [ + ]

## PART XI (OMITTED)

**184** OMITTED (AMENDS, REPEALS OR REVOKES OTHER LEGISLATION). 2011, c. 6, Sched. 1, s. 184.

**185** OMITTED (PROVIDES FOR AMENDMENTS TO THIS ACT). 2011, c. 6, Sched. 1, s. 185.

**186-188** OMITTED (AMENDS, REPEALS OR REVOKES OTHER LEGISLATION). 2011, c. 6, Sched. 1, ss. 186-188.

**PART XII (OMITTED)**

**189** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2011, c. 6, Sched. 1, s. 189.

**190** OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2011, c. 6, Sched. 1, s. 190.

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Français

This is Exhibit "D" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a cursive-like shape.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

**Details on most toronto.ca pages may not be accurate while the City responds to COVID-19. Learn about the**

**current health situation, service changes and economic support**

**(<https://www.toronto.ca/home/covid-19/>)**

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# Shelter, Support & Housing Administration

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The Shelter, Support & Housing Administration Division is the service manager for housing and homelessness services in Toronto.

The Division funds and oversees community agencies to deliver services, such as:

- emergency shelter and supports
- street outreach
- 24-hour respite
- housing stability services (for example, drop-ins, supports to daily living, housing help and eviction prevention)

The biggest part of the Division's portfolio is the funding and oversight of social housing in Toronto which includes direct management of access to subsidized housing through a centralized waiting list.

The Division also:

- directly operates emergency and transitional shelter and 24-hour respite programs
- provides street outreach in the downtown core
- helps people avoid eviction through case management and housing assistance

The Division's top priority is to ensure that vulnerable people can access temporary accommodation when they need it, and that permanent housing options are available, accessible and sustainable. To do that, the Division is working with community partners, service users and other stakeholders to transform housing and homelessness service networks into client-centered, outcome-focused systems that help households find and keep stable housing and improve overall well-being.

## General Manager

Mary-Anne Bedard

**Staff Directory**  ([https://www.toronto.ca/wp-content/uploads/2017/12/9514-shelter\\_support\\_housing.pdf](https://www.toronto.ca/wp-content/uploads/2017/12/9514-shelter_support_housing.pdf))

## Related Information

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**Customer Service Standards** (<https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/staff-directory-divisions-and-customer-service/shelter-support-housing-administration/shelter-support-housing-administration-customer-service-standards/>)

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**Complaints, Claims & Compliments** (<https://www.toronto.ca/city-government/accountability-operations-customer-service/city-administration/staff-directory-divisions-and-customer-service/shelter-support-housing-administration/shelter-support-housing-administration-complaints-compliments/>)

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**Records routinely available from Shelter, Support & Housing Administration**  (<https://www.toronto.ca/wp-content/uploads/2017/08/9769-ssha-routine-disclosure-plan-2016.pdf>)

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**Toronto Shelter Standards** (<https://www.toronto.ca/community-people/community-partners/emergency-shelter-operators/toronto-shelter-standards/>)

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**24-Hour Respite Site Interim Standards** (<https://www.toronto.ca/community-people/community-partners/24-hour-respite-site-operators/>)

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**City Guidelines for Social Housing Providers** (<https://www.toronto.ca/community-people/community-partners/social-housing-providers/city-guidelines-for-social-housing-providers/>)

This is Exhibit "E" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

**Details on most toronto.ca pages may not be accurate while the City responds to COVID-19. Learn about the current health situation, service changes and economic support (<https://www.toronto.ca/home/covid-19/>)**

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# Backgrounder: City of Toronto COVID-19 Response for People Experiencing Homelessness

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## Current Context

- Toronto has the largest shelter system in Canada.
- 72 shelter/respite sites sheltering close to 7,000 people every night, including the almost 3,000 people already sheltered in hotel/family settings
- 11 locations are operated by the City and 61 programs are operated by community non profit agencies
- The City has implemented an inter governmental and sectoral response to COVID-19 involving the city, provincial/federal government, provincial healthcare sector, and community non profit
- Phased approach to prioritize actions based on impact analysis
- Primary goal is to save lives and make sure the health care system does not become overwhelmed
- Maintain 24/7 situational awareness of closing services and increasing demand on homeless services

## Confirmed Cases

- As of April 14, there have been 30 confirmed cases of clients in seven shelter locations
- Objective was to keep COVID-19 out of the shelter system for as long as possible to provide additional time for planning

- Measures are in place for active screening, testing and providing isolation space to prevent transmission
- Acted quickly to relocate the most vulnerable for self isolation or add measures to protect them in place
- Tiered approach has been able to respond to each stage of the pandemic

## Three-Tier Response

### Tier 1: Prevention

- Enhanced Infection Prevention and Control (IPAC) guidance
  - Provide ongoing updated guidance, training and resources to all providers, including regular webinars with the sector
  - Following all provincial public health recommendations
  - Provided funding (\$1.2 million) to all shelters, 24 hour respites, and drop ins for IPAC, Personal Protective Equipment (PPE), and wage increases
  - Directly distributed PPE supplies to providers from our own limited supply, where needed
  - Advocate to the federal and provincial governments to prioritize access to PPE for frontline shelter workers
- Physical distancing in the shelter system
  - Provided guidance on maintaining physical distancing:
    - Adding visual cues throughout buildings, including in common staff spaces to assist clients and staff in maintaining physical distancing
    - Staggering meal times and/or providing meals to rooms, where possible
    - Staggering or limiting use of common areas
  - Some shelter sites are able to meet the physical distancing guidance of six feet between beds
  - For those who were not, we have focused on reducing their capacity and relocating people to other sites
- New sites opened
  - 11 new facilities have opened additional sites planned
  - 472 spaces to create more opportunity for physical distancing for clients from shelters, 24 hour respites and 24 hour drop ins
  - Seven community centres, six operated by City staff
  - Two sites operated by Dixon Hall
  - Two sites with expanded facilities on site
  - One site moved beds to another program

- Provided funding to five shelters who were not operating 24/7, to extend their hours and remain open during the day
- Clients moved to hotels
  - 11 hotels have secured with more than 1,020 rooms for physical distancing
  - Plus one hotel for an isolation program with 200 rooms
  - Seven of the 11 hotel locations are operational
  - 490 people have been moved into hotels for physical distancing
  - Working with Inner City Health Associates (ICHA) and our health sector partners to identify those at greatest risk to move first (Risk Stratification)
- Hotel activation plan
  - Developing operational activation plans for four remaining hotel sites, including:
    - On site staffing supports, either City staff or community partners
    - Fire and Life Safety assessments and completion of work required
    - Securing contracts are for facility operations (food, cleaning, linens, etc.)
    - Coordination of transportation to move clients between programs
  - Additional 650 hotel rooms to be filled, for a total of 1,020 rooms
    - 290 additional people moved to hotels by April 20
    - 360 additional people moved to hotels by April 30
- Summary of additional spaces

Type	Spaces created by April 30
Community Centres/ Other spaces	472
Hotels Physical distancing	1,020
Hotel Isolation	240 rooms
Housing (Rapid Housing Initiative)	100
<b>Total</b>	<b>1,850</b>

- Estimated Additional Spaces Needed
  - Based on public health guidelines for physical distancing, and Risk Stratification assessments, spaces may be needed to re locate up to 2,000 clients
  - Additional space may be needed for unsheltered individuals and to respond to increasing system pressures
  - Staff will continue to monitor and expand sites as needed
- Outreach and encampments

- Moratorium on clearing encampments since start of the pandemic
- Portable washrooms and hand washing stations deployed
- Enhancing street outreach response strategies for COVID-19:
  - Focus on safety of encampments
  - Increase cleaning and garbage removal
  - Active screening for symptoms, referral to testing and isolation
  - Provide information on physical distancing strategies for encampments
  - Provide hygiene kits and information to prevent transmission
- Access to safe indoor spaces through temporary respite programs, hotel spaces and housing options with supports

## Tier 2: Mitigation

- Screening and testing for COVID-19
  - Standard screening processes using Toronto Public Health guidelines at all points of entry by phone or in person
  - Active ongoing screening and monitoring of clients and staff at all sites, using a Screening Tool for Homeless Service Settings
  - Transportation for clients provided directly to assessment centres for testing
  - Total number of clients transported for assessment = 176
  - Advocated to prioritize testing in shelter and respite settings
- Isolation program
  - Clients waiting for test results are not discharged back to shelter system or the street
  - Dedicated isolation program with medical supports for people waiting for test results
    - Expanded capacity to 200 rooms with new program opened April 7
    - 32 clients at current isolation site
    - To date more than 150 clients have been supported with isolation while awaiting test results
  - Harm reduction supports provided on site
  - Isolation hotel site for people who have traveled in past 14 days
    - Demand decreased due to federal policy on border closure

## Tier 3: Recovery

- Recovery program
  - Have secured a site for a recovery program for people experiencing homelessness who test positive for COVID-19

- The Provincial Government is in the final stages of identifying and securing the required health supports and partnerships to activate the program.
- Additionally, we are working to prepare an expanded program
- Rapid rehousing
  - Rapid rehousing to prioritize those in shelter for access to vacant Toronto Community Housing units
  - More than 250 units have been identified for this initiative
  - By the end of this week close to 50 people will have been housed
  - Referred through Coordinated Access and provided supports
  - Fully furnished units, in partnership with Furniture Bank
- Leveraging investments for permanent housing
  - Unprecedented expansion of services presents an opportunity to leverage investments
  - To secure these properties through purchase or long term lease to secure for future affordable and supportive housing
  - City will be advocating for future stimulus funding from federal and provincial governments
  - Move quickly to take advantage of this opportunity to advance longer terms solutions to homelessness
- Ensuring housing stability

## Communication & Partnership

Built on a foundation of strong communication and partnership:

- Working closely with our sector networks to implement response
  - Toronto Shelter Network, Toronto Drop in Network and Toronto Alliance to End Homelessness
- Hosting regular webinars in partnership with Toronto Public Health
- Partnerships with health care sector through Inner City Health Associates, Inner City Family Health Team, University Health Network and the Toronto Centre Local Health Integration Network (LHIN)
- City Community Response Table meets daily and includes representation from more than 30 agencies across Toronto and 11 City divisions
- United Way partnership to coordinate supports across all neighbourhood organizations and agencies

## Contact Information

---

## Media Inquiries

See the list of corporate, divisional and member of council **media contacts**  
(<https://www.toronto.ca/home/media-room/media-contacts/>)

Media Relations Desk

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Council Highlights (<https://www.toronto.ca/home/media-room/council-highlights/>)

---

Council/Committee Agenda Distribution Dates

(<http://app.toronto.ca/tmmis/agendaDeadlinesReport.do>)

This is Exhibit "F" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

Details on most [toronto.ca](https://www.toronto.ca) pages may not be accurate while the City responds to COVID-19. Learn about the current health situation, service changes and economic support (<https://www.toronto.ca/home/covid-19/>).

# Daily Shelter & Overnight Service Usage

Daily posting of shelter occupancy is suspended. As part of the City's COVID-19 response, temporary shelter spaces and hotel locations are being added and existing program capacities are changing to achieve physical distancing. Updated numbers will be provided as soon as possible once information is confirmed regarding new program capacities. Stay up-to-date on all changes to City services and when they may resume by visiting [toronto.ca/covid19](https://www.toronto.ca/covid19) (<https://www.toronto.ca/home/covid-19/>). People experiencing homelessness can call Central Intake 416-338-4766 or 1-877-338-3398.

As part of our COVID-19 response for people experiencing homelessness, the City has created new programs in community centres and temporary locations, as well as activating hotel locations to increase physical distancing in our existing shelter system. As we work to establish physical distancing at each of our existing shelter programs, and transfer clients to new programs, capacity and occupancy across the shelter system is constantly in flux.

As an interim measure, while we work to establish full and accurate reporting on current program capacities, we have established a point-in-time snapshot on the number of clients in our shelter system. This snapshot will be updated once a week and represents occupancy on the day listed below, however it may not be inclusive of all programs and should not be compared to past occupancy statistics. We apologize for the limitations of this data and will work toward more transparent reporting as soon as possible. To access an emergency shelter space, call Central Intake at 416-338-4766, 1-877-338-3398.

[Expand All](#)[Collapse All](#)

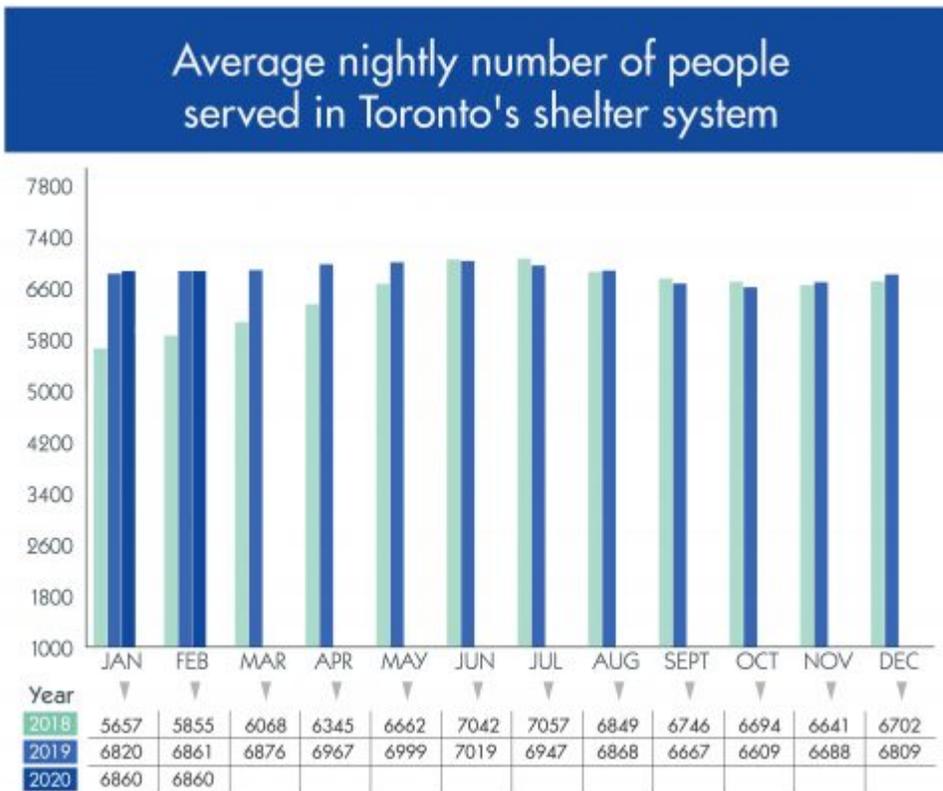
## Occupancy as of April 26, 2020

Shelter Programs	Individuals	Rooms Occupied	Pre-COVID19 Capacity
<b>Shelter Programs Total</b>	<b>2,965</b>		<b>4,337</b>
Mixed Adult	401		799
Men	1,336		1,945
Women	712		1,047
Youth	516		546
<b>Family Shelter Programs Total</b>	<b>2,139</b>	<b>649</b>	<b>766</b>
Families (Shelters)	676	214	259
Families (Motels)	1,463	435	507

Allied services	Individuals		Pre-COVID19 Capacity
<b>Allied Services Total</b>	<b>379</b>		<b>584</b>
Dixon Hall- 351 Lakeshore Blvd E. Respite	45		100
Fred Victor 1A Strachan Ave. Respite	51		100
Margaret's 21 Park Rd. Respite	20		30
Margaret's 323 Dundas St. E. Respite	25		35
St. Felix Centre – 25 Augusta Ave. Respite	39		50
St. Felix Centre 69 Fraser Respite	80		100
Warden Woods 705 Progress Ave Respite	47		49

Sistering 24-hour women's drop-in	31		50
Fred Victor 24-hour women's drop-in	41		70
<b>COVID-19 Programs</b>	<b>Individuals</b>		
<b>24-hour temporary response sites</b>	<b>396</b>		
Driftwood CC	50		
John Innes CC	39		
Matty Eckler CC	39		
Warden Hilltop CC	50		
Jimmie Simpson CC	35		
Trinity Bellwoods	62		
Homes First Society – 5800 Yonge St. Building B	35		
354 George Street	50		
188 Carlton	36		
<b>Hotels for physical distancing</b>	<b>863</b>		
<b>Isolation/Recovery programs</b>	<b>137</b>		
<b>All COVID-19 Programs</b>	<b>1,396</b>		
<b>Total</b>	<b>6,879</b>		

## Monthly Shelter Occupancy



Figures show average nightly occupancy by month in all City of Toronto permanent shelter programs. Statistics are from the Shelter Management Information System which was in use throughout the system by Jan 2011.

## Related Information

Open Data – Daily Shelter Occupancy, 2017 to Current (<https://open.toronto.ca/dataset/daily-shelter-occupancy/>)

This is Exhibit "G" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

# TORONTO SHELTER STANDARDS



# ACKNOWLEDGMENTS

Shelter, Support and Housing Administration would like to thank and recognize the following participants for their contributions.

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---

All client focus groups were conducted anonymously to encourage clients to freely share their thoughts and feedback. Clients provided valuable, thoughtful and honest feedback based on their first-hand experiences with the shelter system.

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# PREAMBLE

The City of Toronto has a long history of providing shelter services. For the past three decades, demand for shelter services has gradually increased in response to a steady rise in rates of poverty and a lack of affordable housing within a growing city. In order to meet the changing needs of clients, the administration and performance of the shelter system has become more proactive, and its services more specialized and flexible.

The City of Toronto is committed to delivering high-quality services that improve the lives of individuals and families experiencing homelessness. In order to fulfill this commitment, the Toronto Shelter Standards (TSS) were created in 1992 to ensure that services are delivered in a consistent manner across the shelter system. This version of the TSS was adopted by City Council in 2015.

The TSS provides City of Toronto-funded shelter providers and clients with a clear set of expectations, guidelines and minimum requirements for the provision of shelter services in Toronto. All emergency and transitional shelters funded or directly operated by the City of Toronto are required to adhere to the TSS.

While every effort is made to ensure that the TSS address major governance, operational and service delivery considerations, this document is not exhaustive.

Shelter providers, including their Board of Directors, will consult qualified legal professionals and/or other appropriate advisors about any and all legal and financial obligations related to their operation as a shelter.

Shelter providers and clients that require clarification on a shelter-related matter that is not addressed by the TSS are advised to review the Principles of Service Delivery for guidance and/or contact Hostel Services, Shelter Support and Housing Administration Division (SSHA).

The background of the slide is a solid blue color with a repeating pattern of white house icons. Each house icon is a simple line drawing showing a house with a chimney and a roof.

# 1

## POLICY CONTEXT

# 1 POLICY CONTEXT

## 1.1 HOUSING OPPORTUNITIES TORONTO AND THE TORONTO HOUSING CHARTER

*Housing Opportunities Toronto (HOT): An Affordable Housing Action Plan* (see Appendix D: Links to References and Resources) was adopted by Toronto City Council in 2009. The HOT Plan represents the City's ten-year commitment to actions and investments that will create safe, affordable and well-maintained housing for Toronto's most vulnerable and at-risk individuals and families. The HOT Plan recognizes the importance of the shelter system and the need to enhance shelter services with more appropriate facilities and programs that better meet clients' needs.

A key component of the HOT Plan is the *Toronto Housing Charter* (see Appendix D: Links to References and Resources), which is designed to guide Toronto City Council and the Toronto Public Service in the provision of services and programs to residents, including shelter services. It states that fair access to a full range of housing is fundamental to strengthening Toronto's economy, its environmental efforts, and the health and social well-being of its residents and communities.

## 1.2 HOUSING FIRST

The Housing First approach to shelter service delivery is premised on the idea that stable housing is a homeless individual's or family's primary need, and that issues such as substance use or mental illness can be better addressed once this need is satisfied.

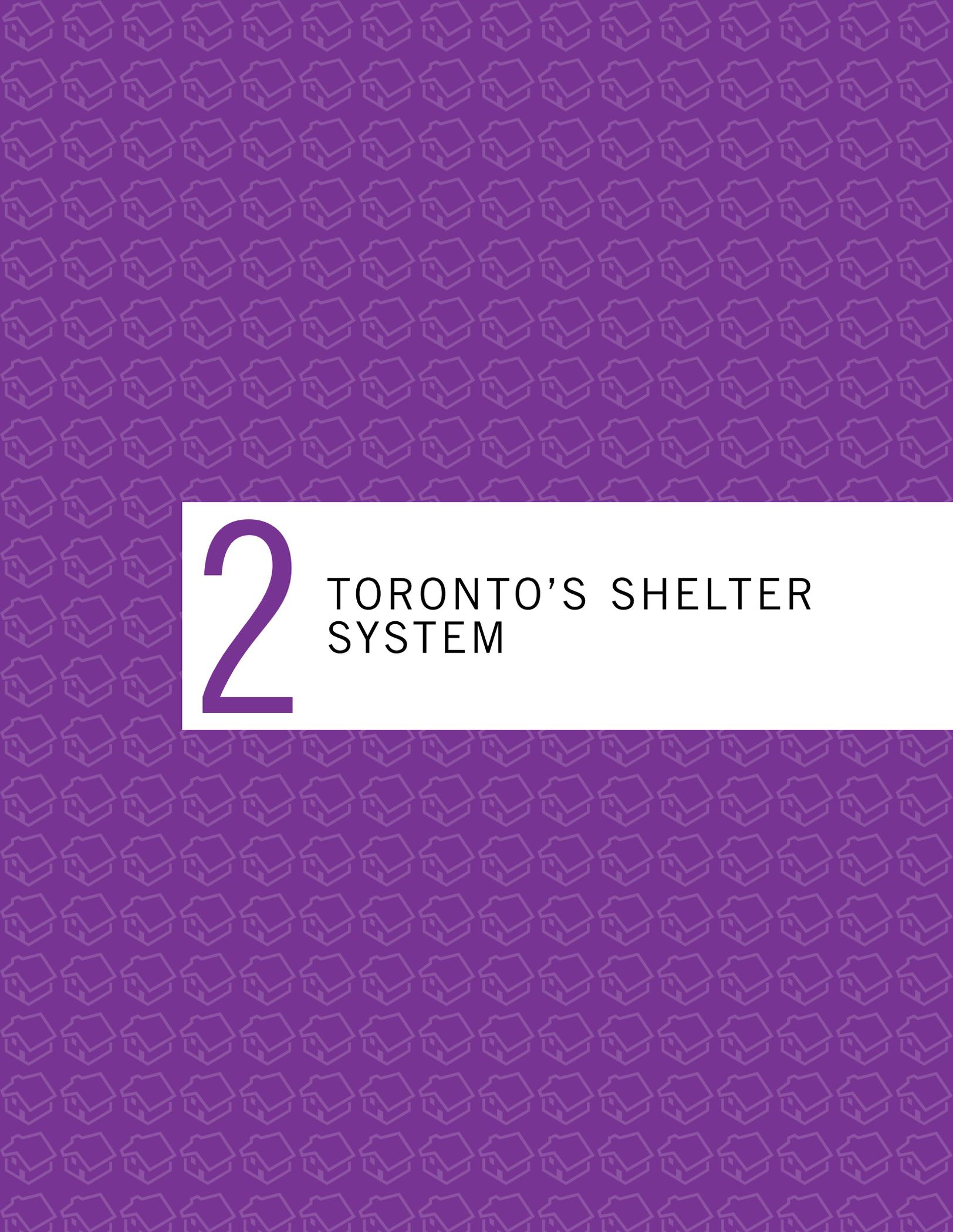
SSHA employs a Housing First approach in order to transform temporary solutions for those experiencing homelessness into services focused on supporting transitions to permanent, stable forms of housing.

## 1.3 HOUSING STABILITY SERVICE PLANNING FRAMEWORK

The *Housing Stability Service Planning Framework* (see Appendix D: Links to References and Resources) is SSHA's five-year strategy to help shape the transformation of Toronto housing and homelessness service system. It was unanimously approved by Toronto City Council in December 2013. The objective is to provide shelter and housing services in a client-centered and outcome-focussed manner with housing stability as the ultimate goal.

By setting the minimum requirements for shelter services, the TSS play an important part in fulfilling the following strategic directions of the *Housing Stability Service Planning Framework*

- (a) Strategic Direction 2 – Supporting the Transition to Housing
- (b) Strategic Direction 4 – Fostering System Stewardship and Innovation
- (c) Strategic Direction 5 – Improving Access and Equity
- (d) Strategic Direction 6 – Delivering High Quality Service
- (e) Strategic Direction 7 – Strengthening Partnerships and Coordination.



# 2

## TORONTO'S SHELTER SYSTEM

# 2 TORONTO'S SHELTER SYSTEM

## 2.1 TYPES OF SHELTERS

The City of Toronto funds purchase of service shelters, and directly operates shelters in two broad categories: emergency shelters and transitional shelters.

Emergency shelters serve individuals and families experiencing homelessness with or without a referral. Clients may self-refer in person or over the phone. The typical length of stay in an emergency shelter is intended to be of short duration and the majority of clients use this type of shelter only once before returning to permanent housing.

Transitional shelters serve individuals and families with a referral from an emergency shelter, Central Intake, Streets to Homes Assessment and Referral Centre or another agency. Clients cannot self-refer. Transitional shelters provide specialized programming; clients are assessed for suitability prior to admission. The typical length of stay in a transitional shelter is intended to be longer to enable clients to address their particular housing and service needs.

## 2.2 SECTORS OF THE SHELTER SYSTEM

Emergency and transitional shelters are further sub-categorized by the client groups they serve; each of these sub-categories is called a sector. Presently, there are five (5) sectors: adult men, adult women, mixed adult (co-ed), youth and family.

## 2.3 ROLES, RIGHTS AND RESPONSIBILITIES

### 2.3.1 Role of the City of Toronto

The City of Toronto is the legislated provincial Consolidated Municipal Service Manager responsible for the administration of provincial and federal funding and the planning and management of the housing and homeless service system.

The City of Toronto provides a wide range of housing and homelessness services intended to support all Torontonians to achieve housing stability. Several City divisions are involved, to varying degrees, in the delivery of these services.

SSHA is the division with primary responsibility for increasing housing stability for low-income and vulnerable residents by investing directly in a range of housing and homelessness services designed to help people find and keep permanent housing.

With respect to shelter services, SSHA is responsible for

- (a) Directly operating some emergency and transitional shelters
- (b) Administering and ensuring contract compliance with Operating Agreements between the City of Toronto and community-based organizations that deliver shelter and related services including emergency and transitional shelters, Housing Help programs within shelters, the Toronto Hostel Training Centre and the Out of the Cold program
- (c) Ensuring service quality assurance by maintaining and providing funder oversight for the implementation of the TSS by shelter providers
- (d) Developing policies that improve the shelter system's efficiency and capacity to generate positive outcomes for all stakeholders.

### 2.3.2 Role of Shelter Providers

The role of shelter providers is to deliver high-quality services to individuals and families experiencing homelessness while fulfilling the obligations set out in their Operating Agreements and the TSS.

City-funded shelter providers operate a majority of the shelters in Toronto. Their operational contributions as well as their knowledge, skills and experience serve as critical inputs to the development and refinement of system-wide policies and service delivery leading practices.

## 2.4 QUALITY ASSURANCE

SSHA undertakes a number of activities and uses a variety of tools to ensure that shelter providers deliver services in an effective and efficient manner.

SSHA conducts audits/reviews of shelter providers' operations and is primarily concerned with

- (a) Ensuring that shelter providers meet the TSS and their contractual obligations as set out in their Operating Agreement
- (b) Reviewing shelter providers' financial viability, budget submissions and service delivery performance
- (c) Providing information and assistance to shelter providers with respect to their shelter's budgets, policies, services and business processes
- (d) Monitoring, reviewing and resolving complaints from clients and the community.

Audits and reviews focus on shelter providers' services, bed management practices, budget and related submissions, financial controls, capital assets and organizational/administrative functions. They are conducted at regular intervals and as needed.

### 2.4.1 Program Reviews

Program Reviews are conducted to ensure that shelter providers are in compliance with the TSS in order to ensure high-quality service delivery to clients. Program Reviews typically focus on models and processes.

### 2.4.2 Site Reviews

Site Reviews are conducted to ensure that shelters are well-maintained and in a state of good repair. The primary purpose of a Site Review is to ensure the health and safety of all persons on shelter property.

### 2.4.3 Organizational Reviews

Organizational Reviews are conducted to ensure that shelter providers' finances are in good standing and that their governance and administrative functions comply with the TSS. Shelter providers may be required to demonstrate their compliance with applicable legislation and generally accepted professional practices.

Organizational Reviews are often combined with Program and Site Reviews as part of a comprehensive evaluation of a shelter's operations.

### 2.4.4 Shelter Monitoring Plan

SSHA implements a Shelter Monitoring Plan on a case-by-case basis when there are concerns that a shelter provider is not meeting its contractual obligations, including meeting the TSS. A Shelter Monitoring Plan is implemented in response to difficulties arising from poor financial controls, service-level disruptions, frequent and severe complaints against a shelter and/or its staff or significant damage to a shelter's physical assets that impact on the shelter's ability to provide service and which requires remediation. SSHA develops and administers Shelter Monitoring Plans in consultation with shelter providers to determine how to proceed with remediation while delivering the best possible services to clients.

### 2.4.5 Updating the Toronto Shelter Standards (TSS)

In order to maintain the relevance of the TSS to the evolving realities of shelter service delivery, the TSS are subject to amendment.

Every five (5) years, SSHA will facilitate a formal and collaborative process to seek input and proposals for amendments from shelter providers, current/former clients of the shelter system, City staff from a variety of divisions and other stakeholders.

Proposed amendments to the TSS will be reviewed by SSHA in consultation with shelter providers to determine their feasibility and impact on shelter services. A broader public consultation on the proposed amendments may take place after the shelter provider review.

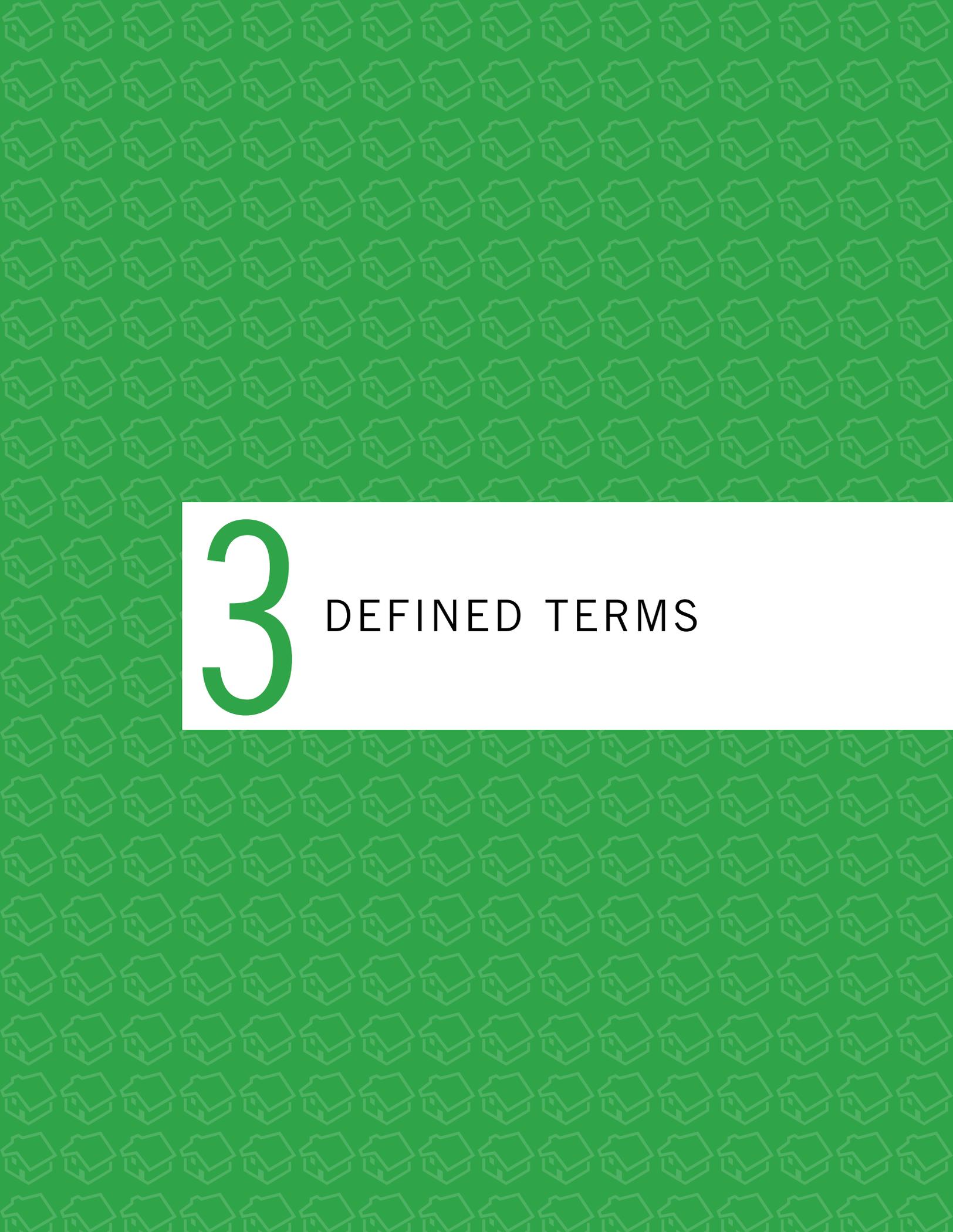
Amendments to the TSS are subject to approval from the General Manager of SSHA and City Council. The approved TSS document will be updated in a fully accessible format and posted on the SSHA website.

SSHA reserves the right to introduce interim amendments to the TSS outside of the regularly scheduled amendment process via Hostel Services Directives.

### 2.4.6 Shelter Management Information System (SMIS)

SMIS is a secure, web-based application used to collect, store and retrieve client information and to facilitate efficient access to shelter services by identifying available beds in real time. The use of SMIS is mandatory at all City-funded shelters.

The analysis of SMIS information provides valuable insights for policy development, shelter system planning and for the preparation for Program, Site and/or Organizational Reviews.



# 3

## DEFINED TERMS

## 3 DEFINED TERMS

The following definitions reflect the meanings of terms as they are used in the implementation and operation of the TSS. Defined terms are linked to this section throughout the TSS so that clicking on a defined term will bring you to its definition. For further clarification of these or related terms, please contact SSHA.

### **Abstinence-based Shelter**

A shelter that prohibits the use of alcohol, illicit drugs or misuse of substances as part of their service model, or a shelter that limits its service to clients who choose not to use or be exposed to alcohol, illicit drugs or clients who misuse substances (related term: Harm Reduction).

### **Admission**

The process of admitting a client to a bedded program by using SMIS to assign a client to a bed.

### **Alternative Sleeping Arrangement**

Any temporary sleeping arrangement that is not in a designated sleeping area, but is otherwise appropriate and safe (e.g., allowing a client to temporarily sleep on a cot or couch in a supervised area of the shelter).

### **Bedded Program**

A shelter program that includes overnight sleeping accommodations in addition to other support services.

### **Board**

Refers to the volunteer Board of Directors of a shelter provider.

### **Capital Reserve Fund**

An account kept by a shelter provider for the purpose of financing the replacement or repair of capital assets, including but not limited to building components and systems.

### **Child**

For the purpose of determining shelter service eligibility, a person who is 15 years of age or less.

### **Cleaning/Maintenance Staff**

Shelter staff who are involved in the cleaning or maintenance of a shelter facility, including but not limited to cleaners, custodians, maintenance workers, handypersons and superintendents.

### **Client**

Any individual who is in receipt of any kind of support services provided by a shelter (related term: Resident).

**Client Support Staff**

Shelter staff who provide counseling, case management or support for clients, including but not limited to counselor, client service worker, case worker, housing help worker and social worker.

**Conflict of Interest**

A situation in which private interests or personal considerations may affect a person's judgment in acting in the best interest of their organization or client. It includes using a person's power derived from a position of authority, confidential information, time during working hours, material or facilities for private gain or advancement or the expectation of private gain or advancement. A conflict may occur when an interest benefits the person, any member of the person's family, friends or business associates.

**Curfew**

A pre-determined time by which clients must be physically present within a shelter. Curfew is a tool for managing available beds in the shelter that allows shelter providers to assign an unoccupied bed to an incoming clients (related terms: Held Bed and Occupied Bed).

**Dietary Staff**

Shelter staff who are involved in the handling, storage, planning, preparation or serving of food or meals, including but not limited to kitchen staff, cooks, dietitians, nutritionists and servers.

**Discharge**

The process of concluding a client's stay at a shelter, including the use of SMIS to release a client's assigned bed (related terms: Planned Discharge and Unplanned Discharge).

**Discrimination**

An action or decision that treats an individual or group negatively and/or denies social participation and/or human rights for reasons that include, but are not limited to, an individual's or group's perceived or actual: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, the receipt of public assistance, substance use, medical status, mental health status, physical appearance or hygiene.

**Emergency Shelter**

A shelter that is accessible by an individual or family experiencing homelessness with or without a referral, with the intention of providing short-term accommodation and the support services required to move clients into housing (related term: Transitional Shelter).

**Emotional Support Animal**

A companion animal that provides comfort, emotional support or therapeutic benefit, such as alleviating or mitigating some symptoms of a mental or psychiatric disability (related term: Service Animal).

**Extreme Weather Alert**

An official alert issued by the City of Toronto's Medical Officer of Health when the outdoor temperature is likely to cause detrimental effects on human health. These alerts can be

issued when the temperature reaches a prescribed threshold that is either very high (i.e., Heat Alert, Extreme Heat Alert) or very low (i.e., Cold Alert, Extreme Cold Weather Alert).

### **Gender Expression**

How a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender (related term: Transgender Person).

### **Gender Identity**

A person's subjective experience of their own gender which may not match their biological sex or physical appearance (related term: Transgender Person).

### **Food Allergy**

An immune system reaction that occurs soon after eating a certain food and which can be life-threatening. Even a tiny amount of the allergy-causing food can trigger signs and symptoms such as digestive problems, hives or swollen airways.

### **Food Intolerance**

A digestive system reaction that occurs soon after eating a certain food and which results in difficulty digesting a particular food. This can lead to symptoms such as intestinal gas, abdominal pain or diarrhea.

### **Harm Reduction**

Harm reduction is both a philosophy and set of practical strategies aimed at reducing the adverse health, social and economic consequences associated with substance use (both legal and illegal) in ways that are non-judgmental and non-coercive. Harm reduction may include abstinence-based shelter programs providing a client with the choice to participate or seek other forms of treatment or support. (related terms: Abstinence-based Shelter, Safer Crack Smoking Equipment, Safer Injection Equipment and Safer Sex Products).

### **Held Bed**

A bed that has been assigned to a client who is not physically present in a shelter. Beds may be held for incoming clients or clients who have arranged to arrive after a shelter's curfew (related terms: Curfew and Occupied Bed).

### **Hostel Services Directive**

A communication bulletin notifying shelter providers of new service requirements or prescribed action(s) required under the authority of the Operating Agreement, TSS, City Council resolution or other legislation. Hostel Services Directives may also be used to clarify an existing shelter standard or to issue interim service requirements or standard(s).

### **Housing First**

A service approach that focuses on quickly moving people experiencing homelessness into permanent housing and then connecting them to supports and services as needed in order to stabilize their housing.

**Incident**

Any occurrence or event that takes place on shelter premises or involves active shelter clients or staff which may compromise the health, safety or well-being of those involved (related term: Serious Occurrence).

**Intake**

The process of assessing a client's needs, eligibility and suitability for shelter service and recording the results of the assessment in SMIS.

**Leave with Permission**

Authorized overnight leave to allow a client to spend nights away from a shelter.

**LGBTQ2S**

An acronym that refers collectively to lesbian, gay, bisexual, transgender, transsexual, queer, questioning and two-spirited people. While terms and identities frequently change and more inclusive acronyms may be introduced elsewhere (e.g., LGBTQQIP2SAA, LBGTQIA), LGBTQ2S will be used as an all encompassing term in the TSS (related term: Two-spirited People).

**Management Staff**

Shelter staff who are involved in supervising or managing other shelter staff or programs, including, but not limited to shift leaders, supervisors, managers, senior managers and executive directors.

**Medication**

Any prescribed or over-the-counter substance used to treat disease, injury or relieve pain, including but not limited to medicine, drugs, supplements and remedies (related term: Opioid).

**Medication Management Program**

A formal program that involves prescribing (by a physician), transcribing (i.e., medication administration record), dispensing (by a pharmacist), administering (by a nurse or qualified caregiver) and monitoring (by nurse or physician) of medications that a client takes to confirm that he or she is complying with a medication regimen, while also ensuring the client is avoiding potentially dangerous drug interactions and other complications.

**Methadone**

A synthetic opioid used most commonly to treat addiction to other opioid drugs such as heroin, oxycodone (e.g., Percodan, Percocet), fentanyl (e.g., Duragesic, Sublimaze) and hydromorphone (e.g., Dilaudid) (related term: Opioid).

**Occupied Bed**

A bed that has been assigned to a client as indicated in SMIS, including clients who have been granted permission to arrive after curfew or clients who are temporarily out of their beds but present elsewhere in a shelter during the final bed count (related terms: Curfew and Held Bed).

**Operating Agreement**

A contract between the City of Toronto and a not-for-profit organization that sets out the terms and conditions of providing services on behalf of the City to individuals and families experiencing homelessness.

**Opioid**

A class of powerful drugs that are primarily prescribed to treat severe pain. Opioids include illicit drugs such as heroin as well as prescription medications such as Percocet, morphine and codeine. Opioids are an effective medication when used as prescribed, but carry a risk of addiction because of their powerful effects. Opioids are also referred to as narcotics (related term: Methadone).

**Planned Discharge**

A voluntary or anticipated discharge that results from a client meeting the goals of their service plan or to facilitate a client's transfer to housing or more appropriate programs/ supports (related terms: Discharge and Unplanned Discharge).

**Resident**

A client who has been admitted to a shelter's bedded program (related term: Client). A separate definition of resident applies in the context of reporting a death of a shelter resident and is found in the Death of a Shelter Resident Guidebook (see Appendix D: Links to References and Resources).

**Safer Crack Smoking Equipment**

Equipment used to help people who smoke crack cocaine to reduce the potential harm to themselves (e.g., to prevent the transmission of communicable diseases). Safer crack smoking equipment may include Pyrex stems, brass screens, chop sticks and mouthpieces (related term: Harm Reduction).

**Safer Injection Equipment**

Equipment used to help people who inject drugs to reduce the potential harm to themselves (e.g., to prevent the transmission of blood-borne diseases). Safer injection equipment may include syringes in various sizes and brands, sterile water, alcohol swabs, tourniquets, filters, acidifiers and cookers (related term: Harm Reduction).

**Safer Sex Products**

Products used to help individuals reduce the potential harm (e.g., to prevent the transmission of communicable diseases) associated with sexual practices. Safer sex products may include condoms and lubes (related term: Harm Reduction).

**Savings Program**

A financial support program focussed on assisting clients to actively save funds in support of their service plan goals (e.g., housing). Savings programs have elements of a safekeeping program (e.g., holding client valuables), but have more controls and documentation requirements in order to accurately account for clients' savings.

**Serious Occurrence**

An incident that involves death, fire, serious assaults, serious accidental injuries, attempted suicide requiring acute medical attention or the possession or use of a weapon (related term: Incident).

**Service Animal**

An animal used by a person with a disability for reasons relating to their disability (related term: Emotional Support Animal).

**Service Disruption**

A situation that renders a shelter unable to provide its regular services and/or maintain a high standard of service delivery. Service disruptions can be either planned (e.g., renovations scheduled weeks or months in advance) or unplanned (e.g., structural damage to a shelter building that results from severe weather).

**Service Plan**

A formally documented, individualized plan for a client that sets out the client's objectives, responsibilities and the course(s) of action necessary to help the client to achieve their goals. Service plans may include sub-components (or sub-plans) depending on the needs of a client (related term: Support Services).

**Service Restriction**

Restricting a client's access to shelter services for a limited length of time due to a particular incident or behaviour.

**Shelter Provider**

A not-for-profit organization that is contracted by SSHA to provide shelter services through an Operating Agreement or shelter services that are directly operated by SSHA.

**Shelter Staff**

Employees of a shelter provider.

**SMIS**

The Shelter Management Information Systems is a secure, web-based application used to collect, store and retrieve client information and to facilitate efficient access to shelter services by identifying available beds in real time, case management and service planning. The use of SMIS is mandatory at all City-funded shelters.

**Support Services**

Any program or service offered by a shelter provider or service provider to help clients meet their goals or needs including, but not limited to a shelter's bedded program, meal program, housing help services, employment program, etc. (related term: Service Plan).

**Transgender Person**

A person whose gender identity or gender expression does not match the sex assigned to them at birth. A transgender person may not feel the need to physically change their body. Transgender will be used as an umbrella term to include clients who identify as

genderqueer, two-spirited or gender non-conforming for the purposes of the TSS. (related terms: Gender Expression, Gender Identity and Two-spirited People).

**Transitional Shelter**

A shelter that is accessible, by referral only, to eligible individuals and families experiencing homelessness, with the intention of providing longer-term accommodation and specialized supports required to move clients into housing. Transitional shelter providers are designated as such in their Operating Agreement (related term: Emergency Shelter).

**Two-spirited People**

This term is culturally specific to North American Aboriginal communities and refers to queer Aboriginal people who identify with both a male and female spirit. This term is not exclusive to gender identity and can also refer to sexual orientation (related terms: LGBTQ2S and Transgender Person).

**Unplanned Discharge**

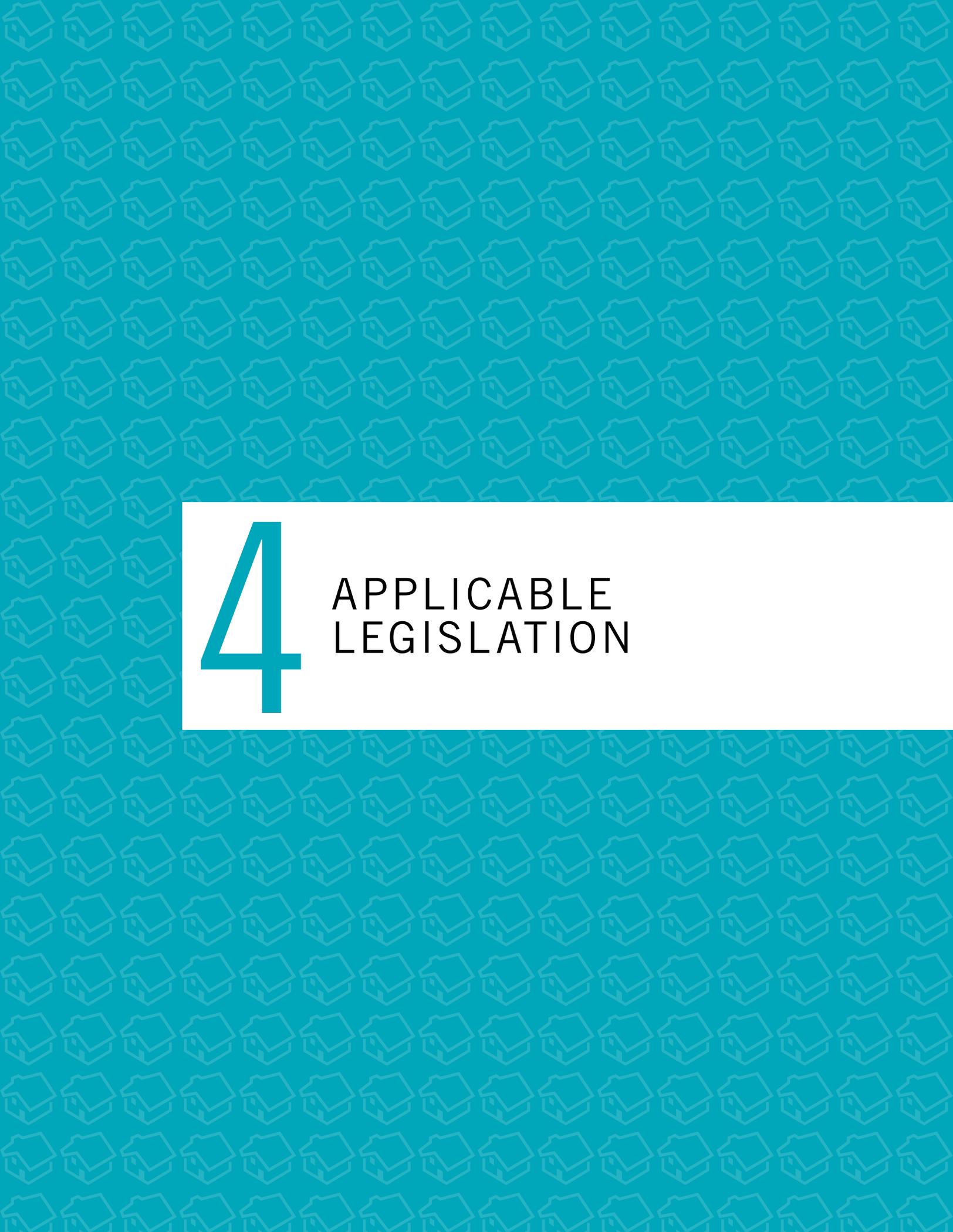
An involuntary or unanticipated discharge that results from a client's unilateral decision to discontinue receiving service from a shelter (e.g., failure to return) or a service restriction (related terms: Discharge and Planned Discharge).

**Weapon**

Any object that is used or intended to be used to cause harm to a person or threaten harm to a person.

**Youth**

For the purpose of determining shelter service eligibility, a person who is between 16 and 24 years of age, inclusive.



# 4

## APPLICABLE LEGISLATION

# 4 APPLICABLE LEGISLATION

- (a) Shelter providers and their Board of Directors are responsible to ensure that they comply with all relevant aspects of applicable federal, provincial and municipal legislation/regulations.
- (b) The legislation/regulations listed in section 4.1 Federal Legislation, section 4.2 Provincial Legislation, and section 4.3 Municipal Legislation are not intended to be exhaustive. Shelter providers are responsible to review the legislation and keep themselves informed, as they are amended from time to time.
  - (i) In the event of any legal conflict between the TSS and applicable legislation, the applicable legislation shall prevail to the extent of the conflict.
- (c) Shelter providers and their Board of Directors will comply with reference standards, policies and guidelines prescribed by SSHA including, but not limited to, those listed in section 4.4 Standards, Policies and Guidelines.
- (d) Shelter providers and their Board of Directors will comply with all of the terms and conditions of their Operating Agreements, the TSS and Hostel Services Directives.
- (e) Shelter providers and their Board of Directors will consult qualified legal professionals and/or other appropriate advisors about any and all legal and financial obligations related to their operation as a shelter.

## 4.1 FEDERAL LEGISLATION

- (a) Cribs, Cradles and Bassinets Regulations (SOR/2010-261) (made under the Canada Consumer Product Safety Act, 2010)

## 4.2 PROVINCIAL LEGISLATION

- (a) Accessibility for Ontarians with Disabilities Act, 2005
  - (i) Regulation 429/07: Accessibility Standards for Customer Service
  - (ii) Regulation 191/11: Integrated Accessibility Standards
- (b) Child and Family Services Act, 1990
- (c) Employment Standards Act, 2000
- (d) Regulation 213/07: Fire Code (made under the Fire Prevention and Protection Act, 1990)
- (e) Regulation 562/90: Food Premise Regulations (made under the Health Promotion and Protection Act, 1990)

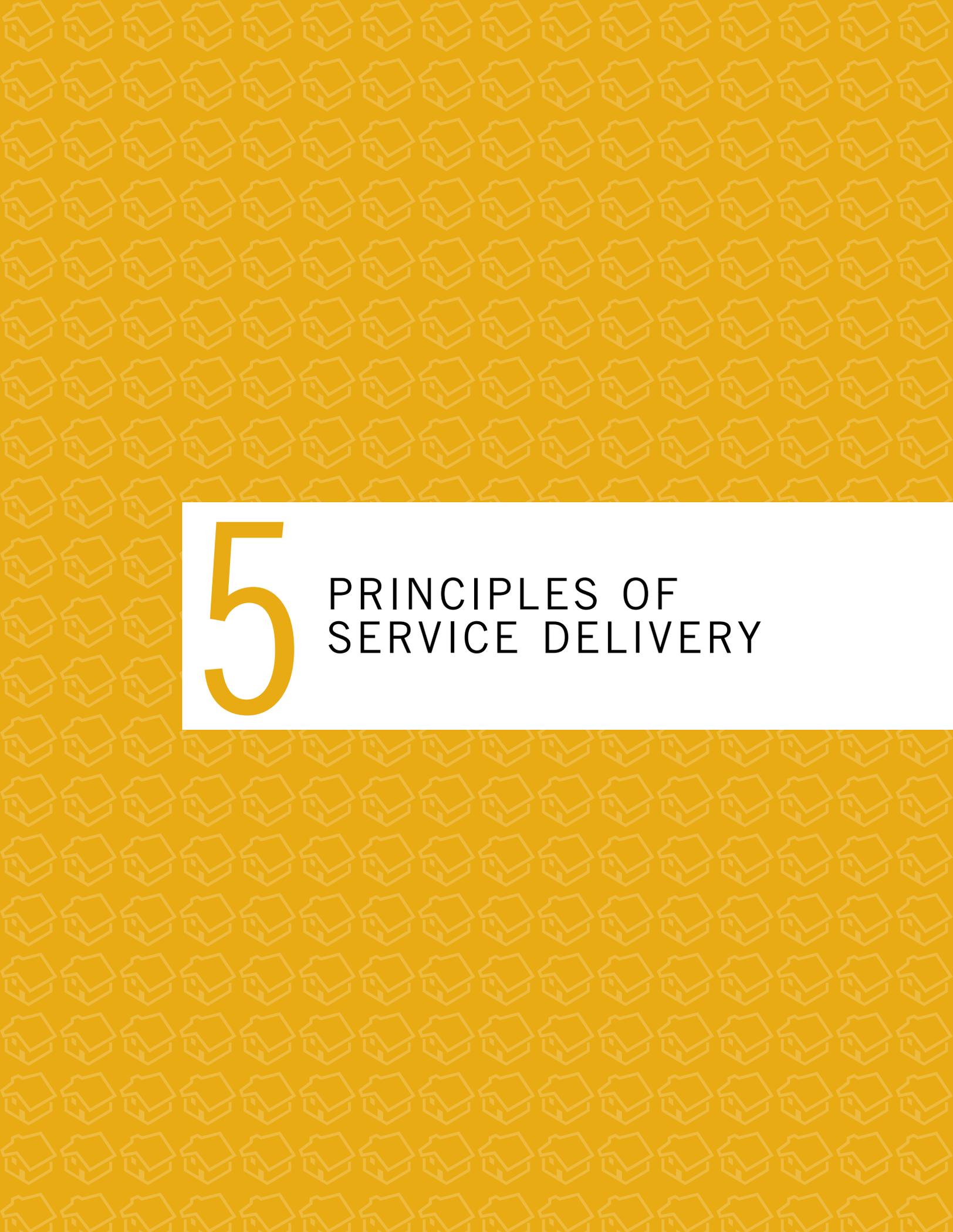
- (f) [Municipal Freedom of Information and Protection of Privacy Act, 1990](#)
- (g) [Ontario Human Rights Code, 1990](#)
- (h) [Personal Health Information Protection Act, 2004](#)
- (i) [Residential Tenancies Act, 2006](#)
  - (i) [Regulation 517/06: Maintenance Standards](#)
- (j) [Regulation 220/01: Boilers and Pressure Vessels](#) (made under the Technical Standards and Safety Act, 2000)
- (k) [Regulation 209/01: Elevating Devices](#) (made under the Technical Standards and Safety Act, 2000)
- (l) [Regulation 1101: First Aid Requirements](#) (made under the Workplace Safety and Insurance Act, 1997)

### **4.3 MUNICIPAL LEGISLATION**

- (a) [Municipal Shelter By-Law No. 138-2003](#)
- (b) [Municipal Code, Chapter 629 – Property Standards](#)

### **4.4 STANDARDS, POLICIES AND GUIDELINES**

- (a) Canada's Food Guide
- (b) Environmental Control Best Practices: Guidelines to Reduce TB Transmission in Homeless Shelters and Drop-In Centres

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# 5

## PRINCIPLES OF SERVICE DELIVERY

# 5 PRINCIPLES OF SERVICE DELIVERY

The Principles of Service Delivery are designed to guide shelter providers and their Board of Directors in their decision making and to promote the good governance of the shelter system. The Principles are particularly helpful in the event that the TSS are unclear or silent on an issue in question. Shelter staff and board members will refer to the Principles in such circumstances to inform their actions, decision making or service approach.

## 5.1 RESPECT AND DIGNITY

Shelter service delivery is based on accepting and respecting the inherent dignity, diversity, experiences and abilities of all individuals.

- (a) Shelter providers will
  - (i) Create and maintain an atmosphere of dignity, acceptance and respect for all individuals
  - (ii) Respect and balance the independence, values, knowledge, abilities and diversity of all individuals
  - (iii) Provide services to each client in a non-judgmental manner, free from discrimination and harassment
  - (iv) Protect and promote the health, safety and security of all individuals
  - (v) Protect the personal and health information and privacy of all individuals.

## 5.2 CLIENT-CENTERED SERVICE

Shelter services focus on clients' needs and empower them to collaborate in the development and implementation of a service plan. As much as possible, clients' preferences and their feedback about the services they receive are meaningfully considered and acted upon when appropriate.

- (a) Shelter providers will
  - (i) Work collaboratively with each client to develop a service plan that enables the achievement of a client's goals as they relate to housing stability
  - (ii) Ensure that a client's service plan and the support services they receive focus on recognizing and building upon a client's strengths and capacities

- (iii) Provide services grounded in the principles of harm reduction that are responsive to the diverse and evolving needs of clients
- (iv) Provide services using a trauma-informed approach that takes into account an understanding of trauma in all aspects of service delivery and places priority on the client's safety, choice and control
- (v) Ensure that staff work collaboratively to share any necessary and relevant information about a client's situation in support of the client's service plan in a manner that is respectful of the client and their privacy
- (vi) Provide clients with access to clear and accurate information that allows them to make informed decisions
- (vii) Provide clients with opportunities to participate in the planning, development and evaluation of support services and the policies that govern them.

### 5.3 HOUSING FIRST

Housing is a basic human need. All persons deserve safe, secure, affordable and well-maintained housing. The focus of shelter service delivery is to help clients find and maintain housing consistent with their service plans.

- (a) Shelter providers will
  - (i) Work collaboratively with clients to find suitable housing as identified in their service plans
  - (ii) Work collaboratively with clients to provide them with the appropriate supports and referrals that will help them achieve and maintain housing stability.

### 5.4 ACCESS TO SHELTER SERVICES

All persons have the right to seek shelter services.

- (a) Shelter providers will
  - (i) Ensure that information about their shelter(s) and the various ways to obtain services is understandable, available through various means and accessible to people with disabilities
  - (ii) Work toward eliminating real or perceived barriers that prevent or inhibit client access to shelter services
  - (iii) Not use immigration status as a basis to deny newcomers to Canada access to shelter services.

## 5.5 SERVICE QUALITY

High-quality service delivery relies on clear, achievable and measurable outcomes.

- (a) Shelter providers will
  - (i) Ensure that services focus on achieving the best possible outcomes for each client
  - (ii) Meet or exceed service performance targets prescribed by SSHA
  - (iii) Commit to continuous, self-evaluation and improvement of the services they deliver, based on evidence and leading practice(s)
  - (iv) Be accountable to all of their stakeholders for all of their operations
  - (v) Ensure that their shelter's capital assets and infrastructure are kept in a state of good repair in order to maintain a safe, healthy and accessible physical environment.

## 5.6 COLLABORATION, COMMUNITY ENGAGEMENT AND PARTNERSHIPS

Community engagement, support networks and partnerships are essential to enhancing the efficiency and effectiveness of the shelter system.

- (a) Shelter providers will
  - (i) Collaborate with clients, service providers and other stakeholders to create and maintain a network of supports in order to achieve the best outcomes for clients and the neighbourhoods in which they receive services and/or reside
  - (ii) Develop and maintain a respectful and responsive relationship with the neighbourhood in which their shelter is located and with the wider community.



# 6

## CLIENT RIGHTS AND RESPONSIBILITIES

# 6 CLIENT RIGHTS AND RESPONSIBILITIES

- (a) Shelter providers will have board-approved Client Rights and Responsibilities, including a Client Code of Conduct, which will be posted in conspicuous areas of the shelter.
- (b) At a minimum, clients have the right to
  - (i) Expect that shelter staff will follow the TSS
  - (ii) Be treated in a non-judgmental and respectful way
  - (iii) Participate in a fair and clear complaint and appeal process without fear of reprisal
  - (iv) Provide feedback about current and potential shelter policies and services and the way services are delivered
  - (v) Actively participate in the identification of their housing and related goals
  - (vi) Receive support from shelter staff to achieve their housing and related goals
  - (vii) Be given clear and accurate information in order to make informed decisions about the support services they receive
  - (viii) Receive assistance from shelter staff with understanding information that is presented to them and with completing forms or other paperwork
  - (ix) Request and receive access to their personal and health information that is collected and stored by the shelter
  - (x) Have their personal and health information and privacy protected to the extent that legislation allows
  - (xi) Contact Hostel Services directly for information about the shelter system and to provide feedback about their service experience.
- (c) Clients will
  - (i) Follow the rules of the shelter
  - (ii) Treat all individuals with respect
  - (iii) Respect the property of the shelter, clients, staff, volunteers, visitors and members of the neighbourhood in which the shelter is located
  - (iv) Work collaboratively with shelter staff to develop a service plan and to work toward achieving the goals set out in the service plan.

- (d) Clients will not
  - (i) Discriminate against any individual or group of individuals
  - (ii) Engage in violent, abusive or harassing behaviour
  - (iii) Impose personal beliefs or standards on others.

## 6.1 CLIENT INPUT

- (a) Client input will be sought in all areas of program planning, program development, policy development and program evaluation in multiple ways, including but not limited to exit interviews, discharge surveys, one-on-one interviews, client surveys, client focus groups and/or residents' meetings.
- (b) Shelter providers will hold a minimum of one (1) residents' meeting monthly to obtain residents' opinions and input about shelter operations and proposed policy or program changes.
  - (i) Notice of a residents' meeting must be posted in conspicuous areas of the shelter at least one (1) week in advance of the meeting
  - (ii) Residents will be encouraged to attend and participate in these meetings
  - (iii) Minutes must be recorded at these meetings and the minutes and resolutions to any concerns or issues raised must be posted in an area accessible to residents within two (2) weeks of the meeting, and remain posted until the next residents' meeting.
- (c) Shelter providers will assist SSHA in its implementation of any system-wide survey of shelter clients.

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# 7

## COMPLAINTS AND APPEALS

# 7 COMPLAINTS AND APPEALS

- (a) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures regarding complaints and appeals, including how complaints can be made at the shelter level, how complaints will be investigated and resolved, and any subsequent escalation or appeal processes, including escalating a complaint to SSHA when all other options have been exhausted
  - (ii) Submit a copy of the policy and procedures to SSHA and resubmit a copy whenever the documents are updated or otherwise revised
  - (iii) Offer a copy of the policy and procedures or a plain language version of the policy and procedures (e.g., simplified orientation brochure) to clients upon their request.
- (b) Shelter providers will respond professionally and appropriately to all complaints from all individuals.
- (c) Shelter providers must inform clients of this process, post their complaint and appeals process in a conspicuous area of the shelter, keep a written record of formal complaints and a written record of the resolution of formal complaints.
- (d) Complaints are a valuable source of information about a shelter's performance and can highlight areas for improvement. Shelter providers will collect, analyze and evaluate all complaints and take any necessary corrective action.
- (e) Shelter providers will provide the contact information for SSHA to any client who has exhausted a shelter's complaints and appeals process, remains dissatisfied with the resolution, and who wishes to escalate their complaint or appeal further.
- (f) Shelter providers will provide the contact information for SSHA and the Office of the Ombudsman to any individual who wishes to make a complaint about a City of Toronto or SSHA program, service or responsibility.



# 8

## ACCESS REQUESTS AND CUSTOMER SERVICE

# 8 ACCESS REQUESTS AND CUSTOMER SERVICE

- (a) Shelter providers will promote a high and consistent level of customer service by responding to requests for support services in a respectful, empathetic and timely manner.
- (b) Shelter providers with a website must post key contact information, and clear directions to the shelter location, unless exempted by SSHA.
- (c) Shelter providers must be able to respond to requests for support services made by phone or in person.
- (d) Shelter providers will endeavor to have a staff person respond to telephone requests for service in real time.
- (e) Shelter providers must have an automated voicemail system capable of storing incoming messages and relaying key information to any caller requesting service who does not reach a staff person.
- (f) At a minimum, an automated outgoing message will include
  - (i) The shelter's name and client group(s) it serves
  - (ii) Clear direction regarding when shelter staff will return calls
  - (iii) Direction to contact Toronto 311 if the caller requires more immediate support services
  - (iv) Direction to call 911 if the caller is in danger or in need of emergency services (e.g., paramedics, police, fire).

## 8.1 INTAKE / ASSESSMENT

- (a) Shelter providers will
  - (i) Have a board-approved access/intake policy and management-approved procedures that include assessing clients for program eligibility, responding to service requests not resulting in a SMIS intake and explaining the collection of personal information
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised
  - (iii) Offer a copy of the policy and procedures or a plain language version of the policy and procedures (e.g., simplified orientation brochure) to clients upon their request.

- (b) An intake in SMIS must be completed in real time for every client that requests support services.
- (c) Shelter providers that coordinate access solely through Central Intake are not required to complete intakes for clients.
- (d) Shelter providers, Central Intake and the Streets to Homes Assessment and Referral Centre will conduct an initial assessment (i.e., a client screening procedure) in order to determine the service need(s) and related accessibility requirements or accommodation (i.e., modified service requirements) needs of a client.
  - (i) Shelter providers will ask all clients for their gender identity rather than assume.
  - (ii) Shelter providers will support the choices of transgender clients to gain access to sleeping areas designated for the gender the client identifies with and/or that will best preserve their safety and dignity.
  - (iii) In instances where transgender clients express concerns about their safety or dignity, shelter providers will accommodate requests for a bed in a gender-neutral/private room, if possible, or in a sleeping area that the client believes will best preserve their safety and dignity, regardless of their gender identity.
- (e) Shelter providers will not request or collect immigration status information in order to determine service eligibility as part of a shelter's intake or admission process, unless approved by SSHA.
- (f) Shelter providers will take all reasonable measures to accommodate a client with a disability.
  - (i) Shelter providers will take all reasonable measures to accommodate clients accompanied by service animals or emotional support animals.
  - (ii) Shelter providers that cannot accommodate clients with a disability or clients accompanied by a service animal or an emotional support animal will make a referral to an accessible shelter and offer appropriate transportation assistance, as described under section 8.2 Referrals.
- (g) Shelter providers will take all reasonable measures to accommodate clients accompanied by their pet.
  - (i) Shelter providers that cannot accommodate clients accompanied by their pet will make a referral to another shelter, and offer appropriate transportation assistance, as described under section 8.2 Referrals.

## 8.2 REFERRALS

- (a) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures for referrals
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised
  - (iii) Provide a copy of the policy and procedures or a plain language version of the policy and procedures (e.g., simplified orientation brochure) to clients upon their request.
- (b) Shelter providers who are not able to admit a client to their bedded program or provide the requested support services will refer the client to another shelter with space in an appropriate bedded program or to more suitable support services.
- (c) If a client is provided a referral over the phone, shelter staff will relay clear directions to the client in order for him/her to reach his/her destination as easily as possible.
- (d) When referring clients to a bedded program at another shelter, the referring shelter will
  - (i) Review SMIS information regarding bed availability at the receiving shelter
  - (ii) Confirm by phone with the receiving shelter that a bed is available
  - (iii) Complete the referral in SMIS in real time.
- (e) If the referral is not to a bedded program, the disposition of the referral will be recorded in SMIS in real time and the referred client will be given the necessary information to contact the appropriate support services.
- (f) When referring a client to support services, shelter providers, Central Intake and the Streets to Homes Assessment and Referral Centre will take a client's preferences into account as much as possible.
- (g) When referring a client with health issues to another shelter, shelter staff will first communicate the health needs of the client to the receiving shelter, with consent from the client, to ensure that the receiving shelter is able to accommodate the client prior to executing the referral.
- (h) Shelter staff will offer transportation assistance to a referred client, taking into account any client limitations (e.g., mobility, visual impairment) and safety considerations.
- (i) When a shelter provider does not have a vacancy in their bedded program or other circumstances limit a shelter provider's ability to complete a referral, the referring shelter provider will

- (i) Transfer phone requests to Central Intake or provide the client with Central Intake's contact information
- (ii) Assist an in-person client to contact the Streets to Homes Assessment and Referral Centre, provide directions or transportation assistance and notify the Streets to Homes Assessment and Referral Centre of the client's pending arrival.

### 8.3 ADMISSION

- (a) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures for admission
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised
  - (iii) Provide a copy of the policy and procedures or a plain language version of the policy and procedures (e.g., simplified orientation brochure) to clients upon their request.
- (b) Admission decisions will not be based on a client's substance use.
- (c) Emergency shelter providers will admit clients to their bedded program at any time during their hours of operation when
  - (i) There is an available bed in their shelter
  - (ii) The client identifies as a member of the particular client group served by the shelter
  - (iii) There are no active service restrictions for the client at the admitting shelter.
- (d) Shelter providers will record admissions in SMIS in real time.
- (e) Shelter providers will support the choices of transgender clients to gain access to sleeping areas designated for the gender the client identifies with and/or that will best preserve their safety and dignity.
  - (i) In instances where transgender clients express concerns about their safety or dignity, shelter providers will accommodate requests for a bed in a gender-neutral/private room, if possible, or in a sleeping area that the client believes will best preserve their safety and dignity, regardless of their gender identity.
- (f) Shelter providers will not request or collect immigration status information in order to determine service eligibility as part of a shelter's intake or admission process, unless approved by SSHA.

- (g) Shelter providers may deny admission in cases where
  - (i) There is an active service restriction for the client at the admitting shelter
  - (ii) A client's behaviour could compromise the health and safety of the client or other individuals within the shelter.
- (h) Shelter providers will record all denials of admission in the referral notes in SMIS in real time, and refer the client to another shelter or appropriate service and offer appropriate transportation assistance, as described under section 8.2 Referrals.
- (i) Shelter orientation information will be provided to all clients upon admission or as soon as possible, and no later than twenty-four (24) hours after their admission. At a minimum, shelter orientation information will include
  - (i) Shelter rules
  - (ii) Curfew information
  - (iii) Meal time information
  - (iv) Nearby amenities (e.g., stores, community centre, library, drop-ins, etc.)
  - (v) Health and Safety information including key aspects of a shelter's emergency plan, evacuation plan and identifying emergency exits
  - (vi) Client rights and responsibilities
  - (vii) Service restriction information
  - (viii) The process for making a complaint.
- (j) A tour of the shelter will be offered to all admitted residents. Tours for interested residents will be arranged as soon as reasonably possible and no later than forty-eight (48) hours after their admission.

### 8.3.1 Queue Administration and Held Beds

- (a) Transitional shelter providers and family shelter providers are exempt from all requirements of section 8.3.1 Queue Administration and Held Beds.
- (b) Specialized programs such as harm reduction programs may be exempt from all requirements of section 8.3.1 Queue Administration and Held Beds with prior approval from SSHA.
- (c) Shelter providers will queue/hold beds for incoming clients for a maximum of two (2) hours.
- (d) Shelter providers may grant extensions beyond the maximum queue/hold time under extenuating circumstances (e.g., employment obligations, client appointments or lengthy travel time to the shelter) or as approved by the shelter.

- (e) Shelter providers will document approved extensions to the maximum queue/hold time in SMIS in real time and no later than two (2) hours after granting the extension.
- (f) Shelter staff will inform incoming clients of the maximum queue/hold time (or the time that an approved extension will expire) and the potential loss of bed resulting from late arrival.
- (g) If an incoming client does not arrive within the maximum queue/hold time or prior to the expiry time of the approved extension, shelter providers will release the held bed and clear their SMIS queue immediately.
- (h) Queue clearing must be done on a regularly scheduled basis and a minimum of four (4) times per shift during a shelter's hours of operation.

### 8.3.2 Curfew

- (a) Transitional shelter providers and family shelter providers are exempt from all requirements of section 8.3.2 Curfew.
- (b) Specialized programs such as harm reduction programs may be exempt from all requirements of section 8.3.2 Curfew with prior approval from SSHA.
- (c) Shelter providers will inform all clients of the curfew time and the unplanned discharge that may result from missed curfew.
- (d) In the adult and youth emergency shelter sector, beds must not be held after curfew unless a client's service plan requires it, or unless the client has made prior arrangements with staff and has received permission to be late in order to attend school, volunteer work, shift work (including sex work), counselling, peer group, health/medical treatment, family reunification, cultural, religious, or family obligations.
- (e) If a client is approved to return after a shelter's curfew but fails to return or contact the shelter by the agreed upon time, the client may be discharged.
- (f) In the event that a shelter provider receives a request for a bed after curfew and before 4:00 a.m. and the shelter provider is unable to accommodate or refer the presenting client to another shelter, Central Intake or the Streets to Homes Assessment and Referral Centre, the shelter provider will
  - (i) Discharge clients that have not returned for curfew or made other arrangements, and release the bed for use by the presenting client
  - (ii) If the bed cannot be prepared for use at this time, intake and admit the new client and offer an alternative sleeping arrangement.
- (g) Shelter providers will transfer a client who is assigned to an alternative sleeping arrangement to an unoccupied bed at the earliest opportunity, or offer to refer the client to another shelter as soon as possible in a manner that complies with the requirements of section 8.2 Referrals.

### 8.3.3 Occupied Bed

- (a) Transitional shelter providers and family shelter providers are exempt from all requirements of section 8.3.3 Occupied Bed.
- (b) Specialized programs such as harm reduction programs may be exempt from all requirements of section 8.3.3 Occupied Bed with prior approval from SSHA.
- (c) Shelter providers will conduct regular rounds to monitor the occupancy of their shelter, at a minimum of two (2) rounds per shift and immediately release unoccupied beds in order to facilitate access for other clients seeking a shelter bed.
- (d) Shelter providers will mark the final number of occupied beds at 4:00 a.m. on a hard copy of the SMIS-generated bed log, which must be signed by the authorized staff and stored appropriately.

### 8.3.4 Leave with Permission

- (a) Shelter providers may authorize a Leave with Permission in response to extenuating circumstances (e.g., medical emergency or funeral) or as part of a client's service plan (e.g., improving their housing situation, overnight visits to family to support the goal of family reunification, custody agreements, etc.).
- (b) Leaves with Permission that do not require prior approval by SSHA will
  - (i) Be limited to exceptional/emergency circumstances or part of a client's service plan
  - (ii) Not exceed four (4) consecutive days
  - (iii) Be authorized by a shelter's Executive Director or designate.
- (c) For requests that exceed four (4) consecutive days, shelter providers will submit a completed Leave with Permission form (see Appendix C: Forms and Templates) to seek approval from SSHA.
- (d) SSHA approvals for Leave with Permission requests may be sought in each instance that a request is made by a client, or sought once for a series of requests if multiple, regularly scheduled leaves are required by a client's service plan.
- (e) Approved Leave with Permission requests must be documented in SMIS in real time, and will include
  - (i) Reason for leave
  - (ii) Date and time leave approved to begin
  - (iii) Expected date/time of return
  - (iv) Name of approver.

- (f) Vacated emergency shelter beds that result from approved Leaves with Permission will be treated as an available bed and assigned to clients seeking a shelter bed.
  - (i) Upon the return of the client who was granted the leave, shelter providers will transfer the client who was assigned to the vacated bed to an unoccupied bed in their shelter, or offer to refer the client to another shelter in a manner that complies with the requirements of section 8.2 Referrals.

### 8.3.5 Length of Stay

- (a) There is no prescribed limit to the length of time a client may stay in an emergency shelter. Lengths of stay will be determined on a case-by-case basis.
- (b) Shelter staff will use the benchmark of ninety (90) days as a trigger for initiating a reassessment of a client's service plan.

### 8.3.6 Daytime Access

- (a) Shelter providers that do not normally provide service during the day will
  - (i) Have a board-approved policy and management-approved procedures for daytime access that, at a minimum, allows access to sleeping areas for clients who work overnight shifts (including sex work), are ill but not in need of medical care, or require daytime access as part of the service plan
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised
  - (iii) Provide a copy of the policy and procedures or a plain language version of the policy and procedures (e.g., simplified orientation brochure) to clients upon their request.
- (b) Shelter providers may request that a client who is ill and requesting daytime access to a sleeping area produce a note from the client's physician.
- (c) Shelter providers that are unable to provide daytime access to sleeping areas will offer to arrange a referral to a shelter or other program that provides daytime access to a sleeping area. The referral must be completed in a manner that complies with the requirements of section 8.2 Referrals.

## 8.4 DISCHARGE

- (a) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures for planned and unplanned discharges that include how clients retrieve their belongings and how unclaimed client belongings will be stored, handled and/or disposed

- (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised
  - (iii) Provide a copy of the policy and procedures or a plain language version of the policy and procedures (e.g., simplified orientation brochure) to clients upon their request.
- (b) Abstinence-based shelter providers may discharge and/or issue a service restriction to a client who breaks shelter rules or policies regarding substance use in a manner that complies with requirements under section 8.4 Discharge and section 8.4.2 Service Restrictions.
- (i) Abstinence-based shelter providers will refer the discharged and/or service-restricted client to another shelter or appropriate support services in a manner that complies with the requirements of section 8.2 Referrals.
- (c) Shelter providers will record discharges in SMIS in real time.

### 8.4.1 Planned Discharges

- (a) Shelter providers will ensure that discharged clients have a discharge plan in place (e.g., to housing, to treatment, to hospital), whenever possible.
- (i) Discharge plans will be developed in collaboration with clients whenever possible.
- (b) As part of a client's planned discharge and transition out of a shelter, shelter staff will
- (i) Provide information in writing and assistance to the client regarding resources relevant to the next stage of their service plan, including community services and key personal supports
  - (ii) Review consent forms and summarize information for the client or next service provider to assist in ensuring continuity of service in a manner that complies with the requirements of section 12.6.4 Sharing/Disclosure of Client Information
  - (iii) For up to twelve (12) months following discharge from the shelter, and at the request of the client, provide follow-up services or referrals to help support the client's transition to housing, provide crisis support and/or provide eviction prevention activities.
- (c) Exceptions are permitted in cases of unplanned discharge, which may result from
- (i) A failure to return to shelter by curfew
  - (ii) A service restriction from the shelter's bedded program.

## 8.4.2 Service Restrictions

- (a) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures for bedded program service restrictions, including an appeals process
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised
  - (iii) Provide a copy of the policy and procedures or a plain language version of the policy and procedures (e.g., simplified orientation brochure) to clients upon their request.
- (b) Transitional shelter providers that utilize rental agreements as part of their service model will adhere to eviction processes described under the Residential Tenancies Act, 2006 and administered by the Landlord and Tenant Board. Accordingly, such shelter providers are exempt from having a board-approved service restriction policy for their bedded program.
- (c) Shelter providers will make clients aware of the service restriction policy upon admission or as soon as possible and no later than twenty-four (24) hours after their admission. The service restriction policy will be posted in conspicuous areas of the shelter.
- (d) Shelter providers may only issue service restrictions from a bedded program as a last resort to address
  - (i) Incidents involving violence, threats of violence (including threatening behaviour)
  - (ii) Serious occurrence arising from behaviours that cause dangerous circumstances for others
  - (iii) The violation of significant shelter rules
  - (iv) A client's continued refusal to work with staff on their service plan.
- (e) All service restrictions from a bedded program must be approved by a shelter's Executive Director or designate prior to being issued.
- (f) During a Weather Alert, an Extreme Weather Alert, smog alert or when directed by SSHA, shelter providers will temporarily suspend all service restrictions, except in cases where a shelter provider determines that the service-restricted client poses an immediate threat or danger to another individual's health or safety, or the security of the shelter
- (g) Shelter providers will document the following information about service restrictions from a bedded program in SMIS in real time
  - (i) The reason for the service restriction

- (ii) The date that the service restriction will be reviewed with the client
  - (iii) The date the service restriction will be lifted
  - (iv) The name of the staff person who issued the service restriction.
- (h) Shelter providers will, at a minimum, provide clients with the following information both verbally and in writing upon the issuance of a service restriction or as soon as possible thereafter
- (i) The reason for the service restriction
  - (ii) The date that the service restriction will be reviewed with the client
  - (iii) The date the service restriction will be lifted
  - (iv) Information about the client's right to initiate an appeal of their service restriction.
- (i) Shelter providers will take all reasonable steps to ensure that the client has understood the information described under section 8.4.2 Service Restrictions above.
- (j) Shelter providers will advise clients wishing to appeal a service restriction of the shelter's internal processes for handling such appeals. If the client has exhausted the shelter's internal processes and is not satisfied with the outcome, shelter providers will direct the client to contact SSHA in order to make their complaint, as described under section 7 Complaints and Appeals.
- (k) Shelter providers will refer the service restricted client to another shelter in a manner that complies with the requirements of section 8.2 Referrals.
- (i) For clients who refuse a referral to another shelter, shelter providers will offer transportation assistance to reach a destination of the client's choice located within the City of Toronto, taking into account any client limitations (e.g., mobility, visual impairment) and safety considerations.
- (l) Shelter providers will not prohibit client access to other support services provided at the shelter site because of a service restriction from a bedded program unless the service restriction is agency-wide due to the severity of the client's actions/behaviour.
- (i) Shelter providers will refer the service restricted client to another service provider to receive the support services that they can not access due to the agency-wide service restriction, in a manner that complies with the requirements of section 8.2 Referrals.
- (m) Shelter providers will limit the use of service restrictions lasting three (3) months or longer to only the most serious occurrences resulting from client's actions/behaviour.

- (n) Service restrictions lasting three (3) months or longer may only be issued with the approval of SSHA.

## 8.5 EXTREME WEATHER

- (a) The Medical Officer of Health, Toronto Public Health is responsible for issuing Extreme Weather Alerts (i.e., cold alerts and heat alerts) and smog alerts.
- (b) SSHA may require shelter providers to provide extreme weather responses outlined below any time that weather conditions create a risk for clients, regardless of whether a Weather Alert, an Extreme Weather Alert or smog alert is declared.
- (c) During a Weather Alert, an Extreme Weather Alert, smog alert or when directed by SSHA, shelter providers will, at a minimum
  - (i) Divert resources as needed to ensure continued delivery of core support services (i.e., bedded program, meal program)
  - (ii) Ensure at least one (1) air conditioned cooling area is available to clients during a heat-based Weather Alert / Extreme Weather Alert or smog alert
  - (iii) Temporarily suspend all service restrictions, except in cases where a shelter provider determines that the service-restricted client poses an immediate threat or danger to another individual's health or safety, or the security of the shelter
  - (iv) Refer the service restricted client to another shelter in a manner that complies with the requirements of section 8.2 Referrals.
  - (v) Relax admission eligibility requirements
  - (vi) Provide or extend daytime access to clients
  - (vii) Based on a client's need, shelter providers will help clients obtain basic clothing and footwear appropriate for the season.
- (d) Shelter providers that have been pre-approved by SSHA may exceed their funded bed capacity during Weather Alerts, as per their Operating Agreement.
  - (i) Shelter providers will not exceed their maximum building occupancy as set out by Regulation 213/07: Fire Code (made under the Fire Prevention and Protection Act, 1990) under any circumstances.
  - (ii) Shelter providers may temporarily use alternative sleeping arrangements that may not meet the requirements found under section 9.3.1 Sleeping Areas and Beds, if all beds are occupied.
  - (iii) Shelter providers will transfer a client who is assigned to an alternative sleeping arrangement to an unoccupied bed at the earliest opportunity, or offer to refer the client to another shelter as soon as possible in a manner that complies with the requirements of section 8.2 Referrals.



# 9

## BASIC NEEDS AND SERVICES

# 9 BASIC NEEDS AND SERVICES

## 9.1 PERSONAL NEEDS

### 9.1.1 Bedding

- (a) Upon admission, shelter providers will offer each client clean bedding consisting of a minimum of two (2) sheets, one (1) blanket, one (1) pillow, one (1) pillow case and one (1) towel that is at least 0.45 m. x 0.75 m. (18 in. x 30 in.) in size. Additional bedding will be provided if necessary. Clients who use cribs must be provided with clean crib sheets.
- (b) Shelter providers will establish a schedule for regular laundering and changing of bedding, crib sheets and towels that accounts for regular use, soiling and contamination.
- (c) Shelter providers will provide laundering facilities onsite or have a contract in place with a laundering service for bedding and linens.
- (d) If laundry facilities are available onsite, clients may launder their own clothes, bedding and towels as long as instructions about the safe use of the laundry facilities are provided.
- (e) If clients are not able or willing to launder their bedding and towels then shelter providers will launder the bedding and towels on a client's behalf.
- (f) Shelter providers will offer laundry soap or may require clients with an income to purchase these supplies.

### 9.1.2 Toiletries and Hygiene

- (a) Shelter providers will assist clients to obtain items needed to maintain basic hygiene and grooming. At a minimum, emergency shelter providers will offer each client soap, shampoo, a toothbrush, toothpaste, shaving products (e.g., razors), hygiene pads/tampons and incontinence products as appropriate upon admission or no later than twelve (12) hours after admission.
- (b) Shelter providers will provide toiletries and hygiene products that are low fragrance or fragrance-free and hypoallergenic, where possible.
- (c) Emergency shelter providers will continue to provide toiletries and hygiene supplies based on the client's need for the duration of the client's shelter stay.

- (d) Shelter providers may discontinue providing toiletry and hygiene products if a client's service plan requires it or if a client has an income and is able to purchase them.
- (e) Transgender clients may have a need for toiletries and hygiene supplies that is greater than other clients. Shelter providers will work with transgender clients to provide additional supplies.

### 9.1.3 Clothing and Sundry Items

- (a) Based on a client's need, shelter providers will help clients obtain basic clothing and footwear appropriate for the season.
- (b) Clients may be offered public transit fare with the amount and frequency determined by their service plan.
- (c) Clients with an income may be required to contribute toward the cost of their transportation needs.
- (d) Where there is no service plan, clients may be offered public transit fare based on their immediate needs and the shelter's policies.

## 9.2 FOOD, DIET AND NUTRITION

- (a) In order to promote a healthy diet among clients, shelter providers will
  - (i) Offer clients safe and nutritious food to meet their dietary needs
  - (ii) Refer clients, particularly pregnant, breast feeding and elderly clients, to food and nutrition supports (e.g., prenatal program, community kitchen, etc.) to supplement their diet, if necessary
  - (iii) Ensure meals and snacks are of a size, quality, variety and nutritional value to meet the recommended guidelines of Canada's Food Guide (see Appendix D: Links to References and Resources)
  - (iv) Avoid serving food with poor nutritional value (e.g., foods high in processed sugar, fat and salt)
  - (v) Not use or withhold food to influence behaviour (either as reward or punishment)
  - (vi) Consult with a registered dietitian, on an annual basis or more frequently as needed, for support in menu planning, training and other food services, and other food security and nutrition-related supports
  - (vii) Post in a conspicuous place in or near the dining area of each shelter a copy of section 9.2 Food, Diet and Nutrition, a current copy of Canada's Food Guide, a daily menu that will list potential allergens (e.g., peanuts, nuts, eggs)

- and shellfish) in the listed menu items (where possible) and a notice stating whether the shelter can or cannot guarantee allergen-free food.
- (b) Shelter providers must offer meals to clients in a manner that complies with the requirements of section 9.2.1 Meal Program.
  - (c) Shelter providers that are not able to offer meals onsite as part of a meal program will
    - (i) Seek the approval of SSHA and provide clients with a food allowance to purchase food and ensure adequate facilities are available and accessible for clients to safely store and prepare their own meals
    - (ii) Have a board-approved policy and management procedures for calculating food allowance amounts, eligibility criteria, an issuance process and reporting requirements
    - (iii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.

### 9.2.1 Meal Program

- (a) Shelter providers that do not provide meals as part of their shelter service are exempt from all requirements of section 9.2.1 Meal Program.
- (b) Shelter providers will plan meal menus at least one (1) week in advance.
- (c) Adult and youth clients will be offered three (3) meals and a minimum of one (1) healthy snack per day. Children must be served three (3) meals and two (2) to three (3) healthy snacks per day.
- (d) Shelter providers must be able to provide food to a client outside of regularly scheduled meal times.
- (e) Shelter providers will ensure that clients can provide input and feedback in a manner that complies with the requirements of section 6.1 Client Input, and to incorporate this feedback into menu planning whenever possible.

### 9.2.2 Dietary Restrictions and Accommodation

- (a) Clients with food allergies, food intolerances, religious dietary restrictions, or medically prescribed diets will be accommodated where possible.
- (b) If it is not possible to accommodate these dietary needs, shelter providers will work with clients to develop a dietary plan that meets the client's needs including, but not limited to, applying for special diet allowances or referring clients to nutrition support programs.

- (c) A client who has been medically diagnosed as undernourished or underweight will be offered additional food servings and/or a high-protein or high-calorie dietary supplement over and above regular meals.
- (d) Shelter providers serving pregnant or breastfeeding clients will
  - (i) Have a board-approved policy on handling and storing expressed breast milk and must provide adequate storage facilities (i.e., refrigerator) for the expressed milk
  - (ii) Not store expressed breast milk in the same refrigerator as client medications
  - (iii) Offer the client additional food at meal times and healthy snacks at all times in between, meal-time flexibility, menu alternatives and/or safe storage for purchased foods to help meet their dietary needs
  - (iv) Refer clients, particularly pregnant, breast feeding and elderly clients, to food and nutrition supports (e.g., prenatal program, community kitchen, etc.) to supplement their diet, if necessary
- (e) Shelter providers will ensure that baby formula and the proper preparation equipment and safe storage space is provided for clients with newborns or infants who are not breastfeeding.
- (f) Shelter providers that serve clients with infants must make infant appropriate foods available (e.g., iron fortified cereals and/or soft cooked, pureed, mashed foods).
- (g) Shelter providers that issue food allowances to families, as described under section 9.2 Food, Diet and Nutrition, will stock a supply of infant appropriate foods for emergency use.
- (h) Clients who do not eat meat will have access to protein-based vegetarian food options (e.g., beans or soy-based products) at every meal and at snack time. Vegetarian food options must meet the basic nutritional requirements of the Canada's Food Guide (see Appendix D: Links to References and Resources).
- (i) Food preparation will, as much as possible, reflect the cultural diversity of shelter clients. Every attempt will be made to mark special cultural holidays and traditional occasions with special meals.

### 9.2.3 Food Safety

- (a) Shelter providers will ensure that all foods are prepared, handled, stored and transported in a safe and sanitary manner to reduce the risk of cross-contamination and prevent the spread of food-borne illness in compliance with Toronto Public Health food preparation requirements.
- (b) Shelter providers will ensure that shelter staff who handle or prepare food and all supervisors of staff who handle or prepare food have a valid Food Handlers' certificate.

- (c) Shelter providers will ensure that clients and/or volunteers involved in food preparation are supervised by a certified food handler.
- (d) Shelter providers that prepare food onsite will be subject to regular inspections by Toronto Public Health.
- (e) Shelter providers will ensure donated foods are safe, of good quality and come from an inspected source.
  - (i) Food must be received in containers with tight-fitting lids or other suitable methods to protect it from contamination or adulteration.

### 9.3 CLIENT PRIVACY AND PERSONAL SPACE

- (a) Shelter providers will provide lockers or other secure forms of storage for clients to store their belongings (e.g., locked storage room, safekeeping program).
- (b) Shelter providers will install and maintain appropriate window coverings to ensure client comfort and privacy.
- (c) Shelter providers will ensure that all textiles used as interior treatments for rooms and furniture (e.g., window coverings, upholstered furniture, carpet/rugs) are pest resistant and fire/moisture retardant.

#### 9.3.1 Sleeping Areas and Beds

- (a) Shelter providers will ensure that designated sleeping areas are physically separated from dining areas and other communal areas unless alternative sleeping arrangements are approved for limited use by SSHA (e.g., during an Extreme Weather Alert).
- (b) Shelter providers will create or enhance the privacy of a client's sleeping area including, but not limited to, using screens, half walls, rearranging furniture or the layout of the sleeping area in order to create a more private space.
- (c) Shelter providers will provide a minimum of 3.5 m.<sup>2</sup> (37.7 ft.<sup>2</sup>) of personal space per client in sleeping areas to decrease the transmission of communicable diseases and conflict between clients (see Appendix A: Sleeping Area / Personal Space Examples). Shelter providers are encouraged to exceed this standard by providing more space between beds and discouraging the use of large dorms.
- (d) Shelter providers will prepare floor plans that illustrate the spacing of the beds in designated sleeping areas.
- (e) Shelter providers will maintain a lateral separation of at least 0.75 m. (2.5 ft.) between beds (or alternative sleeping arrangements) and a vertical separation of at least 1.1 m. (3.5 ft.) between the top of a bed frame to the lowest hanging section of an overhead object (e.g., upper bunk frame, light fixture, bulkhead, air duct, plumbing, etc.) (see Appendix A: Sleeping Area / Personal Space Examples).

- (i) Family shelter providers are exempt from meeting the lateral separation requirements of 9.3.1 Sleeping Areas and Beds in rooms where only one family unit/household has been assigned.
- (f) Shelter providers will seek SSHA approval prior to arranging beds (or alternative sleeping arrangements) in a manner other than described under section 9.3.1 Sleeping Areas and Beds.
- (g) As much as possible, cribs, cradles, bassinets and beds will be arranged in a manner that
  - (i) Reduces the spread of communicable diseases
  - (ii) Facilitates clear walking paths and sightlines for emergency evacuations
  - (iii) Does not block air vents, windows, doors, plumbing or access panels
  - (iv) Does not expose a client to existing or potential dangers (e.g., under a shelf stocked with heavy items, etc.).
- (h) Each bed for use by clients older than two (2) years of age will have a mattress that corresponds with the size of the bed frame (e.g., a twin mattress on a twin-sized frame). The minimum mattress size is 0.76 m. x 1.82 m. x 0.89 m. (30 in. x 72 in. x 3.5 in.)
- (i) Exceptions to the minimum mattress size are permitted under exceptional circumstances including Extreme Weather Alerts, with prior approval from SSHA.
- (j) Cribs, cradles or bassinets, and corresponding mattresses for clients younger than two (2) years of age, will conform to the specifications prescribed under Cribs, Cradles and Bassinets Regulations (SOR/2010-261) (made under the Canada Consumer Product Safety Act, 2010).
- (k) Shelter providers will ensure that all mattresses are pest resistant and fire/moisture retardant or covered by a material designed to achieve the same qualities.
- (l) Shelter providers will have a mattress replacement plan which will, at a minimum, include an inspection schedule for bed bugs and common defects (e.g., stains, rips and tears).
- (m) Shelter providers will consult with SSHA prior to purchasing new or replacing existing bed frames.

### 9.3.2 Washrooms

- (a) To assist clients with their hygiene needs, shelter providers will provide
  - (i) A minimum of one (1) washroom that is barrier-free, fully accessible and designated gender neutral in each shelter
  - (ii) A minimum of one (1) toilet for every fifteen (15) clients up to the first one-hundred (100) clients, and one (1) toilet for every thirty (30) clients thereafter. Urinals may replace up to half the number of required toilets in men's washrooms
  - (iii) A minimum of one (1) washbasin for every fifteen (15) clients
  - (iv) A minimum of one (1) soap dispenser within 0.6 m. (2 ft.) of each washbasin
  - (v) A minimum of one (1) shower for every twenty (20) clients.
- (b) Shelter providers will take all reasonable measures to ensure that clients have privacy while showering.
  - (i) Shelter providers will ensure that communal showers have shower curtains or equivalent privacy feature(s).
- (c) Shelter providers must stock each washroom with an adequate supply of toilet paper, liquid soap for dispensers, paper towels and/or a hands-free hand dryer unless clients are responsible for purchasing their own supplies (e.g., family shelters).



# 10

## CASE MANAGEMENT, SUPPORTS AND SERVICES

# 10 CASE MANAGEMENT, SUPPORTS AND SERVICES

## 10.1 CASE MANAGEMENT AND SERVICE PLANNING

- (a) Shelter providers will provide housing, case management and other support services to clients in a safe and non-judgmental environment, free from harassment, abuse, discrimination and violence.
- (b) All shelter providers will offer some degree of case management and service planning to their clients.
  - (i) Where possible, family shelter providers will assign a child/children their own client support staff person who can focus on the specific service needs of the child/children.
- (c) As part of the case management and service planning, shelter staff will
  - (i) Provide clients with preliminary information about case management (e.g., service plan expectations, available resources from the client support staff, support services available onsite) upon admission or no later than twenty-four (24) hours after admission
  - (ii) Work with clients to determine their immediate needs/concerns (e.g., health, harm reduction needs, safety considerations) upon admission or as soon as possible thereafter and no later than thirty-six (36) hours after admission
  - (iii) Work with clients to document a service plan by conducting an initial assessment of the client's needs, strengths, challenges and preferences as soon as possible and no later than seven (7) days after admission.
- (d) An initial assessment of a client may include, but is not limited to identifying
  - (i) Reason(s) for service
  - (ii) Family/household members who are not present in shelter
  - (iii) Specialized supports for LGBTQ2S, Aboriginal, senior and youth clients
  - (iv) Cultural/communication considerations
  - (v) Ability and mobility issues
  - (vi) Need for personal identification documents
  - (vii) Need for health and mental health supports

- (viii) Need for substance use and harm reduction supports
  - (ix) Need for financial supports as they relate to the client's housing plan
  - (x) History of housing, homelessness and current housing needs
  - (xi) Employment history and employability needs
  - (xii) Educational goals and supports
  - (xiii) Legal issues affecting the client
  - (xiv) Need for daily living/life skills supports
  - (xv) Service/supports currently provided by other organizations
  - (xvi) Client identified concerns.
- (e) Shelter providers may request and collect immigration status information to assist clients to obtain or replace identification or determine eligibility for social assistance programs (e.g., housing subsidy programs, OW/ODSP, OAS, CPP) or services (e.g., Housing Help, health care) that require this information.
- (f) Shelter staff will work with each of their clients to develop and implement a service plan that is collaborative, respectful, client-centered, approached from an anti-oppression and trauma-informed care perspective, and guided by the principles of harm reduction.
- (g) Consistent with a Housing First approach, a client's service plan must, at a minimum, include a housing plan and a financial plan.
- (i) The Housing First approach may be modified for youth clients who may be going through significant developmental changes (e.g., physical, cognitive, emotional, social) and/or lack the life skills that adult clients may have. This may include modifying accommodation types, prioritizing family reconnections/reunification, and prioritizing supports for youth development within the client's service plan/housing plan.
- (h) Depending on a client's needs, the overall service plan may include other sub-plans. Examples of sub-plans include, but are not limited to an employment plan, an education plan, a family reunification plan, an immigration plan, a substance treatment plan and an elderly client support plan.
- (i) Shelter staff will offer to provide a written copy of the service plan to the client, in a manner that complies with the requirements of section 12.6.4 Sharing/Disclosure of Client Information.
- (j) At a minimum, shelter staff will meet monthly with a client to review and update their service plan as needed for the duration of the client's shelter stay.

- (k) When reviewing a service plan with a client, shelter staff are encouraged to
  - (i) Identify goals and priorities in collaboration with the client
  - (ii) Break down goals into manageable steps (immediate, medium- and long-term)
  - (iii) Identify who needs to be involved (case conferencing, referrals, advocacy)
  - (iv) Identify the person responsible for each action/activity
  - (v) Implement steps toward stated goals in collaboration with the client and relevant stakeholders
  - (vi) Identify challenges and recognize achievements
  - (vii) Problem solve and guide the client in problem solving and skills development
  - (viii) Review progress to date and update the service plan at the start of each meeting and at the point of service transition (e.g., when the client transitions to another support program, service, service provider or agency).
- (l) Upon a client's planned discharge, shelter staff will
  - (i) Provide information in writing and assistance to the client regarding resources relevant to the next stage of their service plan, including community services and key personal supports
  - (ii) Review consent forms and summarize information for the client or next service provider to assist in ensuring continuity of service in a manner that complies with the requirements of section 12.6.4 Sharing/Disclosure of Client Information
  - (iii) For up to twelve (12) months following discharge from the shelter, and at the request of the client, provide follow-up services or referrals to help support the client's transition to housing, provide crisis support and/or provide eviction prevention activities.
- (m) Service plan components and the prescribed timelines set out under section 10.1 Case Management and Service Planning may be modified in consultation with SSHA.
- (n) Shelter staff will document all meetings with clients in a clear and consistent manner and include such service plan notes in a client's service plan file. All service plan notes will, at a minimum, include the following information
  - (i) The date of the meeting
  - (ii) The date of the case note(s)
  - (iii) The location of the meeting

- (iv) The name and role of the person making the note(s)
- (v) Contact information for all third parties named in the note(s)
- (vi) Scan/copy of all relevant supporting documentation.
- (o) Shelter staff will update service plan notes at a minimum of once per week, even if there is no contact with a client. Such documentation will also include all appointments missed by a client including those with physicians, other support services workers, etc.
- (p) Shelter staff will summarize service plan notes every two (2) months and upon significant events (e.g., prior to a client transferring to another service provider, prior to a client's discharge from shelter, upon the resumption of shelter support services after a substantial hiatus, etc.)
- (q) Service plan summaries will describe, at a minimum, key information and the status of the current service plan, including but not limited to
  - (i) Goals identified in the service plan
  - (ii) Actions/activities the client has completed
  - (iii) Outstanding goals or actions.
- (r) Appropriate management staff or designates will review and sign-off on service plan summary notes.

## 10.2 HEALTH AND MENTAL HEALTH SERVICES

- (a) Shelter providers will support clients who seek to address their health and mental health care needs. At a minimum, shelter providers will
  - (i) Assist clients with finding appropriate support services and make referrals when a shelter cannot provide the requested health and mental health services
  - (ii) Issue a Leave with Permission for clients who seek non-emergency health and mental health care services at another institution in a manner that complies with the requirements of section 8.3.4 Leave with Permission
  - (iii) Make every effort to accommodate ill clients at their shelter by providing daytime access as described under section 8.3.6 Daytime Access
  - (iv) Provide additional food servings and/or dietary supplements to clients who have been medically diagnosed as undernourished or underweight or refer clients to another shelter or service that provides the relevant dietary supports in a manner that complies with the requirements of section 9.2.2 Dietary Restrictions and Accommodation and section 8.2 Referrals.

## 10.2.1 Harm Reduction

- (a) Upon the request of a client, shelter providers will
  - (i) Provide safer injection equipment, safer crack smoking equipment and/or safer sex products or
  - (ii) Refer clients to Toronto Public Health's The Works program, an organization listed by Toronto Public Health (see Appendix D: Links to References and Resources) or another organization that offers harm reduction supplies and related support services.
- (b) Shelter providers will ensure sharps containers are available on shelter premises, secured against tampering (e.g., placing a cage around the container that allows for sharps to enter the container) and inform clients of the availability of sharps containers and how to use them.
- (c) Upon the request of a client, shelter providers will refer clients to Toronto Public Health's The Works or similar program for
  - (i) Free testing for HIV (anonymous and Rapid testing available), Hepatitis B and C and Syphilis
  - (ii) Free vaccinations for Hepatitis A and B, Tetanus, Pneumococcal pneumonia and Influenza
  - (iii) Naloxone distribution and training
  - (iv) Wound care.
- (d) Shelter providers will refer clients who are seeking methadone/suboxone treatment to Toronto Public Health's Methadone Works program or a similar program.
- (e) Shelter providers will neither prohibit nor confiscate the following items from clients
  - (i) Life-saving medications (e.g., Epi-pens, nitroglycerin tablets, asthma inhalers, naloxone, etc.) or medications that have been prescribed
  - (ii) Hormones that belong to transgender clients
  - (iii) Safer injection equipment, safer crack smoking equipment and/or safer sex products, as described under section 10.2.1 Harm Reduction.
- (f) Shelter providers will support clients who wish to engage in harm reduction programs by offering public transit fare to attend such programs or related appointments.

## 10.2.2 Abstinence

- (a) Shelter providers operating with an abstinence-based model will
  - (i) Identify how abstinence is defined within their program
  - (ii) Define to what extent they are able to provide service to non-abstaining clients
  - (iii) Document and submit a detailed description of the service model to SSHA for review and approval.
- (b) Shelter providers that prohibit the use of alcohol onsite must inform clients prior to admission.
- (c) Admission decisions will not be based on a client's substance use.
- (d) Abstinence-based shelter providers will provide a private, dedicated space where clients under the influence of substances may rest until the effects of those substances have subsided.
- (e) Abstinence-based shelter providers may discharge and/or issue a service restriction to a client who breaks shelter rules or policies regarding substance use in a manner that complies with requirements under section 8.4 Discharge and section 8.4.2 Service Restrictions.
  - (i) Abstinence-based shelter providers will refer the discharged and/or service-restricted client to another shelter or appropriate support services in a manner that complies with the requirements of section 8.2 Referrals.

## 10.2.3 Client Medication

- (a) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures regarding client medication (narcotic and non-narcotic) including, but not limited to, its management, issuance, administration, secure storage, disposal and who is authorized by the shelter provider to access client medications and provide medication-related assistance
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.
- (b) Shelter providers will encourage clients to self-administer medication whenever possible and will not require clients to surrender their medications.
- (c) Clients will be fully responsible for securely storing, accessing and administering their medication.

- (d) Some clients may require support from shelter staff (e.g., reminders, assistance with opening containers, etc.) or require shelter staff to help administer their medication where a physical limitation prevents the client from self-administering their medication. Only authorized staff may provide medication-related assistance to clients.
- (e) Shelter providers will treat medication information as confidential health information, as described under section 12.6 Privacy and Confidentiality of Client Information.
- (f) Shelter providers that assist clients with their medications will do so in a manner that complies with the requirements of section 10.2.4 Secure Storage and Disposal of Medication and maintain a consistent method of documenting medication information containing, at a minimum
  - (i) Name of client
  - (ii) Name of client's medication
  - (iii) Date and time medication is accessed by or issued to the client
  - (iv) Name of the staff who issued and/or helped to administer the medication
  - (v) Client signature confirming receipt of medication.
- (g) Shelter providers are not responsible for ensuring that clients adhere to the prescribed instructions for taking medications and will release stored medication to clients whenever they request it.
- (h) Shelter providers with concerns about the ability of a client to self-administer medication or with misuse of medication and/or the safety of the medication will
  - (i) First discuss these concerns with the client
  - (ii) If still concerned, seek client consent to consult with the client's health care professional (e.g., nurse, psychiatrist, physician) or the pharmacist who dispensed the medication to the client.

#### 10.2.4 Secure Storage and Disposal of Medication

- (a) Only authorized staff and/or the client will have access to the client's medication.
- (b) At a minimum, all medications will be
  - (i) Inventoried and labeled appropriately
  - (ii) Stored in separate containers for each client
  - (iii) Kept in a safe and secure location (e.g., a cabinet in an office, or locker or locked drawer in a client's room) at all times other than the time that the medication is accessed or administered.

- (c) Shelter providers will provide secure refrigerator space in an access-restricted area dedicated to the sole storage of medications requiring refrigeration.
- (d) Shelter providers will not store medications in the same refrigerator that is used to store expressed breast milk or food, as described under section 9.2.2 Dietary Restrictions and Accommodation.
- (e) Shelter providers will
  - (i) Specify how long unclaimed, unused and/or expired medication will be kept before it is properly disposed
  - (ii) Treat all unclaimed, unused and/or expired medications as hazardous waste and either drop off these medications at a pharmacy, a City of Toronto Household Hazardous Waste Depot, or arrange for third party collection and disposal.

### 10.2.5 Medication Management Program

- (a) Shelter providers that offer a Medication Management Program will
  - (i) Have a board-approved policy and management-approved procedures to ensure that all medications are possessed, issued, administered and disposed as required by law and in accordance with leading practices
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.

## 10.3 SPECIALIZED PROGRAM REQUIREMENTS

### 10.3.1 Family Shelters

- (a) Family shelter providers will take all reasonable measures to keep a family unit or household intact.
  - (i) As much as possible, family shelter providers will assign one family unit/household per room.
  - (ii) Family shelter providers are exempt from meeting the lateral separation requirements of 9.3.1 Sleeping Areas and Beds in rooms where only one family unit/household has been assigned.
- (b) Family shelter providers will inform parents/guardians that
  - (i) Parents/guardians are responsible for their children and their children's behavior at all times during their stay in shelter
  - (ii) Children must be registered in school during their stay at the shelter.

- (c) Family shelter providers will support and encourage parents/guardians to
  - (i) Be involved and participate in children's programs with their child/children
  - (ii) Use non-violent ways of disciplining children under their care
  - (iii) Be attentive to child safety practices including, but not limited to covering electrical outlets and sharp protruding edges or corners in their room, storing harmful chemicals or cleaning supplies in a secure area, taking measures to prevent children from climbing around/through windows and taking measures to protect children from accidental burns.

### 10.3.2 Children's Services and Program

- (a) Family shelter providers will
  - (i) Have a board-approved policy and management-approved procedures for child safety, which will include, at a minimum, a section on field trips and lost child procedures, staff-to-child supervision ratios by children's age range, reporting suspected cases of child abuse and neglect and the maximum number of children that a shelter client is permitted to babysit at any one time
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.
- (b) Family shelter providers will
  - (i) Stock a supply of disposable infant/toddler diapers and infant formula for emergency use
  - (ii) Encourage the use of disposable diapers
  - (iii) Permit the use of cloth diapers only where adequate laundry facilities and hygiene control procedures exist
  - (iv) Ensure that any diaper change stations in public or communal areas are installed near a washbasin supplied with running hot and cold water, soap, and paper towels
  - (v) Clean and disinfect diaper change stations regularly.
- (c) Where possible, family shelter providers will assign a child/children their own client support staff person who can focus on the specific service needs of the child/children.
- (d) Family shelter providers will
  - (i) Report any actual and suspected cases of child abuse or neglect as required under section 72 of the Child and Family Services Act, 1990
  - (ii) Work in full cooperation with child welfare agencies.

- (e) Family shelter providers will offer a variety of developmentally appropriate activities for children within the shelter and/or ensure such opportunities are available within the surrounding community.
- (f) Family shelter providers will offer opportunities for children with developmental and/or physical disabilities to develop their full potential within an environment where they can interact and socialize with other children.
- (g) Family shelter providers will provide program summary/activity plans to parents/guardians prior to the commencement of any program/activity or may post such summary/plans in conspicuous areas of the shelter.
- (h) Family shelter providers will obtain written parental/guardian consent prior to a child's participation in a program/activity.
- (i) Field trips organized for children must be safe, educational/recreational in nature and age/developmentally appropriate.
- (j) Family shelter staff who organize, supervise or chaperone field trips will, at a minimum, review their child safety policy and lost child procedure prior to commencing any field trip.
- (k) Shelter providers will ensure that there is at least one (1) staff with a valid Standard First Aid and CPR certification on any field trip or outing. For family shelter providers, the appropriate level of training must include Standard First Aid and CPR for children and infants.
- (l) Family shelter providers will ensure informational materials and displays in children's activity areas are not discriminatory or disrespectful.
- (m) Family shelter providers will ensure that all shelter-owned toys and activity materials are
  - (i) Safe, fully functional and large enough to prevent swallowing or choking
  - (ii) Not discriminatory or offensive in any way and do not encourage the use of violence
  - (iii) Fully washable.
- (n) Family shelter providers will ensure that shelter-owned toys and activity materials are cleaned and disinfected according to a regular schedule. At a minimum,
  - (i) Infant toys will be washed per use and disinfected daily
  - (ii) Toddler and pre-school toys will be washed as needed and disinfected weekly
  - (iii) Toys for older children will be washed and disinfected as needed.
- (o) Family shelter providers are encouraged to seek partnerships with support agencies to provide onsite program/activity supports or by providing information to parents/guardians about relevant community resources.

### 10.3.3 LGBTQ2S Clients

- (a) Shelter providers will
  - (i) Have a board-approved policy that details how services are provided to LGBTQ2S clients in a manner that preserves their safety and dignity
  - (ii) Submit a copy of the policy to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised
  - (iii) Provide a copy of the policy or a plain language version of the policy (e.g., simplified orientation brochure) to clients upon their request.
- (b) Shelter providers will ask all clients for their gender identity rather than assume.
- (c) Shelter providers will accept gender identity and gender expression as defined by a client.
  - (i) In all their interactions, staff will use a client's chosen name and pronoun.
- (d) Shelter providers will make their services accessible to transgender clients in their self-identified gender.
- (e) Shelter providers will support the choices of transgender clients to gain access to sleeping areas designated for the gender the client identifies with and/or that will best preserve their safety and dignity.
  - (i) In instances where transgender clients express concerns about their safety or dignity, shelter providers will accommodate requests for a bed in a gender-neutral/private room, if possible, or in a sleeping area that the client believes will best preserve their safety and dignity, regardless of their gender identity.
- (f) Emergency shelter providers will continue to provide toiletries and hygiene supplies based on the client's need for the duration of the client's shelter stay.
- (g) Shelter providers may discontinue providing toiletry and hygiene products if a client's service plan requires it or if a client has an income and is able to purchase them.
- (h) Transgender clients may have a need for toiletries and hygiene supplies that is greater than other clients. Shelter providers will work with transgender clients to provide additional supplies.
- (i) Shelter providers will provide a minimum of one (1) washroom that is barrier-free, fully accessible and designated gender neutral in each shelter.
- (j) Shelter providers will inform transgender and/or disabled clients of the availability and location of gender neutral and/or accessible washrooms.
- (k) Shelter providers will take all reasonable measures to ensure that clients have privacy while showering..

- (i) Shelter providers will ensure that communal showers have shower curtains or equivalent privacy feature(s), or provide transgender clients with sole access to communal shower facilities at alternate times.
- (l) Shelter providers will treat hormones that belong to transgender clients as any other medication and will not consider them a prohibited substance nor confiscate them.
- (m) Shelter providers are encouraged to seek partnerships with LGBTQ2S-positive health/services providers.
- (n) Shelter providers that are not able to provide health or support services to LGBTQ2S clients will provide appropriate referrals to LGBTQ2S-positive health/services providers.

#### 10.3.4 Financial/Savings Programs

- (a) Shelter providers will encourage and work with clients to establish financial savings in order to help offset the initial costs of moving to housing and to build their capacity to manage their financial affairs.
- (b) Shelter providers will offer or refer clients to supports that will increase their capacity to manage their finances including, but not limited to programs that offer credit counseling and household budgeting.
- (c) Shelter providers will encourage and work with clients to open a bank account if the client does not have an active account.
- (d) Shelter providers will encourage and work with clients to participate in a voluntary trusteeship or use the services of the Office of the Public Guardian and Trustee, where such services would be appropriate or benefit the client.
- (e) Shelter providers that offer an in-house savings program as part of their case management will
  - (i) Have a board-approved policy and management-approved procedures regarding client savings including, but not limited to, the collection, safe keeping, recording and disbursement of client funds, the handling of abandoned client funds, and who is authorized by the shelter provider to access client funds
  - (ii) Determine savings goals with the client
  - (iii) Ensure that clients have access to their savings whenever they request, regardless of any savings goals
  - (iv) Work with clients to gradually move their savings to a bank account under their own management or a trusteeship program.

The background of the page is a dark blue color with a repeating pattern of light blue house icons. The icons are arranged in a grid and are slightly offset from each other, creating a textured effect.

# 11

## HEALTH AND SAFETY

# 11 HEALTH AND SAFETY

## 11.1 HEALTH STANDARDS

- (a) Shelter providers will have board-approved infection control policies and management-approved procedures to prevent or reduce the risk of transmission of communicable diseases. Written policies and procedures for the prevention, screening and reporting of communicable disease cases and outbreaks will be developed in consultation with Toronto Public Health.
- (b) Shelter providers will provide personal protective equipment (e.g., respirator, goggles, disposable gloves, etc.), supplies and the necessary training to staff in order to effectively implement all communicable disease control policies and procedures.
- (c) Shelter providers will promote frequent hand-washing among staff and clients to reduce the spread of communicable diseases.
- (d) Shelter providers will provide alcohol-based hand sanitizer that contains at least 70% alcohol to supplement hand-washing in high contact areas (e.g., reception and dining areas) and in the event that water is not available (e.g., loss of water due to plumbing issue) and take appropriate measures to control or prevent misuse or misapplication of the product.
- (e) If a client appears ill or has an illness that presents a health risk to other clients, shelter providers will encourage the client to seek medical treatment and where possible facilitate referrals to community medical resources in a manner that complies with the requirements of section 8.2 Referrals.
- (f) Shelter providers will recommend that all shelter staff consult a health care professional about updating their vaccinations, including annual Influenza vaccination, and completing a TB skin test.
- (g) Shelter providers will provide staff with training and information about communicable diseases and infection control including, but not limited to
  - (i) Preventing transmission of communicable diseases within the shelter through use of routine practices and additional precautions (formerly known as universal health precautions) such as hand-washing, personal hygiene practices, housekeeping practices, food safety and use of personal protective equipment
  - (ii) Specific diseases such as TB, HIV, Hepatitis B and C, as well as common childhood diseases (for family shelters only)
  - (iii) The shelter's response plan for individual cases or outbreaks of communicable disease

- (iv) Procedures for dealing with occupational exposure to blood or bodily fluids, biohazardous waste management, needle pricks and the safe handling of all sharps.
- (h) Shelter providers will regularly monitor Toronto Public Health updates and provide educational updates or training to staff on the above topics.

## 11.2 SAFETY STANDARDS

- (a) Staff must be on shift at any and all times during a shelter's hours of operation. When on shift, all staff must be alert and attentive to the activities within the shelter. Sleeping while on shift is prohibited.
  - (i) Shelter providers will be responsible for scheduling shifts in a manner that complies with the requirements of the Employment Standards Act, 2000.
- (b) At least one (1) staff who holds a valid certification in Standard First Aid and CPR must be on duty at all times in the shelter. For staff in family shelters, the appropriate level of training must include Standard First Aid and CPR for children and infants.
- (c) Shelter providers will ensure that an approved first aid kit is available in the shelter and a portable kit is taken on outings, in a manner that complies with the requirements of Regulation 1101: First Aid Requirements (made under the Workplace Safety and Insurance Act, 1997).
- (d) Shelter providers will ensure that there is at least one (1) staff with a valid Standard First Aid and CPR certification on any field trip or outing. For family shelter providers, the appropriate level of training must include Standard First Aid and CPR for children and infants.
- (e) Shelter providers will ensure that all individuals are safe and secure within the facility. Entrances to the shelter must be secured against unwanted entry. Emergency exits must be equipped with an alarm to alert staff of unauthorized entry and exits.
- (f) Shelter staff will conduct regularly scheduled and frequent rounds during all hours of a shelter's operations. Rounds include but are not limited to bed checks, bathroom checks and checks for secured and unobstructed entry/exits.
- (g) Shelter providers will have a board-approved policy and management-approved procedures regarding hazardous materials and the reporting of unsafe conditions by any individual within the shelter that, at a minimum, includes labelling, storage, disposal and staff training requirements in safe handling and the use of personal protective equipment.
- (h) Shelter providers will have a board-approved policy and management-approved procedures in place for the safe collection, removal and disposal of solid waste, recyclable materials, organic waste, biohazardous and hazardous materials.

- (i) Shelter providers will have a board-approved policy and management-approved procedures for inspecting a client's bed, room and/or personal belongings if such an inspection is considered necessary in order to maintain the safety and security of staff, clients and the good condition of shelter property.
- (j) Shelter providers will install and maintain at least one (1) eye wash station according to the manufacturer's instructions. The eyewash station must be in an area of the shelter that is easily accessible by anyone and identified with a highly visible sign.

### 11.2.1 Weapons and Prohibited Items

- (a) Shelter providers must have a board-approved policy and management-approved procedures regarding weapons and other items deemed potentially dangerous or prohibited by the shelter provider that at a minimum includes their confiscation, safe handling and disposal when such items are brought inside the shelter or anywhere on shelter property.
  - (i) Staff may ask clients about any and all items that a client intends to bring into the shelter. Staff may refuse to admit a client if staff have reasonable grounds to believe that the client is in possession of a weapon or other prohibited items and the client refuses to disclose the items in question.
- (b) Shelter providers should seek guidance from the Toronto Police Service when confiscating, securing and disposing of weapons or other prohibited items.
- (c) Shelter providers will neither prohibit nor confiscate the following items from clients
  - (i) Life-saving medications (e.g., Epi-pens, nitroglycerin tablets, asthma inhalers, naloxone, etc.) or medications that have been prescribed
  - (ii) Hormones that belong to transgender clients
  - (iii) Safer injection equipment, safer crack smoking equipment and/or safer sex products, as described under section 10.2.1 Harm Reduction.
- (d) Shelter providers that prohibit the use of alcohol onsite must inform clients prior to admission.

## 11.3 FACILITIES MANAGEMENT

- (a) Shelter providers will comply with all applicable legislation and codes regarding property standards, building and elevator maintenance, building and elevator operations, ventilation, heating/cooling, plumbing, fire/life safety systems and accessibility.
- (b) When planning significant renovations to their facility, or undertaking work that requires a building permit, shelter providers will notify SSHA, comply with

all applicable building codes, fire codes, bylaws and review relevant design considerations found in

- (i) Environmental Control Best Practices: Guidelines to Reduce TB Transmission in Homeless Shelters and Drop-In Centres
- (ii) Regulation 191/11: Integrated Accessibility Standards
- (iii) Section 9.3 Client Privacy and Personal Space.

### 11.3.1 Custodial Services

- (a) Shelter providers will have a board-approved policy and management-approved procedures for emergency custodial service response. Regular custodial services will be available seven (7) days per week.
- (b) Shelter providers will have a documented cleaning plan that will include, at a minimum, a cleaning schedule (frequency of cleaning/disinfecting) and some form of documentation noting when cleaning/disinfecting was completed for all areas/items identified in the cleaning plan.
- (c) Shelter providers will maintain adequate inventories of cleaning supplies and ensure all supplies are appropriately labeled and stored in a safe and secure location at all times when not in use by an authorized staff. Hazardous materials and related items must be inaccessible to clients at all times.
- (d) Shelter providers will collect waste safely and at frequent intervals to prevent noxious odours or unsanitary conditions.
  - (i) Shelter providers will store waste in impervious containers with tight-fitting lids. Containers must be fitted with appropriate liners and cleaned regularly.
  - (ii) Shelter providers will store waste and waste containers in a secure location prior to being disposed, collected or transported.
- (e) Shelter providers will store and transport clean and soiled linens in a manner that limits cross-contamination. Soiled linens should be handled with minimum agitation to avoid spreading contaminants.
- (f) Shelter providers must provide sharps containers and dispose of sharps properly.

### 11.3.2 Maintenance

- (a) Shelter providers will have a documented preventive maintenance plan that specifies the manner and frequency with which inspections, preventive maintenance, emergency repairs, routine upkeep and long-term replacements of building components, systems and equipment are conducted, in order to maintain the building in a state of good repair.

- (b) Shelter providers will maintain complete and accurate inspection, service and maintenance records for building operations.
- (c) Shelter providers will have in-house or contracted building maintenance services available seven (7) days per week.
- (d) Shelter providers will ensure that contractors and sub-contractors abide by their Staff Code of Conduct.
- (e) Shelter providers will have a pest control policy, have procedures that specifically address bed bugs and have an integrated pest control program to keep shelters free of rodents and pests that, at a minimum, includes
  - (i) Regularly scheduled inspections and treatment conducted by a licensed pest control company
  - (ii) Documentation of all pest sightings and/or evidence of infestations
  - (iii) A communication plan to inform clients and staff of treatment plans that, at a minimum, includes a treatment schedule and the precautions required.
- (f) Shelter providers will participate in bed bug and other pest-related surveys conducted by SSHA.

## **11.4 EMERGENCY PREPAREDNESS AND BUSINESS CONTINUITY**

- (a) Shelter providers will
  - (i) Have a board-approved business continuity plan, emergency plan, and evacuation plan for each shelter site
  - (ii) Review and update such plans every two (2) years or more frequently if required (e.g., as a result of significant renovation, significant staffing changes, etc.)
  - (iii) Submit a copy of these plans to SSHA, and resubmit a copy when the plans are updated or otherwise revised
  - (iv) Ensure staff are trained on the various components of these plans, at least once a year.
- (b) Business continuity plans will, at a minimum
  - (i) Identify resource requirements to continue to provide essential services (e.g., food, water, shelter), onsite or offsite, during emergency situations and non-emergency service disruptions (e.g., influenza pandemic, temporary power outage, labour disruption)

- (ii) Include procedures for determining, managing and reporting service disruptions, which will include, but not be limited to, the requirements described under section 12.5.3 Service Disruption and arranging to refer/transfer clients to another shelter or other temporary location during a service disruption, if the need arises
  - (iii) Include contact information for shelter management staff and SSHA staff
  - (iv) Be explained to all staff as part of their orientation to the shelter.
- (c) Emergency plans will, at a minimum
- (i) Provide direction for the shelter's response to ensure the safety and security of staff and clients in a wide range of emergency situations
  - (ii) Be appropriate for each facility and client group that a shelter serves
  - (iii) Adequately consider potential emergencies that might arise because of natural events (e.g., weather-related emergency), human-caused events (e.g., bomb threats), accidental hazards (e.g., fire, chemical leak) and technological and infrastructure disruptions (e.g., power failure, gas leak, heat loss)
  - (iv) Assume that assistance from the City may not be available for the first seventy-two (72) hours after a large-scale emergency
  - (v) Include lock down procedures
  - (vi) Include a Toronto Fire Services approved fire safety plan, required under Regulation 213/07: Fire Code (made under the Fire Prevention and Protection Act, 1990)
  - (vii) Include procedures on how to shut down/start up building systems (e.g., HVAC, water, gas) in a safe manner
  - (viii) Include contact information for shelter management staff and SSHA staff
  - (ix) Be explained to all staff and clients as part of their orientation to the shelter.
- (d) Evacuation plans will be appropriate for each facility and client group a shelter serves and include procedures for the total evacuation of the building.
- (e) Evacuation plans will include, at a minimum
- (i) Procedures for evacuation of clients with mobility issues or other disabilities
  - (ii) Procedures for evacuation of service animals, emotional support animals and pets
  - (iii) Procedures for evacuations that take place during peak hours (i.e., when staffing levels are highest) and during off-peak hours (i.e., when staffing levels are minimal)

- (iv) Procedures on how to shut down/start up building systems (e.g., HVAC, water, gas) in a safe manner
- (v) An evacuation map that is posted in conspicuous areas throughout the shelter
- (vi) Identification of two (2) designated evacuation sites, one of which must be in a location that is not in the same neighbourhood as the shelter
- (vii) Evacuation plans will be explained to all staff and clients as part of their orientation to the shelter.



# 12

## ADMINISTRATION

# 12 ADMINISTRATION

## 12.1 BOARD REQUIREMENTS

- (a) Not-for-profit organizations funded to provide shelter services must be governed by a volunteer Board of Directors.
- (b) At a minimum, the Board of Directors is responsible for
  - (i) Developing and reviewing the mandate, mission, values and strategies of the organization
  - (ii) Setting agency priorities
  - (iii) Reviewing and approving policies
  - (iv) Evaluating service models and delivery
  - (v) Entering into a purchase-of-service contract (i.e., Operating Agreement) with the City
  - (vi) Ensuring that the organization meets funder expectations, contract conditions and reporting requirements
  - (vii) Reviewing budgets and expenditures
  - (viii) Reviewing and approving accounting and reporting procedures
  - (ix) Conducting an annual performance review of the Executive Director
  - (x) Ensuring that the organization meets all legislated obligations.
- (c) The Board of Directors will have the required number of directors as specified in the agency's bylaws. Further, the board will solicit diverse membership to reflect the community they serve and with the range of skills required to fulfill this role.
- (d) At a minimum, the Board of Directors will ensure that the same number of board members required to reach quorum have received or will receive training in a manner that complies with the requirements of section 12.4.2 Training.
  - (i) The Chair of the Board must be one of the board members that has received or will receive this training.
- (e) The Board of Directors must convene regular meetings, conduct an annual general meeting and maintain written records of these meetings. Board minutes and minutes from the annual general meeting must be signed by the Chair or designate to verify acceptance.

## 12.2 ORGANIZATIONAL REQUIREMENTS

### 12.2.1 Financial Accountability

- (a) On an annual basis, shelter providers will provide program and financial information to SSHA in a format specified by SSHA. Annual budget submissions will be submitted, in the specified format, by a date determined by SSHA. Operating Agreements between shelter providers and SSHA shall have a term not longer than one (1) calendar year. Operating Agreements will be duly signed by the Chair of the Board, designate, or a board member with signing authority.
- (b) Purchase-of-service shelter providers will submit a completed SMIS Per Diem Submission Claim form (see Appendix C: Forms and Templates) to SSHA each month in order to be reimbursed for the services provided during the billing period.
- (c) A shelter's occupancy must not exceed its funded capacity as specified in its Operating Agreement unless approved by SSHA. Shelter providers will only be reimbursed up to the maximum value as specified in the Operating Agreement.
- (d) The completed SMIS Per Diem Submission Claim form will be reviewed and signed by a person with signing authority. A SMIS Per Diem Submission Claim form without an authorized signature will not be processed. To register an employee as a signing officer, a Delegation of Signing Authority form (see Appendix C: Forms and Templates) must be completed and submitted to SSHA. Electronic signatures are acceptable on the SMIS Per Diem Submission Claim form.
- (e) Shelter providers will ensure that their financial recordkeeping practices adhere to generally accepted accounting principles. All financial records will be kept for a minimum of seven (7) years and made available for auditing.
- (f) Shelter providers will have an annual audit conducted by a qualified, independent auditor. Multi-service organizations and shelter providers that provide more than one (1) shelter service/program will provide an audited statement of shelter operations for each shelter service/program. Such organizations are required to use the Audited Statement of Shelter Operations template (see Appendix C: Forms and Templates).

### 12.2.2 Program Accountability

- (a) SSHA will conduct reviews and audits as described under section 2.4 Quality Assurance. Shelter providers will provide SSHA representatives with reasonable access to the shelter premises and to financial and service records. Random audits of shelters may be conducted and bed logs must be provided when requested by SSHA representatives. Bed logs must be kept for a minimum of seven (7) years for auditing purposes.

- (b) During visits, SSHA representatives may wish to meet with shelter staff, board/sub-committee members, volunteers and/or shelter clients.
- (c) Shelter providers will not introduce any ancillary services that detract or otherwise interfere with the effective delivery of their support services. If in doubt whether such ancillary services would detract or otherwise interfere, shelter providers will discuss such plans in advance with SSHA.
- (d) Shelter providers, including the Board of Directors, are responsible for ensuring that staff performance and accountability are properly monitored and evaluated.

### 12.2.3 Property Management and Capital Planning

- (a) Shelter providers that own their building will have
  - (i) A Building Condition Audit (BCA) and a Capital Reserve Fund Forecast (CRFF) completed every ten (10) years and updated every three (3) to five (5) years by a qualified professional
  - (ii) A board-approved Capital Plan that is informed by the BCA/CRFF and a preventive maintenance plan.
- (b) Shelter providers are encouraged to have a professional energy audit conducted at least once every ten (10) years and to prepare and implement an energy management plan based on the audit findings.

### 12.2.4 Neighbourhood Issues

- (a) Shelter providers will
  - (i) Have a board-approved good neighbour policy and management-approved procedures to facilitate how the shelter engages, communicates and works with the surrounding community to foster a positive relationship
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.
- (b) Shelter providers will provide the contact information for SSHA and the Office of the Ombudsman to any individual who wishes to make a complaint about a City of Toronto or SSHA program, service or responsibility.

## 12.3 CONFLICT OF INTEREST

- (a) Shelter providers will
  - (i) Have a board-approved conflict of interest policy and management-approved procedures for declaring and reporting a conflict of interest

- (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.
- (b) At a minimum, shelter staff and board members
  - (i) Will not use their positions to give anyone special treatment that would advance their own interests or that of any member of the employee's family, their friends or business associates
  - (ii) Will not accept gifts, money, discounts or favours including a benefit to family members, friends or business associates for doing work that the shelter provider pays them to do. The exceptions to this are promotional gifts or those of nominal value (e.g., coffee mug or letter opener with the company's logo)
  - (iii) Will not engage in any outside work or business activity that conflicts with their duties as shelter staff or board member, which use their knowledge of confidential plans, projects or information about the organization's assets that will, or is likely to, negatively influence or affect them in carrying out their duties as shelter staff or board member
  - (iv) Will not use, or permit the use of, the shelter provider's property, facilities, equipment, supplies or other resources for activities not associated with their work. Any exceptions to this must be expressly approved by either the Executive Director or the Chair of the Board
  - (v) May not disclose confidential or privileged information about the property, or affairs of the organization, or use confidential information to advance personal or others' interests, except in instances where the shelter staff or board member is providing necessary information to allege or report wrongdoing on the part of the shelter provider or Board of Directors (i.e., whistle blowing)
  - (vi) Who knowingly have financial interests in a contract, purchase, sale or other business transaction with the shelter provider, or have family members, friends or business associates with such interests, will not represent or advise the shelter provider in such transactions.

## 12.4 HUMAN RESOURCES

- (a) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures regarding staff hiring, training, and performance management
  - (ii) Have a board-approved policy and management-approved procedures regarding student/volunteer placements, and the scope of work and supervision requirements of students/ volunteers
  - (iii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.

- (b) Shelter providers will provide all new employees with an orientation or orientation information within the first five (5) days of their employment. At a minimum, the orientation information will cover key shelter policies, procedures and processes, including
  - (i) Staff Code of Conduct
  - (ii) Client Rights and Responsibilities
  - (iii) Conflict of Interest policy
  - (iv) Health and Safety information including key aspects of a shelter's emergency plan, evacuation plan and identifying emergency exits
  - (v) Infection Control Practices
  - (vi) AODA Customer Service Requirements, including service animals
  - (vii) Any other information that is immediately required for the employee to perform their work safely, effectively and professionally (e.g., food safety, use of personal protective equipment).
- (c) Shelter providers that permit volunteer and/or student placements will
  - (i) Provide each volunteer/student with a shelter orientation similar to that provided to new employees as described under section 12.4 Human Resources, and which covers relevant information to their placement
  - (ii) Not give volunteer/student access to SMIS, as described in the Hostel Services Guidelines - SMIS Implementation (see Appendix D: Links to References and Resources).
- (d) Shelter providers will recommend that all shelter staff consult a health care professional about updating their vaccinations, including annual Influenza vaccination, and completing a TB skin test.
- (e) Shelter staff will comply with requirements of section 12.4.1 Staff Code of Conduct.

#### 12.4.1 Staff Code of Conduct

- (a) Shelter providers will have a board-approved Staff Code of Conduct that outlines acceptable, professional behaviour that applies to all staff. At a minimum, a Staff Code of Conduct will include the following
- (b) Shelter staff will
  - (i) Acknowledge the power inherent in their position and work with a client-centered, anti-oppression approach
  - (ii) Act professionally, with integrity, objectivity and equity

- (iii) Treat all individuals in a respectful, non-judgmental way
  - (iv) Follow the Toronto Shelter Standards
  - (v) Explain the purpose of requests for a client's personal information
  - (vi) Ensure that clients have clear and accurate information in order to make informed decisions
  - (vii) Acknowledge that their workplace is a client's temporary home and attempt to minimize the impacts of their presence in sleeping areas and washrooms
  - (viii) Acknowledge when they are in a situation they are not adequately skilled to handle and seek direction and support from their peers and supervisors
  - (ix) Strive to continuously update their professional knowledge and skills
  - (x) Abide by all of the shelter's policies and procedures.
- (c) Shelter staff will not
- (i) Discriminate against any individual or group of individuals
  - (ii) Engage in violent, abusive or harassing behaviour
  - (iii) Impose personal beliefs or standards on others
  - (iv) Become involved in a client's personal life beyond the scope of their professional function
  - (v) Have personal relations or accept gifts (except of nominal financial value) and/or services from current or former clients.

### 12.4.2 Training

- (a) An ongoing commitment to learning is important to ensure that shelter staff and board members are able to perform their duties to the highest standards of professionalism and which are consistent with evidence-based leading practices. The TSS sets out minimum training requirements for shelter staff and board members. Shelter providers are encouraged to exceed these standards.
- (b) Shelter providers will comply with all mandatory training requirements of applicable legislation.
- (c) Shelter providers will ensure that shelter staff and board members have received or will receive training as described under Appendix B: Training Matrix.
  - (i) Staffing categories (e.g., client support staff, dietary staff, cleaning/maintenance staff, supervisory/management staff) are defined under section 3 Defined Terms and may not align with a shelter staff's title but are based on their responsibilities or functions.

- (d) Shelter providers will maintain an accurate training record for their staff and board members and document all staff orientations and emergency drills/exercises that are conducted.
- (e) Shelter providers will keep training course/curriculum descriptions, manuals or any other documentation that describes the course content, the training methodology, the length/duration of the training course(s) that have been completed by their staff and board members. This documentation may be requested by SSHA representatives during any of the reviews described under section 2.4.1 Program Reviews.
- (f) Shelter providers may accept documentation from previously completed training or course work from a designated learning institution provided that they meet the requirements of section 12.4.2 Training.
- (g) Shelter providers will ensure that shelter staff and board members have received or will receive refresher training or update mandatory trainings no later than every five (5) years or the recertification period for their training (e.g., Standard First Aid), whichever is sooner.
- (h) Shelter providers are not limited to arranging training solely through in-class instruction, and may also access training content through other means (e.g., webinar, online modules, peer groups, etc.) provided that it is suitable to the learning style of the shelter staff or board members being trained.
- (i) Shelter providers will seek training from agencies or trainers who are qualified to deliver training on the subject matter and can tailor the training content to a shelter-specific context, where possible.
- (j) Shelter providers may deliver in-house training on subjects/topics where they have the operational experience or subject matter expertise.
- (k) Training timelines indicated in Appendix B: Training Matrix may be extended with prior approval from SSHA.

## 12.5 DOCUMENTATION AND REPORTING

- (a) Shelter providers will comply with all documentation and reporting requirements found in their Operating Agreement, the TSS and Hostel Services Directives.

### 12.5.1 SMIS

- (a) Shelter providers will comply with the SMIS-related requirements found throughout the TSS, SMIS Privacy Guidelines (see Appendix D: Links to References and Resources), SMIS User Agreement (see Appendix C: Forms and Templates), and their Operating Agreement.

- (b) Documentation and reporting timeframes may be extended to a maximum cumulative period of twelve (12) hours if SMIS is unavailable due to system interruptions (e.g., SMIS maintenance, power failure, internet access failure).
  - (i) Shelter providers will ensure that all staff that use SMIS are aware of the manual back-up process in case of system interruptions or when a SMIS module is not available and use of the hard copy forms (see Appendix C: Forms and Templates) until SMIS or the SMIS module is available.
  - (ii) Shelter providers will immediately enter all information into SMIS as soon as SMIS or the SMIS module is available.

### 12.5.2 Incident Reporting

- (a) Shelter providers will document incidents in SMIS using the SMIS Incident Report module as soon as possible, but no later than twenty-four (24) hours after the incident.
- (b) Serious occurrences will be immediately reported to SSHA.
- (c) Shelter providers will document serious occurrences in SMIS using the SMIS Incident Report module as soon as possible, but no later than twelve (12) hours after the incident.
- (d) If SMIS or the SMIS Incident Report module is not available, the incident/serious occurrence must be documented in the hard copy version of the SMIS Incident Report form (see Appendix C: Forms and Templates) or in another manner that captures the same information as reported in the SMIS Incident Report form and entered in SMIS once SMIS or the SMIS Incident Report module becomes available.
- (e) Where a reportable incident or serious occurrence takes place before 8:00 a.m. or after 5:00 p.m., shelter providers will report the incident or serious occurrence to the Streets to Homes Assessment and Referral Centre.
- (f) The death of a shelter resident is a type of incident and will be reported immediately to SSHA, in accordance with the reporting requirements found in the Reporting the Death of a Shelter Resident Guidebook (see Appendix D: Links to References and Resources).

### 12.5.3 Service Disruption

- (a) Shelter providers will immediately notify SSHA of any and all planned or unplanned service disruptions to provide information about the service disruption and the anticipated or actual impacts on shelter access and support services delivery.
  - (i) If the need to contact SSHA arises before 8:00 a.m. or after 5:00 p.m., the shelter provider will contact the Streets to Homes Assessment and Referral Centre to notify them of the service disruption.

- (b) Shelter providers will submit a completed Shelter Service Disruption Notification form (see Appendix C: Forms and Templates), by fax or email to SSHA within twenty-four (24) hours of notifying SSHA.
- (c) If the reason for the service disruption involves a serious occurrence, shelter providers will complete and submit an incident report in a manner that complies with the requirements of section 12.5.2 Incident Reporting.
- (d) Shelter providers will post a notice of the disruption to advise shelter clients and the public of limitations to services, in a manner that complies with the requirements of Regulation 429/07: Accessibility Standards for Customer Service.
- (e) Shelter providers will inform SSHA when the service disruption has ended and services have returned to normal functioning.

## 12.6 PRIVACY AND CONFIDENTIALITY OF CLIENT INFORMATION

### 12.6.1 Client Information and Files

- (a) Shelter providers will treat a client's personal and health information and client files as confidential information.
- (b) Shelter providers will
  - (i) Have a board-approved policy and management-approved procedures regarding the collection, storage, use, removal, disclosure and disposal of a client's personal and health information, which will include a privacy breach protocol
  - (ii) Submit a copy of the policy and procedures to SSHA, and resubmit a copy whenever the document(s) are updated or otherwise revised.

### 12.6.2 Collection of Client Information

- (a) Shelter providers will inform clients of the SMIS Notice of Collection (see Appendix C: Forms and Templates) either verbally or by posting it in conspicuous areas where client information is regularly displayed (e.g., intake/admission area, counselor or case worker office).
  - (i) Shelter providers collecting client information by phone for an intake must inform the client of the following, "Your personal information is collected under the authority of the City of Toronto Act and is used to provide shelter services and to administer social assistance programs. Questions about this collection can be directed to the SMIS Privacy Contact at 416-392-8741."

- (b) Shelter providers will not request or collect immigration status information in order to determine service eligibility as part of a shelter's intake or admission process, unless approved by SSHA.
- (c) Shelter providers may request and collect immigration status information to assist clients to obtain or replace identification or determine eligibility for social assistance programs (e.g., housing subsidy programs, OW/ODSP, OAS, CPP) or services (e.g., Housing Help, health care) that require this information.

### 12.6.3 Storage of Client Information

- (a) Shelter providers will take all reasonable measures to safeguard hard-copy files containing a client's personal or health information including, but not limited to, storing the files in a secure location and in a locked container (e.g., locked cabinet in a locked office) and limiting access to the files to authorized shelter staff who require this information to provide support services.
- (b) Shelter providers will take all reasonable measures to safeguard electronic files containing a client's personal or health information and the storage medium for these files (e.g., computer, USB key), which may include, but is not limited to, password protecting the file, encrypting the file and limiting access to the files to authorized shelter staff who require this information to provide support services.
- (c) Removing confidential client files from the shelter premises or electronically transmitting confidential client information outside a secure network is discouraged.
- (d) Shelter providers that permit the physical removal or electronic transmission of confidential client information must identify the exceptional circumstances when and the manner by which confidential client-related information may be removed or transmitted to ensure the security, privacy and confidentiality of the information is maintained.
- (e) If client information must be removed or transmitted as part of the client's service plan, the information must be secured and moved/transmitted in a manner that will limit potential security, privacy and confidentiality breaches.
- (f) Shelter providers will report any actual or suspected breach of confidentiality with respect to client information to SSHA as soon as possible, but no later than twenty-four (24) hours after becoming aware of the actual or suspected breach.

### 12.6.4 Sharing/Disclosure of Client Information

- (a) Shelter providers will not disclose a client's personal or health information without first receiving the client's signed consent.
- (b) Upon the request of a client, shelter providers will provide information about the client's records (e.g., hard-copy notes, SMIS information and records) in a manner

that does not compromise the confidentiality of personal information of other clients or staff.

- (c) Requests for confidential personal and health information about a client may only be made by the client in question, or a person who is legally authorized to act on behalf of the client.
- (d) Sharing confidential client information with a service provider to which a client is referred or is receiving service, or a non-service provider (e.g., police, media, researcher, acquaintance of client who is not an authorized person acting on their behalf) is permitted with the client's consent and completed SMIS Client Consent form (see Appendix C: Forms and Templates).
- (e) All client consent documentation will be board-approved, accurate, up-to-date and recorded in SMIS.
- (f) Shelter providers will permit the disclosure of a client's personal or health information to relevant authorities or persons, without the client's signed consent only when
  - (i) Disclosure is permitted or required under legislation or regulation including, but not limited to the Criminal Code of Canada, Child and Family Services Act, 1990, Municipal Freedom of Information and Protection of Privacy Act, 1990, Personal Health Information Protection Act, 2004, Ontario Works Act, 1997, Ontario Disability Support Program Act, 1997
  - (ii) Disclosure is required pursuant to a court order or subpoena
  - (iii) Refusing or neglecting to provide personal or health information could endanger the safety of the client or others.

The background of the page is a repeating pattern of small, light gray house icons. Each icon is a simple line drawing of a house with a gabled roof and a chimney. The icons are arranged in a grid, filling the entire page. A white rectangular box is positioned in the center of the page, containing the word "APPENDIX" in large, bold, red capital letters.

# APPENDIX

# APPENDIX A: Sleeping Area / Personal Space Examples

The following examples illustrate

- Single bed configurations that comply with personal space requirements (i.e., a minimum of 3.75 m.<sup>2</sup> or 37.7 ft.<sup>2</sup> per person), with a minimum lateral separation distance of 0.75 m. (2.5 ft.) between closest sides of adjacent beds
- Bunk bed configurations that comply with personal space requirements;
- Separation distance between top and bottom bunks (i.e., a minimum of 1.1 m. (3.5 ft.) of overhead clearance).

In the illustrated examples, the following symbols mean:



Allocated personal space (a minimum of 3.75 m.<sup>2</sup> or 37.7 ft.<sup>2</sup>)



Single bed



Bunk bed



Lateral separation distance (a minimum of 0.75 m. or 2.5 ft.)



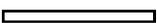
Wall



Ceiling



Floor



Window



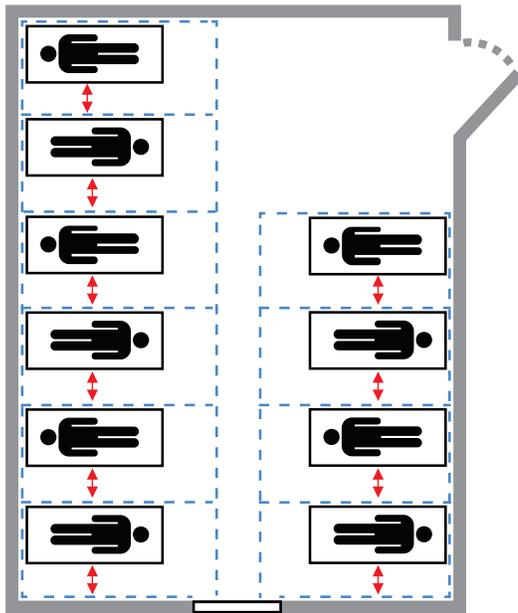
Door/entrance

## Single Bed Configurations

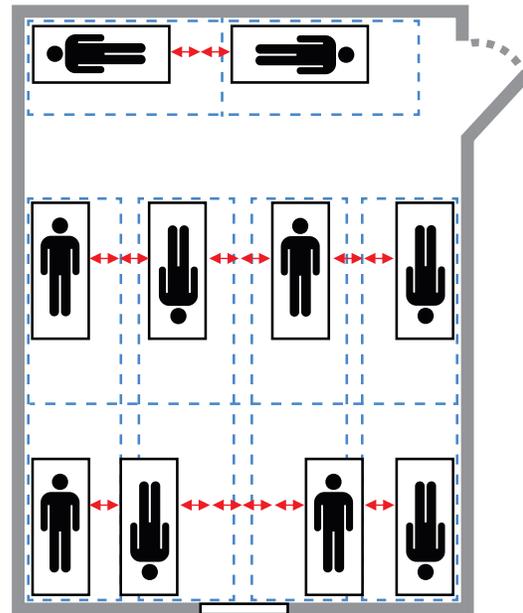
### Examples that Comply with Sleeping Area / Personal Space Requirements

In the following examples, beds are arranged in an alternating 'head-to-toe' arrangement to minimize transmission of communicable diseases.

**Example A: 10 single beds / 10 clients**



**Example B: 10 single beds / 10 clients**



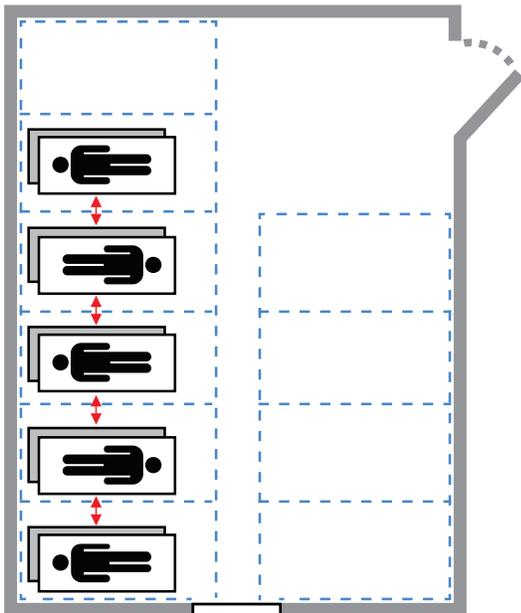
- Example A meets the personal space requirements and separation distance requirements between beds.
- Example A allows for better flow of foot traffic (e.g., in event of evacuation) and facilitates more respectful (i.e., less disruptive) and efficient bed checks than example B.
- Example B meets the personal space requirements and exceeds separation distance requirements between beds.
- Example B results in more obstructed flow (e.g., in event of evacuation) and may result in more disruptive bed checks.
- Beds nearest the window have been moved aside to allow adequate clearance around the window (e.g., facilitates easy access to window).

## Bunk Bed Configurations

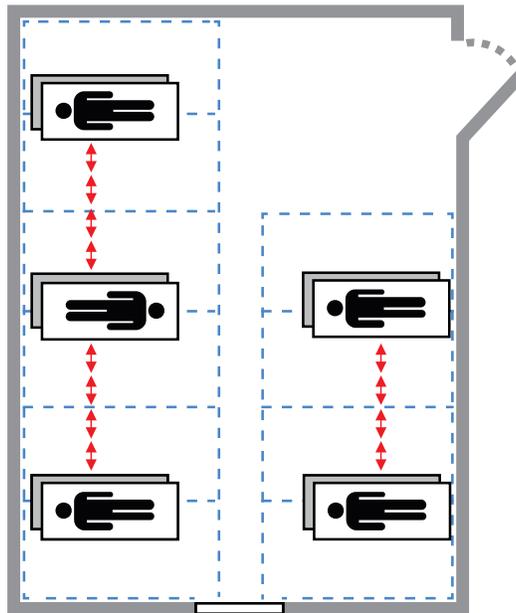
### Examples that Comply with Sleeping Area / Personal Space Requirements

In the following examples, bunks are arranged in an alternating “head-to-toe” arrangement to minimize transmission of communicable diseases.

**Example C: 5 bunk beds / 10 clients**



**Example D: 5 bunk beds / 10 clients**



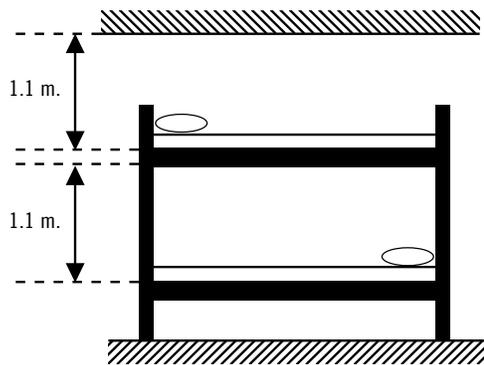
- Example C meets the personal space requirements and separation distance requirements between beds.
- Example C places beds closer together to free up floor space. Since space standards apply per person, not per bed, the number of bunk beds is limited to five (5). Therefore, the freed up floor space be used to house lockers, dresser or other furniture, but not more beds.
- Example D meets the personal space requirements and exceeds separation distance requirements between beds.

## Overhead Separation Distance

### Bunk Beds

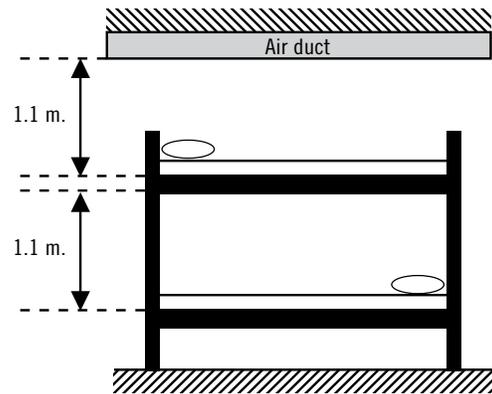
In the following examples, a minimum clearance of 1.1 m. (3.5 ft.) exists between the top of a bed frame to the lowest hanging section of an overhead object (e.g., upper bunk frame, light fixture, bulkhead, air duct, plumbing, etc.)

**Example E: Overhead Separation Distance**



- The minimum overhead clearance for the lower bunk is measured from the top of the lower bunk frame to the underside of the upper bunk frame.
- The minimum overhead clearance for the upper bunk is measured from the top of the upper bunk frame to the underside of the ceiling.

**Example F: Overhead Separation Distance**



- The minimum overhead clearance for the lower bunk is measured from the top of the lower bunk frame to the underside of the upper bunk frame.
- The minimum overhead clearance for the upper bunk is measured from the top of the upper bunk frame to the underside of the air duct.

# APPENDIX B: Training Matrix

The following matrix is for quick reference only and must be read in conjunction with the requirements of sections: 9.2.3 (b), 11.1 (b), 11.1 (g), 11.1 (h), 11.2 (b), 11.2 (d), 11.2 (g), 11.4 (a)(iv), 11.4 (b)(iv), 11.4 (c)(ix), 11.4 (e)(vii), 12.1 (d) and 12.4.2 Training.

<b>M</b> = mandatory training <b>R</b> = recommended training <b>F</b> = applies only to family shelters <b>Y</b> = applies only to youth shelters	Mandatory Training Timeframe (from start date of employment / appointment)	Client Support Staff	Dietary Staff	Cleaning / Maintenance Staff	Supervisory / Management Staff	Board Members
<b>Professionalism &amp; Customer Service</b>						
Board Governance	3 months	-	-	-	-	<b>M</b>
Fiduciary Responsibilities (Board members)	3 months	-	-	-	-	<b>M</b>
Legal Responsibilities (Board members)	3 months	-	-	-	-	<b>M</b>
Conflict of Interest	3 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>
Customer Service	3 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	-
Ethics & Professional Boundaries	3 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	-
Managing in a Unionized Environment	-	-	-	-	<b>R</b>	-
Partnership Development	6 months	<b>R</b>	-	-	<b>M</b>	-
Program Development & Evaluation	-	<b>R</b>	<b>R</b>	-	<b>R</b>	-
Self Care/Compassion Fatigue	-	<b>R</b>	-	-	<b>R</b>	-
Shelter/Workplace Orientation	5 days	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	-
Shelter Standards	3 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>
Supervisory Skills	6 months	-	-	-	<b>M</b>	-
<b>Health &amp; Safety</b>						
Bed Bug Control	3 months	<b>M</b>	<b>R</b>	<b>M</b>	<b>R</b>	-
Child Safety & Injury Prevention	3 months	<b>M<sup>F</sup></b>	-	<b>M<sup>F</sup></b>	<b>M<sup>F</sup></b>	-
Communicable Disease (infection control)	3 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	-
Conflict Resolution	12 months	<b>R</b>	<b>R</b>	<b>R</b>	<b>M</b>	-
Crisis Prevention and Verbal De-escalation	6 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	-
Emergency Plan/Evacuation Plan	3 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	-
Standard First Aid and CPR Certification	6 months	Refer to requirements found in section 11 Health and Safety				-
Food Handler's Certification	3 months	-	<b>M</b>	-	-	-
Food Premises Regulations	3 months	-	<b>M</b>	-	-	-
Food Safety	3 months	<b>R</b>	<b>M</b>	-	-	-
Health & Safety	3 months	<b>M</b>	<b>M</b>	<b>M</b>	<b>M</b>	<b>R</b>

	Mandatory Training Timeframe (from start date of employment / appointment)	Client Support Staff	Dietary Staff	Cleaning / Maintenance Staff	Supervisory / Management Staff	Board Members
<b>M = mandatory training</b>						
<b>R = recommended training</b>						
<b>F = applies only to family shelters</b>						
<b>Y = applies only to youth shelters</b>						
Injury Prevention	6 months	M	M	M	M	-
Mental Health in the Workplace	-	R	R	R	R	R
Use of Personal Protective Equipment	3 months (cleaning staff) / 12 months	M	M	M	M	-
Psychological First Aid	-	R	R	R	R	-
WHMIS	12 months	M	M	M	M	-
<b>Equity, Diversity and Human Rights</b>						
Accessibility for Ontarians with Disability (AODA)	6 months	M	M	M	M	M
Anti-Racism Anti-Oppression	6 months	M	M	M	M	R
LGBTQ2S Cultural Competency or LGBTQ2S Youth Inclusion or Trans Awareness	6 months	M	M	M	M	R
<b>Working with Clients</b>						
Behaviour Management	6 months	M <sup>F</sup>	-	-	M <sup>F</sup>	-
Case Management/Service Planning	3 months	M	-	-	R	-
Counselling Skills or Motivational Interviewing	3 months	M	-	-	-	-
Criminal Justice System	-	R	-	-	R	-
Documentation	3 months	M	R	R	M	-
Duty to Report	3 months	M <sup>F</sup>	M <sup>F</sup>	M <sup>F</sup>	M <sup>F</sup>	-
Finances and Income Supports after Age 65	-	R	-	-	-	-
Harm Reduction (Substance Use and Overdose)	3 months	M	-	-	M	R
Mental Health	12 months	M	-	R	M	-
Nutrition Standards (Nutrition through Life Cycle, Nutrition for Diverse Dietary Needs)	6 months	R	M	-	M	-
Pet First Aid	-	R	-	-	-	-
Shelter Management Information System (SMIS)	3 months	M	-	-	M	-
Suicide Intervention	-	R	-	-	R	-
Teenage Brain/Working with Youth	3 months	M <sup>Y</sup>	-	-	M <sup>Y</sup>	-
Trauma-informed Care	3 months	M	R	R	M	-
Working with Abused Women & Children	-	R <sup>F</sup>	-	-	R <sup>F</sup>	-
Working with Families in Shelters	3 months	M <sup>F</sup>	-	-	M <sup>F</sup>	-
Working with Older/Aging Clients	-	R	-	-	R	-
Working with People who have Disabilities	3 months	M	M	M	M	-

# APPENDIX C: Forms and Templates

The following forms and templates can be accessed by clicking on the links below, or by going to [toronto.ca/housing](http://toronto.ca/housing):

- (a) [SMIS Admission form](#)
- (b) [SMIS Bed Check log](#)
- (c) [SMIS Case Management Notes form](#)
- (d) [SMIS Client Consent form](#)
- (e) [SMIS Client Discharge form](#)
- (f) [SMIS Client Intake form](#)
- (g) [SMIS Service Restriction form](#)
- (h) [SMIS User Agreement](#)
- (i) SMIS Per Diem Submission Claim form (available by request)
- (j) SMIS Incident Report form (available by request)
- (k) [SMIS Notice of Collection](#)
  - (i) SMIS Notice of Collection ([French Version](#))
  - (ii) SMIS Notice of Collection ([Arabic Version](#))
  - (iii) SMIS Notice of Collection ([Chinese Version](#))
  - (iv) SMIS Notice of Collection ([Dari Version](#))
  - (v) SMIS Notice of Collection ([Farsi Version](#))
  - (vi) SMIS Notice of Collection ([Hungarian Version](#))
  - (vii) SMIS Notice of Collection ([Korean Version](#))
  - (viii) SMIS Notice of Collection ([Polish Version](#))
  - (ix) SMIS Notice of Collection ([Punjabi Version](#))
  - (x) SMIS Notice of Collection ([Russian Version](#))
  - (xi) SMIS Notice of Collection ([Spanish Version](#))
  - (xii) SMIS Notice of Collection ([Tamil Version](#))
  - (xiii) SMIS Notice of Collection ([Vietnamese Version](#))

- (l) [Audited Statement of Shelter Operations template form](#)
- (m) [Delegation of Signing Authority form](#)
- (n) [Death of Shelter Resident Reporting form](#)
- (o) [Leave with Permission form](#)
- (p) [Shelter Service Disruption Notification form](#)

# APPENDIX D: Links to References and Resources

The following references and resources can be accessed by clicking on the links below, or by going to [toronto.ca/housing](http://toronto.ca/housing):

- (a) [Housing Opportunities Toronto and the Toronto Housing Charter](#)
- (b) [Housing Stability Service Planning Framework](#)
- (c) [Reporting Child Abuse and Neglect: It's Your Duty](#)
- (d) [Reporting the Death of a Shelter Resident Guidebook](#)
- (e) [Canada's Food Guide](#)
  - (i) [Canada's Food Guide \(French Version\)](#)
  - (ii) [Canada's Food Guide \(Arabic Version\)](#)
  - (iii) [Canada's Food Guide \(Chinese Version\)](#)
  - (iv) [Canada's Food Guide \(Farsi Version\)](#)
  - (v) [Canada's Food Guide \(Korean Version\)](#)
  - (vi) [Canada's Food Guide \(Punjabi Version\)](#)
  - (vii) [Canada's Food Guide \(Russian Version\)](#)
  - (viii) [Canada's Food Guide \(Spanish Version\)](#)
  - (ix) [Canada's Food Guide \(Tagalog Version\)](#)
  - (x) [Canada's Food Guide \(Tamil Version\)](#)
  - (xi) [Canada's Food Guide \(Urdu Version\)](#)
- (f) [Food Safety: A Guide for Ontario's Food Handlers](#)
- (g) [Hostel Services Staff Safety Guide](#)
- (h) [Environmental Control Best Practices: Guidelines to Reduce TB Transmission in Homeless Shelters and Drop-In Centres](#)
- (i) [Housekeeping Manual for Municipally Operated Shelters](#)
- (j) [Bedbugs: A Handbook for Shelter Operators](#)
- (k) [Hostel Services Guidelines - SMIS Implementation](#)
- (l) [SMIS Privacy Guidelines](#)
- (m) [The Works Harm Reduction Program](#)
- (n) [Toronto Public Health List of Harm Reduction Supplies Locations](#)

# APPENDIX E: In Effect Dates

The following schedule illustrates when various sections of the Toronto Shelter Standards take effect. Shelter providers who require further clarification should contact their Agency Review Officer (ARO).

Shelter providers who are not able to comply with the relevant sections when they take effect are required to submit an ARO-approved plan for compliance by the in effect date.

All SMIS-related requirements or requirements that involve the use of SMIS take effect immediately on the in effect date. Shelter providers who are not able to comply with these requirements must contact their ARO to discuss compliance alternatives.

## OCTOBER 1, 2015

<b>Section 5</b>	Principles of Service Delivery
<b>Section 6</b>	Client Rights and Responsibilities
<b>Section 12.4.1</b>	Staff Code of Conduct

## FEBRUARY 1, 2016

<b>Section 1</b>	Policy Context
<b>Section 2</b>	Toronto's Shelter System
<b>Section 3</b>	Defined Terms
<b>Section 4</b>	Applicable Legislation
<b>Section 7</b>	Complaints and Appeals
<b>Section 8</b>	Shelter Access and Customer Service
<b>Section 9</b>	Immediate (Basic) Needs and Services
<b>Section 10</b>	Case Management, Supports and Services
<b>Section 11</b>	Health and Safety
<b>Section 12</b>	Administration
<b>Section 12.4.2(c)</b> <i>(only applies to new staff/board members)</i>	Shelter providers will ensure that shelter staff and board members have received or will receive training as described under Appendix B: Training Matrix

## MARCH 31, 2016

<b>Section 9.2.2(d)(ii)</b>	Shelter providers serving pregnant or breastfeeding clients will not store expressed breast milk in the same refrigerator as client medications.
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**Section 9.3**

- (a) Shelter providers will provide lockers or other secure forms of storage for clients to store their belongings (e.g., locked storage room, safekeeping program).
- (b) Shelter providers will install and maintain appropriate window coverings to ensure client comfort and privacy.
- (c) Shelter providers will ensure that all textiles used as interior treatments for rooms and furniture (e.g., window coverings, upholstered furniture, carpet/rugs) are pest resistant and fire/moisture retardant.

**Section 10.2.3(f)**

Shelter providers that assist clients with their medications will do so in a manner that complies with the requirements of section 10.2.4 Secure Storage and Disposal of Medication and maintain a consistent method of documenting medication information containing, at a minimum

- (i) Name of client
- (ii) Name of client's medication
- (iii) Date and time medication is accessed by or issued to the client
- (iv) Name of the staff who issued and/or helped to administer the medication
- (v) Client signature confirming they received their medication.

**Section 10.2.4(b)**

At a minimum, all medications will be

- (i) Inventoried and labeled appropriately
- (ii) Stored in separate containers for each client
- (iii) Kept in a safe and secure location (e.g., a cabinet in an office, or locker or locked drawer in a client's room) at all times other than the time that the medication is accessed or administered.

**Section 10.2.4(c)**

Shelter providers will provide secure refrigerator space in an access-restricted area dedicated to the sole storage of medications requiring refrigeration.

**Section 10.2.4(d)**

Shelter providers will not store medications in the same refrigerator that is used to store expressed breast milk or food, as described under section 9.2.2 Dietary Restrictions and Accommodation.

**Section 11.1(d)**

Shelter providers will provide alcohol-based hand sanitizer that contains at least 70% alcohol to supplement hand-washing in high contact areas (e.g., reception and dining areas) and in the event that water is not available (e.g., loss of water due to plumbing issue) and take appropriate measures to control or prevent misuse or misapplication of the product.

JUNE 30, 2016

<b>Section 8.1(g)</b>	Shelter providers will take all reasonable measures to accommodate clients accompanied by their pet.
<b>Section 8.4.1(b)</b>	<p>As part of a client's planned discharge and transition out of a shelter, shelter staff will</p> <ul style="list-style-type: none"> <li>(i) Provide information in writing and assistance to the client regarding resources relevant to the next stage of their service plan, including community services and key personal supports</li> <li>(ii) Review consent forms and summarize information for the client or next service provider to assist in ensuring continuity of service in a manner that complies with the requirements of section 12.6.4 Sharing/Disclosure of Client Information</li> <li>(iii) For up to twelve (12) months following discharge from the shelter, and at the request of the client, provide follow-up services or referrals to help support the client's transition to housing, provide crisis support or provide eviction prevention activities.</li> </ul>
<b>Section 10.1(l)</b>	<p>Upon a client's planned discharge, shelter staff will</p> <ul style="list-style-type: none"> <li>(i) Provide information in writing and assistance to the client regarding resources relevant to the next stage of their service plan, including community services and key personal supports</li> <li>(ii) Review consent forms and summarize information for the client or next service provider to assist in ensuring continuity of service in a manner that complies with the requirements of section 12.6.4 Sharing/Disclosure of Client Information</li> <li>(iii) For up to twelve (12) months following discharge from the shelter, and at the request of the client, provide follow-up services or referrals to help support the client's transition to housing, provide crisis support or provide eviction prevention activities.</li> </ul>
<b>Section 10.2.1(b)</b>	Shelter providers will ensure sharps containers are available on shelter premises, secured against tampering (e.g., placing a cage around the container that allows for sharps to enter the container) and inform clients of the availability of sharps containers and how to use them.
<b>Section 10.2.2(a)</b>	<p>Shelter providers operating with an abstinence-based model will</p> <ul style="list-style-type: none"> <li>(i) Identify how abstinence is defined within their program</li> <li>(ii) Define to what extent they are able to provide service to non-abstaining clients</li> <li>(iii) Document and submit a detailed description of the service model to SSHA for review and approval.</li> </ul>

**Section 10.2.2(d)**

Abstinence-based shelter providers will provide a private, dedicated space where clients under the influence of substances may rest until the effects of those substances have subsided.

**DECEMBER 31, 2016****Section 9.3.2(a)(i)**

To assist clients with their hygiene needs, shelter providers will provide a minimum of one (1) washroom that is barrier-free, fully accessible and designated gender neutral in each shelter.

**Section 10.3.3(i)**

Shelter providers will provide a minimum of one (1) washroom that is barrier-free, fully accessible and designated gender neutral in each shelter.

**OR** submit an ARO-approved plan for compliance.

**Section 11.2(g)**

Shelter providers will install and maintain at least one (1) eye wash station according to the manufacturer's instructions. The eyewash station must be in an area of the shelter that is easily accessible by anyone in the shelter and its location identified with a highly visible sign.

**Section 11.4**

Emergency Preparedness and Business Continuity

**Section 12.2.3(a)**

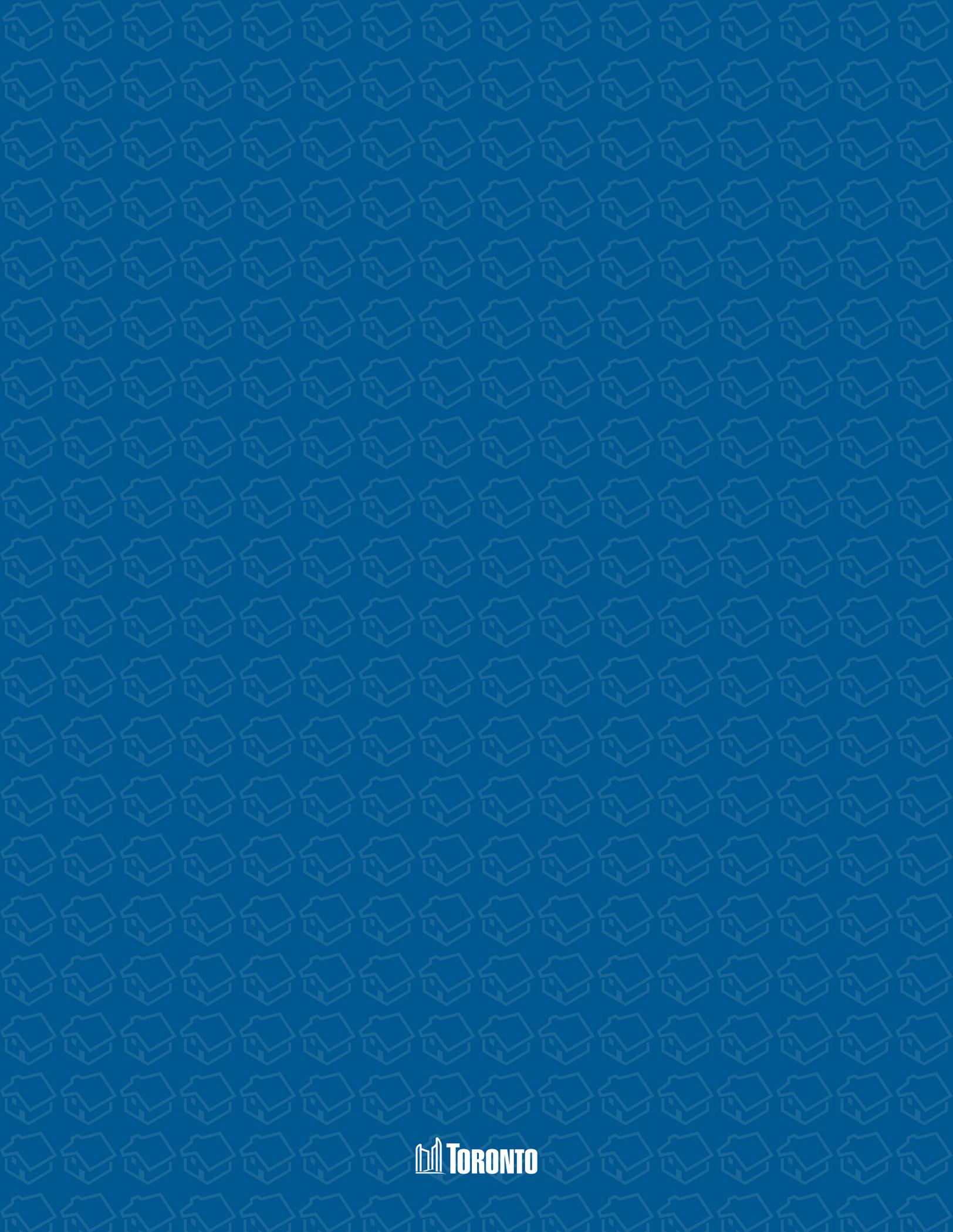
Shelter providers that own their building will have  
(i) A Building Condition Audit (BCA) and a Capital Reserve Fund Forecast (CRFF) completed every ten (10) years and updated every three (3) to five (5) years by a qualified professional

(ii) A Board-approved Capital Plan that is informed by the BCA/CRFF and a preventive maintenance plan.

**All policies, procedures, and plans****JUNE 30, 2017****Section 12.4.2(c)**

*(applies to all staff/board members)*

Shelter providers will ensure that shelter staff and board members have received or will receive training as described under Appendix B: Training Matrix



This is Exhibit "H" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

**CITY OF TORONTO**

**BY-LAW No. 1053-2015**

**To confirm the proceedings of City Council at Meeting 9 held on September 30,  
October 1 and 2, 2015.**

The Council of the City of Toronto enacts:

1. The action of the Council on September 30, October 1 and 2, 2015, in respect of each recommendation contained in the Reports of the Standing Committees, Community Councils and other Committees, as follows:

Deferred Item:

Licensing and Standards Committee Item LS3.5

Executive Committee - Meeting 8

Board of Health - Meeting 6

Community Development and Recreation Committee - Meeting 6

Economic Development Committee - Meeting 6

Government Management Committee - Meeting 6

Licensing and Standards Committee - Meeting 6

Parks and Environment Committee - Meeting 5

Planning and Growth Management Committee - Meeting 6

Public Works and Infrastructure Committee - Meeting 6, Item PW6.9

Public Works and Infrastructure Committee - Meeting 7

Striking Committee - Meeting 6

Etobicoke York Community Council - Meeting 8

North York Community Council - Meeting 8

Scarborough Community Council - Meeting 8

Toronto and East York Community Council - Meeting 10

up to and including the enactment of this Confirmatory By-law at the conclusion of the Council meeting at 5:15 p.m. this day, and in respect of each motion, resolution and other action passed and taken by the Council at its meeting, including the enactment of any previous Confirmatory By-laws in respect of the meeting, is adopted, ratified and confirmed.

2. The Mayor and the proper officers of the City are authorized and directed to do all things necessary to give effect to the action or to obtain approvals where required, and except where otherwise provided, the City Clerk and the Deputy City Manager and Chief Financial Officer are authorized and directed to execute all documents necessary in that behalf and to affix the City's seal to the documents.

- 3.** This By-law, to the extent to which it provides authority for or constitutes the exercise by the Council of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing which requires an approval in addition to the approval of the Council, shall not take effect until the additional approval has been obtained.

Enacted and passed on October 2, 2015.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

This is Exhibit "I" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

---

*Commissioner for Taking Affidavits (or as may be)*

## City Council

<b>Meeting No.</b>	9	<b>Contact</b>	Marilyn Toft, Manager
<b>Meeting Date</b>	Wednesday, September 30, 2015 Thursday, October 1, 2015 Friday, October 2, 2015	<b>Phone</b>	416-392-7032
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	clerk@toronto.ca
<b>Location</b>	Council Chamber, City Hall		

### Routine Matters - Meeting 9

RM9.1	Presentation	Received		Ward: All
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#### Call to Order

#### City Council Decision

CALL TO ORDER: 9:36 a.m.

Speaker Nunziata took the Chair and called the Members to order.

The meeting opened with *O Canada*.

Wednesday, September 30, 2015

Members of Council observed a moment of silence and remembered the following persons who passed away:

Michael Burgess  
Pamela Cuthbert  
Harry Gairey Jr.  
Tony McDonnell  
Peter Ongaro  
Reverend Canon Derwyn Spencer Shea  
Lorne Turner

Speaker Nunziata advised that Council gratefully acknowledges it is meeting on the traditional territory of the Mississaugas of the New Credit First Nation and home to many diverse Aboriginal peoples.

Thursday, October 1, 2015

Members of Council observed a moment of silence and remembered the following persons who passed away:

Anelle Maegan Bagalacsa  
Christopher Charles Roberts

### Background Information (City Council)

Condolence Motion for Anelle Maegan Bagalacsa

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84350.pdf>

Condolence Motion for Michael Burgess

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84284.pdf>

Condolence Motion for Pamela Cuthbert

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84285.pdf>

Condolence Motion for Harry Gairey Jr.

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84281.pdf>

Condolence Motion for Tony McDonnell

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84287.pdf>

Condolence Motion for Peter Ongaro

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84286.pdf>

Condolence Motion for Christopher Charles Roberts

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84365.pdf>

Condolence Motion for Reverend Canon Derwyn Spencer Shea

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84280.pdf>

Condolence Motion for Lorne Turner

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84282.pdf>

RM9.2	ACTION	Adopted		Ward: All
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### Confirmation of Minutes

#### City Council Decision

City Council confirmed the Minutes of Council from the regular meeting held on July 7, 8 and 9, 2015 in the form supplied to the Members.

#### Motions (City Council)

*Motion to Adopt Minutes moved by Councillor Mary Fragedakis (Carried)*

That City Council confirm the Minutes of Council from the regular meeting held on July 7, 8 and 9, 2015, in the form supplied to the Members.

RM9.3	ACTION	Adopted		Ward: All
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### Introduction of Committee Reports and New Business from City Officials

#### City Council Decision

Committee Reports and New Business were presented to City Council for consideration.

#### Motions (City Council)

*1 - Motion to Introduce Report moved by Mayor John Tory (Carried)*

That the Report from Meeting 8 of the Executive Committee listed on the Agenda of Council be presented for consideration.

*2 - Motion to Introduce Report moved by Councillor Joe Mihevc (Carried)*

That the Report from Meeting 6 of the Board of Health listed on the Agenda of Council be presented for consideration.

**3 - Motion to Introduce Report moved by Councillor James Pasternak (Carried)**

That the Report from Meeting 6 of the Community Development and Recreation Committee listed on the Agenda of Council be presented for consideration.

**4 - Motion to Introduce Report moved by Councillor Shelley Carroll (Carried)**

That the Report from Meeting 6 of the Economic Development Committee listed on the Agenda of Council be presented for consideration.

**5 - Motion to Introduce Report moved by Councillor Paul Ainslie (Carried)**

That the Report from Meeting 6 of the Government Management Committee listed on the Agenda of Council be presented for consideration.

**6 - Motion to Introduce Report moved by Councillor Cesar Palacio (Carried)**

That the Report from Meeting 6 of the Licensing and Standards Committee listed on the Agenda of Council be presented for consideration.

**7 - Motion to Introduce Report moved by Councillor Michelle Berardinetti (Carried)**

That the Report from Meeting 5 of the Parks and Environment Committee listed on the Agenda of Council be presented for consideration.

**8 - Motion to Introduce Report moved by Councillor David Shiner (Carried)**

That the Report from Meeting 6 of the Planning and Growth Management Committee listed on the Agenda of Council be presented for consideration.

**9 - Motion to Introduce Report moved by Councillor Jaye Robinson (Carried)**

That the Reports from Meetings 6 and 7 of the Public Works and Infrastructure Committee listed on the Agenda of Council be presented for consideration.

**10 - Motion to Introduce Report moved by Councillor David Shiner (Carried)**

That the Report from Meeting 6 of the Striking Committee listed on the Agenda of Council be presented for consideration.

**11 - Motion to Introduce Report moved by Councillor Mark Grimes (Carried)**

That the Report from Meeting 8 of the Etobicoke York Community Council listed on the Agenda of Council be presented for consideration.

**12 - Motion to Introduce Report moved by Councillor Maria Augimeri (Carried)**

That the Report from Meeting 8 of the North York Community Council listed on the Agenda of Council be presented for consideration.

**13 - Motion to Introduce Report moved by Councillor Chin Lee (Carried)**

That the Report from Meeting 8 of the Scarborough Community Council listed on the Agenda of Council be presented for consideration.

**14 - Motion to Introduce Report moved by Councillor Mike Layton (Carried)**

That the Report from Meeting 8 of the Toronto and East York Community Council listed on the Agenda of Council be presented for consideration.

**15 - Motion to Introduce Report moved by Councillor Jon Burnside (Carried)**

That the New Business from City officials listed on the Agenda of Council be presented for consideration.

<b>Result: Carried</b>	Majority Required - Introduce committee reports and new business
Yes: 41	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 4	Norman Kelly, Pam McConnell, Denzil Minnan-Wong, Anthony Perruzza

<b>RM9.4</b>	Information	Received		Ward: All
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## Petitions

### City Council Decision

City Council on September 30 and October 1, 2015, received the following petitions for information:

1. Petition, headed "Keep the Taxi Industry Alive" submitted by Councillor Giorgio Mammoliti, Ward 7, York West, containing the signatures of approximately 7,000 persons.
2. Petition, headed "Support of Traffic Control Signals at Greenwood Avenue and Felstead Avenue" submitted by Councillor Paula Fletcher, Ward 30, Toronto-Danforth, containing the signatures of approximately 131 persons.
3. Petition, headed "Shoreline Support Motion 11, the relocation of the Humber Loop to Park Lawn Road and Lake Shore Boulevard West" submitted by Councillor Mark Grimes, Ward 6, Etobicoke-Lakeshore, containing the signatures of approximately 1,604 persons.
4. Petition, headed "Close Muzik" submitted by Councillor Gord Perks, Ward 14, Parkdale-High Park, containing the signatures of approximately 203 persons.
5. Petition, headed "Preventing the illegal activities of UberX" submitted by Councillor Pam McConnell, Ward 28, Toronto Centre-Rosedale, containing the signatures of approximately 200 persons.

### Motions (City Council)

#### *Petition Filed (Carried)*

That City Council receive petitions 1, 2, 3 and 4 for information.

#### **Vote** (Petition Filed)

Sep-30-2015 10:12 AM

<b>Result: Carried</b>	Majority Required - Receive petitions 1 to 4
Yes: 43	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam

No: 0	
Absent: 2	Pam McConnell, Denzil Minnan-Wong

**Petition Filed (Carried)**

That City Council receive petition 5 for information.

**Vote** (Petition Filed)

Sep-30-2015 2:08 PM

<b>Result: Carried</b>	Majority Required - Receive petition 5
Yes: 31	Paul Ainslie, Maria Augimeri, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Rob Ford, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), James Pasternak, Gord Perks, Michael Thompson, John Tory
No: 0	
Absent: 14	Ana Bailão, Michelle Berardinetti, Josh Colle, Glenn De Baeremaeker, John Filion, Paula Fletcher, Mary Fragedakis, Norman Kelly, Denzil Minnan-Wong, Cesar Palacio, Anthony Perruzza, Jaye Robinson, David Shiner, Kristyn Wong-Tam

<b>RM9.5</b>	Presentation	Adopted		Ward: All
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**Presentations, Introductions and Announcements****City Council Decision**

Various presentations, introductions and announcements were made to City Council on September 30, October 1 and 2, 2015.

Wednesday, September 30, 2015:

Speaker Nunziata, during the morning session of the meeting, asked Members to join her in welcoming six new articling students from Legal Services who were present in the Chamber.

Councillor Cho, during the morning session of the meeting, announced that one of the Toronto Zoo Panda's is expecting twins in approximately two to four week's time.

Councillor Matlow, during the morning session of the meeting, asked everyone present in the Chamber to join him in cheering on the Blue Jays in their pennant game to be held in the evening.

October 1, 2015

Speaker Nunziata invited Mayor Tory to come forward to recognize the City of Toronto staff who contributed to hosting the Pan Am Parapan Am Games. A video showing highlights from the Games was played. Mayor Tory told City Council that the Pan Am Parapan Am Games showcased our athletes but also showcased our City's culture and music. Mayor Tory said that the hard working staff contributed greatly to the Games' success. Mayor Tory called forward Peter Wallace, City Manager and Tobias Novogodsky, City Manager's Office, to receive a scroll as a symbol of appreciation and gratitude and Mayor Tory requested that they extend City Council's gratitude and thanks for a job well done to the many staff who contributed to these successful Games. Mayor Tory also acknowledged the staff who, although they did not directly work on the Games or events, successfully kept Toronto running throughout the Games in July and August.

Mr. Wallace addressed City Council and said that during the Games, Toronto was at its best and the Toronto Public Service came together to produce a great event with amazing outcomes. Mr. Wallace recognized Mr. Joe Pennachetti, former City Manager, for his leadership and contribution to the success of the Games and asked everyone to join him in thanking Mr. Pennachetti, who was present in the Chamber.

Mayor Tory, during the morning session of the meeting, spoke about the Toronto Arts Council Cultural Leaders Lab, a program to build a network of open-minded, creative problem solvers and innovative thinkers from across Arts disciplines and whose aim is to strengthen leadership capacity in the Arts section. Mayor Tory asked Members to join him in welcoming the Toronto Arts Council Cultural Leaders Lab Fellows of 2015 who were present in the Chamber. Mayor Tory thanked the Fellows for their important work and for their time.

Councillor McMahon, during the morning session of the meeting, announced that Young People's Theatre is celebrating its 50<sup>th</sup> anniversary season this Fall. Councillor McMahon advised that Young People's Theatre is the oldest professional theatre company in Toronto and Canada's first and largest theatre for your audiences. Councillor McMahon further advised that a Gala fundraising event will be held on October 29, 2015 and that tickets are still available. Councillor McMahon asked Members to join her in sending best wishes and congratulations to the Young People's Theatre.

Councillor Augimeri, during the afternoon session of the meeting, advised City Council that there had been a fatal accident yesterday at the intersection of Murray Road and Wilson Avenue. Councillor Augimeri stated that she hoped a review will be conducted of this intersection as soon as possible.

Councillor Perruzza, during the afternoon session of the meeting, advised Members that Mr. Rosario Marchese, former MPP, was present in the Chamber.

Councillor Perks, during the afternoon session of the meeting, acknowledge Centennial College students who were present in the Chamber to learn more about municipal governance.

October 2, 2015

Councillor Robinson, during the morning session of the meeting, advised City Council that the City of Toronto has one of the lowest pedestrian and cyclist fatality rates in North America; however there are between 20 to 40 fatalities each year in the City. Councillor Robinson stated that Transportation Services is conducting a Fall public awareness campaign to remind drivers to be mindful of pedestrians and cyclists who don't have the benefits of car safety features.

Councillor Robinson, during the morning session of the meeting, announced that Solid Waste Management Services is participating in Nuit Blanche by sponsoring the installation "There is No Away" by artist Sean Martindale. The exhibit will use 130 bales of recyclable materials collected from the Blue Bin Program and will be located on the Bay Street side of City Hall. Councillor Robinson encouraged everyone to see the exhibit.

Councillor Grimes, during the afternoon session of the meeting, thanked the City Clerk and her staff for their assistance during the Council meeting.

Councillor Grimes, during the afternoon session of the meeting, announced that the Faustina Sports Club is celebrating its 80 year anniversary this week and the Mimico Lacrosse Club is celebrating its 125 year anniversary this week. Councillor Grimes asked Members to join him in congratulating both clubs on their milestone.

RM9.6	ACTION	Amended		Ward: All
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## Review of the Order Paper

### City Council Decision

September 30, 2015:

City Council adopted the September 30, 2015 Order Paper, as amended and all other Items not held on consent.

October 1, 2015:

City Council adopted the October 1, 2015 Order Paper.

October 2, 2015:

City Council adopted the October 2, 2015 Order Paper, as amended.

### Background Information (City Council)

Order Paper September 30, 2015

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84422.pdf>

Order Paper October 1, 2015

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84423.pdf>

Order Paper October 2, 2015

<http://www.toronto.ca/legdocs/mmis/2015/rm/bgrd/backgroundfile-84401.pdf>

### Motions (City Council)

*a - Review Order Paper*

September 30, 2015 at 10:14 a.m. - Speaker Nunziata advised Council of the following:

Members, I will now review the Order Paper.

We have one deferred Committee item on this agenda.

Item LS5.3 on Chapter 545, Licensing, Article VIII, Owners and Drivers of Taxicabs - Information on Amendments to Standard Taxicab Regulations was deferred last May until Council considers the City Solicitor's report on the court decision on Uber. The City Solicitor has submitted that report to this meeting under Item CC9.8.

The Mayor has designated Licensing and Standards Committee Item LS6.1, on the 2015 Ground Transportation Review: Taxis, Limos and Uber, as his first Key Matter for this meeting.

Members, given that these three taxi Items are related, I propose that Council consider the Mayor's first Key Matter, LS6.1 together with deferred Item LS5.3 and New Business Item CC9.8.

These items will be followed by the Mayor's second Key Matter, Executive Committee Item EX8.12, on the F.G. Gardiner Expressway Strategic Rehabilitation Plan Procurement Strategy.

I also propose that Council consider Board of Health Item HL6.7 and Executive Committee Item EX8.1 together, as they both pertain to amendments to the City of Toronto Act.

Council is scheduled to meet in closed session at 6:00 p.m. tonight, if required.

Notices of Motions are scheduled to be dealt with at 2 p.m. tomorrow if the Mayor's Key Matters are completed.

Members, before I take additional holds, I need to rule on Etobicoke York Community Council item EY8.92 regarding 2522 Keele Street. I have reviewed this item with the City Solicitor.

The Community Council is recommending that the City not proceed with a site specific Official Plan Amendment for this property.

Such a motion is not necessary and will have no effect since the Ontario Municipal Board has taken jurisdiction for this matter and issued a final order, approved a site plan in principle and established conditions before the final order is enforced.

Nothing further requires an official plan amendment.

As a result, the Community Council's recommendations are of no effect and therefore not in order.

That is my ruling.

The City Clerk has noted the Items that Members wish to hold.

I will now go through the Items listed on the Order Paper to take additional holds. I will recognize requests to make matters urgent and time specific after I go through the Items for additional holds.

Once the Order Paper has been approved by Council, any change will need a two-thirds vote.

*1 - Motion to Amend the Order Paper moved by Councillor James Pasternak (Carried)*

That City Council consider Item EX8.1 headed "Five-Year Review of the City of Toronto Act, 2006" immediately following the Notices of Motions on October 1, 2015.

*Motion to Remove from Committee moved by Councillor Rob Ford (Lost)*

That in accordance with Section 27-60 of Chapter 27, Council Procedures, City Council remove Item PW7.4 from the Public Works and Infrastructure Committee and bring the Item forward for consideration by City Council at the September 30 and October 1, 2015 meeting.

**Vote** (Remove from Committee)

Sep-30-2015 10:23 AM

<b>Result: Lost</b>	Two-Thirds Required - Remove PW7.4
Yes: 8	John Campbell, Vincent Crisanti, Frank Di Giorgio, Rob Ford, Norman Kelly, Giorgio Mammoliti, Anthony Perruzza, Michael Thompson
No: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Mary-Margaret

	McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
Absent: 3	Jon Burnside, Pam McConnell, Denzil Minnan-Wong

*Point of Order by Councillor Gord Perks*

Councillor Perks, rising on a Point of Order, stated that Councillor Ford was speaking to the item rather than to the reason for the motion to remove the item from Committee.

*Point of Order by Councillor Michelle Berardinetti*

Councillor Berardinetti, rising on a Point of Order, requested Speaker Nunziata to request Councillor Ford to keep his remarks to the reason for the motion to remove an item from Committee.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Points of Order and ruled that Councillor Ford should keep his remarks to the motion to remove an item from committee and not speak to the item.

*2 - Motion to Amend the Order Paper moved by Councillor James Pasternak (Carried)*

That City Council consider Item EX8.39 headed "Syrian Refugee Crisis - Options for a City of Toronto Resettlement Program" immediately following Item EX8.1.

**Vote** (Amend the Order Paper)

Sep-30-2015 10:48 AM

<b>Result: Carried</b>	Majority Required - Consider EX8.39 after EX8.1 and HL6.7
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mark Grimes, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, Kristyn Wong-Tam
No: 6	John Campbell, John Filion, Mary Fragedakis, Stephen Holyday, Giorgio Mammoliti, John Tory
Absent: 5	Mike Layton, Pam McConnell, Denzil Minnan-Wong, Ron Moeser, David Shiner

*Motion to Adopt Order Paper as Amended (Carried)*

September 30, 2015 at 10:53 a.m. – That City Council adopt the Wednesday, September 30, 2015 Order Paper, as amended and all other Items not held on consent.

**Vote** (Adopt Order Paper as Amended)

Sep-30-2015 10:53 AM

<b>Result: Carried</b>	Majority Required - Adopt the September 30, 2015 Order Paper, as amended
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 5	Rob Ford, Pam McConnell, Denzil Minnan-Wong, Ron Moeser, David Shiner

*b - Review Order Paper*

October 1, 2015 at 10:10 a.m. - Speaker Nunziata advised Council of the following:

Members of Council we will now review and confirm the Order Paper. To this point, Council has completed 100 Items, which is half the agenda. There are 101 Items left on the agenda.

Our first item of business this morning will be the Mayor's second Key Matter, Executive Committee Item 8.12 entitled "F. G. Gardiner Expressway Strategic Rehabilitation Plan Procurement Strategy".

I will now take the release of holds. Please put your name under Request to Question Staff.

I have also reviewed a number of urgent Member Motions to be added to the agenda.

***Motion to Adopt Order Paper (Carried)***

October 1, 2015 at 10:16 a.m. – That City Council adopt the Thursday, October 1, 2015 Order Paper.

**Vote** (Adopt Order Paper)

Oct-01-2015 10:16 AM

<b>Result: Carried</b>	Majority Required - Adopt the October 1, 2015 Order Paper
Yes: 39	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 6	Maria Augimeri, Vincent Crisanti, Frank Di Giorgio, Paula Fletcher, James Pasternak, Anthony Perruzza

***c - Review Order Paper***

October 2, 2015 at 9:45 a.m. - Speaker Nunziata advised Council of the following:

Members of Council we will now review and confirm the Order Paper. To this point, Council has completed 170 Items. There are 46 Items left on the agenda.

Executive Committee Item EX8.39 on the Syrian refugee crisis will be our first item this morning.

Please note that today's meeting must end by 5:30 p.m. under Council's policy of ending meetings before sundown on Fridays to permit religious observance.

Members, I also want to give you an important reminder about clearing the Chamber at the end of today's session.

The Council Chamber is part of Nuit Blanche this weekend. As a result, the Chamber will be cleaned this evening. Please take any papers or belongings with you when the meeting ends tonight. The Clerk will also send a reminder to your staff.

I will now take the release of Member holds. Please put your name under the Request to Question Staff. I have also reviewed a number of urgent Motions to be added to the agenda.

**Motion to Amend the Order Paper moved by Councillor Pam McConnell (Carried)**

That City Council consider Item TE10.12 headed "Request for Direction report – 177, 183 and 197 Front Street East and 15-21 Lower Sherbourne Street and 200 The Esplanade – Zoning Amendment Application" immediately following Item EX8.39.

**Motion to Adopt Order Paper as Amended (Carried)**

October 2, 2015 at 10:50 a.m. – That City Council adopt the Friday, October 2, 2015 Order Paper, as amended.

**Deferred Item - Meeting 9**

LS3.5	ACTION	Received		Ward: All
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**Chapter 545, Licensing, Article VIII, Owners and Drivers of Taxicabs - Information on Amendments to Standard Taxicab Regulations****City Council Decision**

City Council on September 30, October 1 and 2, 2015, received Item LS3.5 for information.

**City Council Decision Advice and Other Information**

City Council considered Items LS5.3, LS6.1 and CC9.8 together.

*Public Notice Given***Background Information (Committee)**

(April 7, 2015) Report from the Executive Director, Municipal Licensing and Standards on Chapter 545, Licensing, Article VIII, Owners and Drivers of Taxicabs - Information on Amendments to Standard Taxicab Regulations

<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-78929.pdf>

Attachment 1 - Taxicab Industry Review Final Report

<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-78930.pdf>

**Background Information (City Council)**

(April 28, 2015) Transmittal from the Disability Issues Committee on Accessible Taxis in Toronto (LS3.5a with recommendations)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84095.pdf>

**Communications (Committee)**

(April 19, 2015) E-mail from Nizam Habibur Rahman (LS.New.3.5.1)

(April 21, 2015) Submission from Howard Moscoe (LS.New.3.5.2)

(April 21, 2015) Submission from Al Moore (LS.New.3.5.3)

(April 21, 2015) Submission from Al Moore (LS.New.3.5.4)

**Communications (City Council)**

(April 28, 2015) E-mail from Yitbarek Gebremariam (CC.Main.LS3.5.5)

(May 4, 2015) E-mail from Blair Williams (CC.Main.LS3.5.6)

(May 3, 2015) Letter from Mike Tranquada, President, Independent Toronto Taxi Inc. (CC.Main.LS3.5.7)

**Motions (City Council)**

1 - Motion to Receive Item moved by Councillor Mary-Margaret McMahon (**Carried**)  
That Item LS3.5 be received for information.

**Vote** (Receive Item)

Sep-30-2015 7:25 PM

<b>Result: Carried</b>	Majority Required - LS3.5 - McMahon - motion 1 - Receive the item
Yes: 29	Paul Ainslie, Maria Augimeri, Ana Bailão, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Norman Kelly, Mike Layton, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Gord Perks, David Shiner, John Tory, Kristyn Wong-Tam
No: 15	Michelle Berardinetti, Jon Burnside, John Campbell, Josh Colle, Glenn De Baeremaeker, Frank Di Giorgio, Rob Ford, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, Michael Thompson
Absent: 1	Denzil Minnan-Wong

**Executive Committee - Meeting 8**

<b>EX8.1</b>	ACTION	Amended		Ward: All
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**Five-Year Review of the City of Toronto Act, 2006**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council confirm the proposed amendments to the City of Toronto Act, 2006 ("COTA") identified in Attachment 1 to the report (September 4, 2015) from the City Manager, for submission to the Province of Ontario as part of the COTA 5-year Review and authorize the Mayor and the City Manager to negotiate any details as required, with Attachment 1 to the report (September 4, 2015) from the City Manager amended by:

a. including the following requests:

1. The City of Toronto is a party to any appeal by an applicant to the Licence Appeal Tribunal under the Liquor Licence Act.
2. The City of Toronto is entitled to all notices and disclosures flowing from an appeal to the Licence Appeal Tribunal by the applicant.
3. If City Council passes a resolution objecting to a liquor licence application, the applicant will bear the onus of showing the Licence Appeal Tribunal why it should be entitled to the liquor licence.
4. In granting a licence, the Licence Appeal Tribunal shall set out standards for activities that originate inside or around the licensed premises but impact the neighbourhood such as noise and loitering.
5. Amend Section 8(2) of the City of Toronto Act, 2006 to provide that the City may pass by-laws respecting climate change mitigation and adaptation in order to more effectively enable actions, such as but not limited to, reducing greenhouse gases through increased waste diversion, improving energy efficiency and ensuring greater resiliency of infrastructure and buildings.

6. Remove the jurisdiction of the Ontario Municipal Board, for both petitions and appeals respecting ward boundaries, and require the City of Toronto to review its ward boundaries every 10 years and adjust them as required in keeping with the principles of effective representation.)

7. Set out rules for third party advertisers (including printed materials, billboards, robocalls, etc.) that clearly identify and regulate the third parties.

8. Enable the City, at any reasonable time and upon producing proper identification, to enter upon any land adjoining any land owned by a municipality, a local board or a conservation authority, for the purpose of maintaining the land owned by a municipality, a local board or a conservation authority, or for assessing, inspecting or removing encroachments upon such land.

b. amending the request to extend the jurisdiction of the Auditor General to the Board of Health so it is limited to those programs and expenditures where the City of Toronto funding or user fees constitute the majority of the funding, or when the Board of Health requests the Auditor General to conduct an audit.

2. City Council request the City Manager to submit to the Province of Ontario the key comments from the Members of Council summarized in Attachment 2 to the report (September 4, 2015) from the City Manager, related to the Municipal Elections Act, 1996 and the Municipal Conflict of Interest Act.

3. City Council request the City Manager to include the following comments in the submission made to the Province of Ontario related to the Municipal Elections Act:

a. that the final date to register as a candidate for a municipal election be one week prior to the final date to withdraw as a candidate;

b. that the Province review the proxy voting procedures for Municipal Elections;

c. that only residents whose principal residence is located in the City of Toronto are eligible as a candidate for municipal elections in the City of Toronto;

d. that the Harmonized Sales Tax does not count toward a candidate's campaign spending limit;

e. that candidates who have been subject to a Compliance Audit or Compliance Audit Request can re-open their campaign to raise funds to cover all legal and accounting fees, including those for any appeal of a Compliance Audit Committee decision;

f. that the time frame for the compliance audit process be extended to 60 days from the current 30 days to ensure that applicants and candidates have sufficient time to respond to a compliance audit application;

g. that the Compliance Audit Committee be authorized to award costs when the Compliance Audit Committee has dismissed a complaint;

h. that the resolution passed by City Council in June 2013 to allow permanent residents the right to vote in municipal elections be further explored where the necessary legislation applies to provincial elections;

- i. that the Province consider the resolution passed by City Council in July 2010 to initiate electoral reform to institute a permanent municipal voters list compiled and maintained by an organization such as Elections Ontario;
- j. that the Province should not proceed with amendments to the Municipal Elections Act to provide for Ranked Choice Voting;
- k. that if the Province does amend the Municipal Elections Act to provide for Ranked Choice Voting;
  - a. the use of Ranked Choice Voting be optional for the City of Toronto; and
  - b. the City of Toronto only be permitted to implement Ranked Choice Voting after holding public consultations and a referendum;
- l. that candidates for Council have to remit a fee of \$250 and candidates for Mayor remit a fee of \$500, refundable after having achieved one percent of the popular vote;
- m. that candidates for Council submit a petition of support with 50 signatures and candidates for Mayor submit a petition of support with 100 signatures; and
- n. that campaign spending limits increase to reflect the increased cost of running a campaign in the City of Toronto and that the Province establish a formula which would automatically increase yearly in relation to the Consumer Price Index.

4. City Council request the City Manager, in consultation with the City Clerk, the Chief Planner and Executive Director, City Planning, interested Members of Council and the City Solicitor, to review the delegation of matters to Community Councils and to report back on any required amendments to Toronto Municipal Code Chapter 27, Council Procedures and that the report be governed by principles whereby Community Councils are recognized as the primary decision-making bodies on all matters local.

5. City Council request the City Clerk to report back to City Council, through the Executive Committee on any new Municipal Elections Act provisions and options for Council's consideration.

6. City Council authorize the Mayor and the City Manager to execute current and future renewals of the Toronto-Ontario Cooperation and Consultation Agreement as required.

### **City Council Decision Advice and Other Information**

City Council considered Items EX8.1 and HL6.7 together.

### **Background Information (Committee)**

(September 4, 2015) Report from the City Manager on Five-Year Review of the City of Toronto Act, 2006

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83510.pdf>

Attachment 1 - Proposed Amendments to the City of Toronto Act, 2006

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83511.pdf>

Attachment 2 - Key Comments from Council Member Consultations - Municipal Elections Act, 1996 and Municipal Conflict of Interest Act

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83513.pdf>

Attachment 3 - City Council's Decision History related to the City of Toronto Act, 2006

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83515.pdf>

Attachment 4 - City Council's Decision History related to the Municipal Elections Act, 1996  
<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83524.pdf>

## Motions (City Council)

### 1a - Motion to Amend Item moved by Councillor Paul Ainslie (**Lost**)

That City Council amend Executive Committee Recommendation 3 by including the following comments in the City Manager's submission being made to the Province related to the Municipal Elections Act:

That a municipal government official should be mandated with the role of reviewing all candidates' financial filings to make sure they have complied with the law and the findings should be reported to City Council

That the process to prosecute suspected offenders of the Ontario Municipal Elections Act should include serious consequences if candidates are found in violation of the Act.

That candidates who fail to file their financial statements should face a stronger punishment or fine in addition to not being permitted to run in a future municipal election.

### Vote (Amend Item)

Oct-01-2015 7:38 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Ainslie - motion 1a Part 1
Yes: 9	Paul Ainslie, Shelley Carroll, Raymond Cho, Joe Cressy, Sarah Doucette, John Filion, Jim Karygiannis, Joe Mihevc, Gord Perks
No: 34	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

### Vote (Amend Item)

Oct-01-2015 7:39 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Ainslie - motion 1a Part 2
Yes: 14	Paul Ainslie, Jon Burnside, Shelley Carroll, Josh Colle, Joe Cressy, Sarah Doucette, John Filion, Stephen Holyday, Jim Karygiannis, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Jaye Robinson, John Tory
No: 29	Maria Augimeri, Ana Bailão, Michelle Berardinetti, John Campbell, Christin Carmichael Greb, Raymond Cho, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Denzil Minnan-Wong, Ron Moeser, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, David Shiner, Michael Thompson, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

### Vote (Amend Item)

Oct-01-2015 7:40 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Ainslie - motion 1a Part 3
Yes: 12	Paul Ainslie, Michelle Berardinetti, Raymond Cho, Vincent Crisanti, Janet Davis, Sarah Doucette, John Filion, Stephen Holyday, Jim Karygiannis, Chin Lee, Frances Nunziata (Chair), James Pasternak
No: 31	Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron

	Moeser, Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

*1b - Motion to Amend Item moved by Councillor Paul Ainslie (Lost)*

That City Council amend Attachment 1 to the report (September 4, 2015) from the City Manager, to include the following request to the Province of Ontario:

Provide clear recall provisions which allow for the ouster of a dysfunctional Mayor or City Councillor by City Council.

**Vote** (Amend Item)

Oct-01-2015 7:41 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Ainslie - motion 1b
Yes: 3	Paul Ainslie, Jon Burnside, Chin Lee
No: 40	Maria Augimeri, Ana Bailão, Michelle Berardinetti, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

*2 - Motion to Amend Item moved by Councillor James Pasternak (Lost)*

That City Council amend Executive Committee Recommendation 3 by including the following comments in the City Manager's submission being made to the Province related to the Municipal Elections Act:

That media personalities working in electronic, print or online media must take a leave of absence from their employer upon registering as a candidate for a City of Toronto election.

That fines related to various lawn sign infractions under the Municipal Elections Act do not count as an election expense.

That only residents whose principal residence is located in the City of Toronto are eligible for the campaign donor rebate program.

**Vote** (Amend Item)

Oct-01-2015 7:42 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Pasternak - motion 2 - Part 1
Yes: 9	Maria Augimeri, John Campbell, Christin Carmichael Greb, Frank Di Giorgio, Mary Fragedakis, Frances Nunziata (Chair), James Pasternak, Jaye Robinson, David Shiner
No: 34	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Cesar Palacio, Gord Perks, Anthony Perruzza, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

**Vote** (Amend Item)

Oct-01-2015 7:43 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Pasternak - motion 2 - Part 2
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Yes: 11	Gary Crawford, Vincent Crisanti, Justin J. Di Ciano, Paula Fletcher, Mark Grimes, Giorgio Mammoliti, Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, John Tory
No: 32	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Gord Perks, David Shiner, Michael Thompson, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

**Vote** (Amend Item)

Oct-01-2015 7:45 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Pasternak - motion 2 - Part 3
Yes: 11	Paul Ainslie, Shelley Carroll, Josh Colle, Sarah Doucette, Mary Fragedakis, Josh Matlow, Mary-Margaret McMahon, James Pasternak, Jaye Robinson, John Tory, Kristyn Wong-Tam
No: 32	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, John Fillion, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Pam McConnell, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, David Shiner, Michael Thompson
Absent: 2	Rob Ford, Mike Layton

**3 - Motion to Amend Item moved by Councillor Chin Lee (Carried)**

HL6.7 and EX8.1:

That City Council amend the Board of Health recommendation in HL6.7 to now read as follows:

City Council amend Attachment 1 to the report (September 4, 2015) from the City Manager so that the request to extend the jurisdiction of the Auditor General to the Board of Health is limited to those programs and expenditures where the City of Toronto funding or user fees constitute the majority of the funding, or when the Board of Health requests the Auditor General conduct an audit.

**4 - Motion to Amend Item moved by Councillor Gord Perks (Carried)**

That City Council amend Attachment 1 to the report (September 4, 2015) from the City Manager, to include the following request to the Province of Ontario:

The City of Toronto is a party to any appeal by an applicant to the Licence Appeal Tribunal under the Liquor Licence Act.

The City of Toronto is entitled to all notices and disclosures flowing from an appeal to the Licence Appeal Tribunal by the applicant.

If City Council passes a resolution objecting to a liquor licence application, the applicant will bear the onus of showing the Licence Appeal Tribunal why it should be entitled to the liquor licence.

In granting a licence, the Licence Appeal Tribunal shall set out standards for activities that originate inside or around the licensed premises but impact the neighbourhood such as noise and loitering.

**Vote** (Amend Item)

Oct-01-2015 7:46 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Perks - motion 4
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Ron Moeser
Absent: 2	Rob Ford, Mike Layton

**5 - Motion to Amend Item moved by Councillor Mary-Margaret McMahon (Lost)**

That City Council amend Executive Committee Recommendation 3 by including the following comment in the City Manager's submission being made to the Province related to the Municipal Elections Act:

That term limits for all municipal elected officials be considered.

**Vote** (Amend Item)

Oct-01-2015 7:47 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - McMahon - motion 5
Yes: 11	Ana Bailão, Jon Burnside, John Campbell, Josh Colle, Joe Cressy, Sarah Doucette, Mary-Margaret McMahon, Ron Moeser, Jaye Robinson, John Tory, Kristyn Wong-Tam
No: 32	Paul Ainslie, Maria Augimeri, Michelle Berardinetti, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, David Shiner, Michael Thompson
Absent: 2	Rob Ford, Mike Layton

**6 - Motion to Amend Item moved by Councillor Justin J. Di Ciano (Carried)**

That:

1. City Council amend Executive Committee Recommendation 3 by including the following comments in the City Manager's submission being made to the Province related to the Municipal Elections Act:

- a. That the Province should not proceed with amendments to the Municipal Elections Act to provide for Ranked Choice Voting.
- b. That if the Province does amend the Municipal Elections Act to provide for Ranked Choice Voting:
  1. the use of Ranked Choice Voting be optional for the City of Toronto; and
  2. the City of Toronto only be permitted to implement Ranked Choice Voting after holding public consultations and a referendum.

2. City Council request the City Clerk to report back to City Council, through the Executive Committee on any new Municipal Elections Act provisions and options for Council's

consideration.

**Vote** (Amend Item)

Oct-01-2015 7:48 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Di Ciano - motion 6
Yes: 25	Maria Augimeri, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Giorgio Mammoliti, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson
No: 18	Paul Ainslie, Ana Bailão, Shelley Carroll, Raymond Cho, Josh Colle, Joe Cressy, Janet Davis, Sarah Doucette, John Filion, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, James Pasternak, Gord Perks, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

*7 - Motion to Amend Item moved by Councillor John Campbell (Carried)*

That City Council amend Executive Committee Recommendation 3 by including the following comments in the City Manager's submission being made to the Province related to the Municipal Elections Act:

That candidates for Council have to remit a fee of \$250 and candidates for Mayor remit a fee of \$500, refundable after having achieved one percent of the popular vote.

That candidates for Council submit a petition of support with 50 signatures and candidates for Mayor submit a petition of support with 100 signatures.

**Vote** (Amend Item)

Oct-01-2015 7:51 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Campbell - motion 7
Yes: 26	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, John Filion, Mark Grimes, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Jaye Robinson
No: 17	Paul Ainslie, Gary Crawford, Joe Cressy, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Norman Kelly, Pam McConnell, Gord Perks, Anthony Perruzza, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

*8 - Motion to Amend Item moved by Councillor Joe Mihevc (Carried)*

That City Council amend Executive Committee Recommendation 4 by:

1. adding the words "the Chief Planner and Executive Director, City Planning, interested Members of Council and the" after the words "City Clerk"; and
2. adding the words "and that the report be governed by principles whereby Community Councils are recognized as the primary decision making bodies on all matters local" after the words "Council Procedures"

So that Executive Committee Recommendation 4 now reads as follows:

"4. City Council request the City Manager, in consultation with the City Clerk, the Chief Planner and Executive Director, City Planning, interested Members of Council and the City Solicitor, to review the delegation of matters to Community Councils and report back on any required amendments to Toronto Municipal Code Chapter 27, Council Procedures,

and that the report be governed by principles whereby Community Councils are recognized as the primary decision making bodies on all matters local."

**Vote** (Amend Item)

Oct-01-2015 7:52 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Mihevc - motion 8 - Part 1
Yes: 28	Paul Ainslie, Michelle Berardinetti, Jon Burnside, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Anthony Perruzza, Jaye Robinson
No: 15	Maria Augimeri, Ana Bailão, John Campbell, Christin Carmichael Greb, Shelley Carroll, Sarah Doucette, Norman Kelly, Josh Matlow, Denzil Minnan-Wong, James Pasternak, Gord Perks, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

**Vote** (Amend Item)

Oct-01-2015 7:54 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Mihevc - motion 8 Part 2
Yes: 26	Paul Ainslie, Michelle Berardinetti, Jon Burnside, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Pam McConnell, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Anthony Perruzza, Jaye Robinson
No: 17	Maria Augimeri, Ana Bailão, John Campbell, Christin Carmichael Greb, Shelley Carroll, Sarah Doucette, Stephen Holyday, Norman Kelly, Josh Matlow, Mary-Margaret McMahon, Denzil Minnan-Wong, James Pasternak, Gord Perks, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

**9 - Motion to Amend Item moved by Councillor Janet Davis (Carried)**

That City Council amend Attachment 1 to the report (September 4, 2015) report from the City Manager, to include the following request to the Province of Ontario:

Amend Section 8(2) of the City of Toronto Act, 2006 to provide that the City may pass by-laws respecting climate change mitigation and adaptation in order to more effectively enable actions, such as but not limited to, reducing greenhouse gases through increased waste diversion, improving energy efficiency and ensuring greater resiliency of infrastructure and buildings.

**Vote** (Amend Item)

Oct-01-2015 7:56 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Davis - motion 9
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, Kristyn Wong-Tam
No: 9	Christin Carmichael Greb, Justin J. Di Ciano, Mark Grimes, Stephen Holyday, Giorgio Mammoliti, Denzil Minnan-Wong, Frances Nunziata (Chair), David Shiner, John Tory
Absent: 2	Rob Ford, Mike Layton

**10 - Motion to Amend Item moved by Councillor Paula Fletcher (Carried)**

That City Council amend Attachment 1 to the report (September 4, 2015) from the City Manager, to include the following request to the Province of Ontario:

Remove the jurisdiction of the Ontario Municipal Board, for both petitions and appeals respecting ward boundaries, and require the City of Toronto to review its ward boundaries every 10 years and adjust them as required in keeping with the principles of effective representation.

**Vote** (Amend Item)

Oct-01-2015 7:57 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Fletcher - motion 10
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, David Shiner, Kristyn Wong-Tam
No: 9	Gary Crawford, Justin J. Di Ciano, Mark Grimes, Stephen Holyday, Giorgio Mammoliti, Denzil Minnan-Wong, Jaye Robinson, Michael Thompson, John Tory
Absent: 2	Rob Ford, Mike Layton

*11 - Motion to Amend Item moved by Councillor Mark Grimes (Carried)*

That City Council amend Executive Committee Recommendation 3 by including the following comments in the City Manager's submission being made to the Province related to the Municipal Elections Act:

Extend the time frame for the compliance audit process to 60 days from the current 30 days to ensure that applicants and candidates have sufficient time to respond to a compliance audit application.

**Vote** (Amend Item)

Oct-01-2015 7:58 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Grimes - motion 11
Yes: 36	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory
No: 7	Paul Ainslie, John Filion, Norman Kelly, Josh Matlow, Ron Moeser, Gord Perks, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

*12 - Motion to Amend Item moved by Councillor John Filion (Carried)*

That City Council amend Attachment 1 to the report (September 4, 2015) from the City Manager, to include the following request to the Province of Ontario:

Set out rules for third party advertisers (including printed materials, billboards, robocalls, etc.) that clearly identify and regulate the third parties.

**Vote** (Amend Item)

Oct-01-2015 7:59 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Filion - motion 12
Yes: 35	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside,

	Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Joe Cressy, Janet Davis, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Kristyn Wong-Tam
No: 8	John Campbell, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Norman Kelly, Giorgio Mammoliti, Michael Thompson, John Tory
Absent: 2	Rob Ford, Mike Layton

**13 - Motion to Amend Item moved by Councillor Raymond Cho (Carried)**

That City Council amend Executive Committee Recommendation 3 by including the following comments in the City Manager's submission being made to the Province related to the Municipal Elections Act:

That campaign spending limits increase to reflect the increased cost of running a campaign in the City of Toronto and that the Province establish a formula which would automatically increase yearly in relation to the Consumer Price Index.

**Vote (Amend Item)**

Oct-01-2015 8:01 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Cho - motion 13
Yes: 25	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Raymond Cho, Josh Colle, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Mary-Margaret McMahon, Denzil Minnan-Wong, Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, Kristyn Wong-Tam
No: 18	John Campbell, Christin Carmichael Greb, Shelley Carroll, Gary Crawford, Joe Cressy, Sarah Doucette, John Fillion, Stephen Holyday, Norman Kelly, Josh Matlow, Pam McConnell, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Gord Perks, David Shiner, Michael Thompson, John Tory
Absent: 2	Rob Ford, Mike Layton

**14 - Motion to Amend Motion moved by Councillor Jim Karygiannis (Lost)**

That Motion 7 by Councillor Campbell be amended by deleting the figures "250" and "500" and replacing them with "500" and "1,000" so that the motion now reads:

"That candidates for Council have to remit a fee of \$500 and candidates for Mayor remit a fee of \$1,000, refundable after having achieved one percent of the popular vote.

That candidates for Council submit a petition of support with 50 signatures and candidates for Mayor submit a petition of support with 100 signatures."

**Vote (Amend Motion)**

Oct-01-2015 7:49 PM

<b>Result: Lost</b>	Majority Required - EX8.1 - Karygiannis - motion 14
Yes: 11	Maria Augimeri, Raymond Cho, Mark Grimes, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Jaye Robinson, John Tory
No: 32	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Norman Kelly, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, David Shiner, Michael Thompson, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

**15 - Motion to Amend Item moved by Councillor Michelle Berardinetti (Carried)**

That City Council amend Attachment 1 to the report (September 4, 2015) report from the City Manager, to include the following request to the Province of Ontario:

Enable the City, at any reasonable time and upon producing proper identification, to enter upon any land adjoining any land owned by a municipality, a local board or a conservation authority, for the purpose of maintaining the land owned by a municipality, a local board or a conservation authority, or for assessing, inspecting or removing encroachments upon such land.

**Vote (Amend Item)**

Oct-01-2015 8:02 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Berardinetti - motion 15
Yes: 37	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory
No: 6	Joe Cressy, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Anthony Perruzza, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

**16 - Motion to Amend Item moved by Councillor Giorgio Mammoliti (Carried)**

That City Council amend Executive Committee Recommendation 3 by including the following comments in the City Manager's submission being made to the Province related to the Municipal Elections Act:

Authorize the Compliance Audit Committee to award costs when the Compliance Audit Committee has dismissed a complaint.

**Vote (Amend Item)**

Oct-01-2015 8:04 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Mammoliti- motion 16
Yes: 29	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, John Campbell, Christin Carmichael Greb, Raymond Cho, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, David Shiner, Michael Thompson, John Tory
No: 14	Jon Burnside, Shelley Carroll, Josh Colle, Joe Cressy, John Filion, Paula Fletcher, Mary Fragedakis, Norman Kelly, Pam McConnell, Joe Mihevc, Ron Moeser, Gord Perks, Jaye Robinson, Kristyn Wong-Tam
Absent: 2	Rob Ford, Mike Layton

**Motion to Adopt Item as Amended (Carried)**

Adopt item as Amended only as it pertains to Executive Committee Recommendation 3f.

**Vote (Adopt Item as Amended)**

Oct-01-2015 8:06 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - As it pertains to Executive Committee Part 3f only
Yes: 25	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Norman Kelly, Josh Matlow, Pam McConnell, Mary-Margaret

	McMahon, Joe Mihevc, James Pasternak, Gord Perks, Jaye Robinson, Michael Thompson, Kristyn Wong-Tam
No: 18	Michelle Berardinetti, John Campbell, Christin Carmichael Greb, Raymond Cho, Vincent Crisanti, John Fillion, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Anthony Perruzza, David Shiner, John Tory
Absent: 2	Rob Ford, Mike Layton

*Motion to Adopt Item as Amended (Carried)*

Adopt balance of the item as amended.

**Vote** (Adopt Item as Amended)

Oct-01-2015 8:08 PM

<b>Result: Carried</b>	Majority Required - EX8.1 - Balance of the item as amended
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Anthony Perruzza
Absent: 2	Rob Ford, Mike Layton

*Point of Privilege by Councillor Stephen Holyday*

Councillor Holyday, rising on a Point of Privilege, stated that the noise level in the Chamber was disruptive to the proceedings.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and ruled that everyone present in the Chamber should keep the noise level down.

*Point of Order by Councillor Giorgio Mammoliti*

Councillor Mammoliti, rising on a Point of Order, asked Speaker Nunziata why she hadn't cut off Councillor Di Ciano when he was questioning staff.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that she had interrupted Councillor Di Ciano to remind him to ask a question.

*Point of Order by Councillor John Campbell*

Councillor Campbell, rising on a Point of Order, stated that Councillor Cho's questions were not related to clarification of the motion.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and reminded Councillor Cho to ask questions on clarification of the motion.

*Point of Order by Councillor Gord Perks*

Councillor Perks, rising on a Point of Privilege, stated that Speaker Nunziata was editorializing during the debate and Councillor Perks further stated that whether to debate an item is not up to the Speaker and that it is Members' right.

*Point of Order by Mayor John Tory*

Mayor Tory, rising on a Point of Order, stated that a process had been conducted and that staff had previously invited Members to be involved in the review of the City of Toronto Act, 2006.

*Point of Order by Councillor Gord Perks*

Councillor Perks, rising on a Point of Order, stated that Mayor Tory did not have a Point of Order and rather, was debating the item.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Points of Order and ruled that Mayor Tory was just making a point.

*Point of Order by Mayor John Tory*

Mayor Tory, rising on a Point of Order, stated that he was speaking on the process.

*Point of Order by Councillor John Campbell*

Councillor Campbell, rising on a Point of Order, stated that Councillor Carroll's questions were not clarification of the motion.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that Councillor Carroll should ask questions on clarification of the motion.

*Point of Privilege by Councillor Jim Karygiannis*

Councillor Karygiannis, rising on a Point of Privilege, stated that Members should hold their comments and be respectful when others are speaking.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and thanked Councillor Karygiannis for his remarks.

*Point of Privilege by Councillor Mary-Margaret McMahon*

Councillor McMahon, rising on a Point of Privilege, stated that she took offence at remarks made by Councillor Mammoliti concerning term limits and that she is not rubber stamping.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata ruled that Councillor McMahon did not have a Point of Privilege.

EX8.3	ACTION	Adopted on Consent		Ward: All
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## Submissions on the Construction Lien Act

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the Executive Director, Engineering and Construction Services and the City Solicitor and/or their delegates, as appropriate, to make oral and/or written submissions to any groups or bodies, including the Ontario Legislature, to protect the interests of the City by expressing the City's position on issues related to the Construction Lien Act and its potential amendment.

### Background Information (Committee)

(September 3, 2015) Report from the City Manager and the City Solicitor on Submissions on

the Construction Lien Act

(<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83460.pdf>)

EX8.4	ACTION	Amended		Ward: All
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## Infrastructure Ontario Refinancing of Toronto Community Housing Mortgages Being Renewed in 2015

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council, in its capacity as Shareholder of Toronto Community Housing Corporation:
  - a. pursuant to Section 7.4.1(a) of the City's Amended and Restated Shareholder Direction to Toronto Community Housing Corporation approve the Term Sheet in Attachment 1 to the report (September 4, 2015) from the City Manager and the Deputy City Manager and Chief Financial Officer (the Term Sheet), between Toronto Community Housing Corporation and Ontario Infrastructure and Lands Corporation for refinancing totalling \$232 million in order to address the renewal of 12 Toronto Community Housing Corporation mortgages totalling \$32 million, as well as obtaining incremental financing of \$200 million (less transaction costs and legal fees);
  - b. approve the extension of Toronto Community Housing Corporation's mortgage subsidy for 12 identified properties, based on the current monthly mortgage payment, until the end of 2045, both on condition that:
    - i. the net amount of incremental financing be deposited to a new special reserve other than the State of Good Repair Fund dedicated to the repair or replacement of building components with a useful life of at least 30 years; and
    - ii. Toronto Community Housing Corporation report annually, through Toronto Community Housing Corporation's Annual Report to City Council, on the status and use of funding deposited to such special reserve; and
  - c. authorize the Deputy City Manager and Chief Financial Officer or delegate to execute on behalf of the shareholder an amendment to the agreement among the City, Toronto Community Housing Corporation and Ontario Infrastructure and Lands Corporation which will provide for an amended City guarantee for the repayment of all principal and interest payable by Toronto Community Housing Corporation to Ontario Infrastructure and Land Corporation under the 2013, 2014 and 2015 financing agreements on conditions satisfactory to the Deputy City Manager and Chief Financial Officer or delegate and in a form approved by the City Solicitor.
2. City Council deem the guarantee in Part c. above to be in the interests of the City.
3. City Council, in its capacity as Service Manager under the Housing Services Act, 2011:
  - a. grant Service Manager consent to Toronto Community Housing Corporation pursuant to section 162(2) of the Housing Services Act to mortgage those properties described in Appendix 1 to the Term Sheet in Attachment 1 to the report (September 4, 2015) from the City Manager and the Deputy City Manager and Chief Financial Officer, that require Service Manager consent to secure the obligations of Toronto Community

Housing Corporation to Ontario Infrastructure and Lands Corporation described in the Term Sheet;

b. authorize the Deputy City Manager and Chief Financial Officer or delegate to execute on behalf of the City as Service Manager an amendment to the agreement among the City, Toronto Community Housing Corporation and Ontario Infrastructure and Lands Corporation which will provide for an amended City consent to the lender security over City subsidies payable with respect to the properties mortgaged in favour of Ontario Infrastructure and Lands Corporation under the 2013 and 2014 mortgage financing transactions by including the 2015 mortgaged properties described in Appendix 1 to the Term Sheet in Attachment 1 to the report (September 4, 2015) from the City Manager and the Deputy City Manager and Chief Financial Officer, on terms and conditions satisfactory to the Deputy City Manager and Chief Financial Officer or delegate and in a form approved by the City Solicitor; and

c. authorize the General Manager, Shelter, Support and Housing Administration to:

i. request all necessary third party waivers, consents or other authorizations which the Service Manager is required to seek in connection with the transactions contemplated by the Term Sheet in Attachment 1 to the report (September 4, 2015) from the City Manager and the Deputy City Manager and Chief Financial Officer; and

ii. provide the necessary notice to the Minister of Municipal Affairs and Housing pursuant to Section 163 of the Housing Services Act.

4. City Council consent pursuant to subsection 453.1(6) of the City of Toronto Act, 2006 to any mortgage or charge given by Toronto Community Housing Corporation to Ontario Infrastructure and Lands Corporation with respect to any of the properties described in Appendix 1 to the Term Sheet in Attachment 1 to the report (September 4, 2015) from the City Manager and the Deputy City Manager and Chief Financial Officer, and that where required, the City Clerk provide a certificate, in registerable form, pursuant to subsection 453.1(9) of the City of Toronto Act, 2006.

5. City Council authorize the City Manager or the Deputy City Manager and Chief Financial Officer to execute and deliver such other notices, consents, authorizations, approvals and agreements on behalf of the City as shareholder or Service Manager in order to facilitate the refinancing of the Toronto Community Housing Corporation mortgages on the properties described in Appendix 1 to the Term Sheet in Attachment 1 to the report (September 4, 2015) from the City Manager and the Deputy City Manager and Chief Financial Officer, including, without limitation, amendments to the Operating Agreement between the City and Toronto Community Housing Corporation.

6. City Council direct the City Manager to report to the Executive Committee in January 2016 on the progress of completed projects that the Toronto Community Housing Corporation has made to date on the Ten-Year Capital Program, such report to include a description (elevators, parking garages, etc.) and the cost of the repairs completed by property.

### **Background Information (Committee)**

(September 4, 2015) Report and Attachment 2 from the City Manager and Deputy City Manager and Chief Financial Officer on Infrastructure Ontario Refinancing of Toronto Community Housing Mortgages Being Renewed in 2015

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83530.pdf>

Attachment 1 - Infrastructure Ontario-TCHC Mortgage Refinancing Proposal (Term Sheet)  
<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83518.pdf>

## Motions (City Council)

*1 - Motion to Amend Item (Additional) moved by Councillor Paula Fletcher (Carried)*

That City Council direct the City Manager to report to the Executive Committee in January 2016 on the progress of completed projects that the Toronto Community Housing Corporation has made to date on the Ten-Year Capital Program, such report to include a description (elevators, parking garages, etc.) and the cost of the repairs completed by property.

*Motion to Adopt Item as Amended (Carried)*

EX8.5	ACTION	Adopted		Ward: All
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## Starter Company Program Expansion

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the General Manager, Economic Development and Culture to negotiate and execute an agreement with the Ministry of Economic Development, Employment and Infrastructure for the expanded delivery of the Starter Company Program.
2. City Council increase the approved 2015 Operating Budget for Economic Development and Culture by \$435,000 gross, zero net, funded from a grant from the Province, conditional upon conclusion of an agreement with the Province for funding through the Starter Company Program.
3. City Council direct the General Manager, Economic Development and Culture to include in the 2016 Operating Budget submission for Council consideration, an increase for the 2016 portion of this grant of \$1,325,000 gross, zero net.

### Background Information (Committee)

(August 28, 2015) Report from the General Manager, Economic Development and Culture on Starter Company Program Expansion  
<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83462.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 2:23 PM

<b>Result: Carried</b>	Majority Required - EX8.5 - Adopt the item
Yes: 37	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Rob Ford
Absent: 7	Jon Burnside, Vincent Crisanti, Janet Davis, John Fillion, Josh Matlow, Denzil Minnan-Wong, David Shiner

## Declared Interests (City Council)

The following member(s) declared an interest:

Councillor Josh Matlow - as his cousin's name is in the report.

EX8.7	ACTION	Adopted		Ward: 18
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## Concept for a Landmark Community Hub for Food and Learning at the Toronto District School Board Bloor/Dufferin Redevelopment Site

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the concept of a landmark community hub for food and learning at the Bloor/Dufferin Toronto District School Board Redevelopment Site focused on linkages between education, community economic development, and a healthy, sustainable urban food system.
2. City Council authorize the Executive Director, Social Development, Finance and Administration to enter into discussions on behalf of the City of Toronto, with Toronto Lands Corporation, the Toronto District School Board, the Province of Ontario, FoodShare, and other relevant entities, to explore interest in a landmark community hub for food and learning at the Bloor/Dufferin Toronto District School Board Redevelopment Site.
3. City Council request the Executive Director, Social Development, Finance and Administration to report by the end of 2015 on the outcomes of exploratory discussions with the relevant stakeholders concerning a community hub for food and learning at the Bloor/Dufferin Toronto District School Board Redevelopment Site, and to provide, in consultation with the Chief Planner and Executive Director, City Planning, a description of next steps, including the initiation of a master planning process and the financial implications of project planning and development, should there be agreement among the relevant stakeholders to proceed with the project.
4. City Council forward Council's decision to the Ontario Ministry of Education, the Government of Ontario Cabinet Office Secretariat on Community Hubs, the Toronto District School Board, and FoodShare.

### Background Information (Committee)

(September 21, 2015) Report from the Executive Director, Social Development, Finance and Administration on Concept for a Landmark Community Hub for Food and Learning at the TDSB Bloor/Dufferin Redevelopment Site

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83487.pdf>

Appendix A - Figure 1 - Bloor/Dufferin Redevelopment Site

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83488.pdf>

Appendix B - Cross-divisional Assessment re: Bloor/Dufferin TDSB Redevelopment Site

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83490.pdf>

Appendix C - Community Hubs in Ontario - A Strategic Framework and Action Plan

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83491.pdf>

Appendix D - FoodShare Toronto New Location Prospectus 2014

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83492.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-01-2015 9:53 AM

<b>Result: Carried</b>	Majority Required - EX8.7 - Adopt the item
Yes: 37	Paul Ainslie, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 8	Maria Augimeri, Michelle Berardinetti, Vincent Crisanti, John Fillion, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

<b>EX8.8</b>	ACTION	Adopted on Consent	Ward: 1, 2, 3, 7, 8, 9, 26, 31, 34, 35, 36, 37, 38, 43
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## Ministry of Health and Long-Term Care Funding for Healthy Kids Community Challenge

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the Executive Director, Social Development, Finance and Administration to sign a transfer payment agreement with Ministry of Health and Long-Term Care for the Healthy Kids Community Challenge program and receive funds up to \$4,500,000 in provincial contribution.
2. City Council authorize the Executive Director, Social Development, Finance and Administration to withdraw up to \$810,000 from the National Child Benefits Supplement Reserve (XR2102).
3. City Council increase the 2015 Approved Operating Budget for Social Development, Finance and Administration by \$1,600,000 gross, and \$0 net to reflect the MOHLC's project funding contribution of \$1,500,000, and funding of \$100,000 from the National Child Benefits Supplement Reserve for City's share of program management and administration for 2015.
4. City Council increase the 2015 approved complement for the Social Development, Finance and Administration by 2.0 temporary positions for the duration of the Healthy Kids Community Challenge program.
5. City Council authorize the Executive Director, Social Development, Finance and Administration to submit a business case to reflect increased funding from Ministry of Health and Long-Term Care and National Child Benefits Supplement Reserve for consideration during the 2016 Operating Budget process and adjust the future outlooks accordingly.
6. City Council authorize the Executive Director, Social Development, Finance and Administration to enter into purchase of service agreements for the delivery of The Healthy Kids Community Challenge program with the successful proponents of the Request for Proposal process on the proviso that:

- a. the successful proponents of the Healthy Kids Community Challenge program comply with all applicable requirements under the purchase of service agreement;
- b. the agreements shall be in a form satisfactory to the City Solicitor and contain such other items and conditions as the City Solicitor may deem advisable; and
- c. the agreements are within the Deputy City Manager's delegated approval limit.

7. City Council direct the Executive Director, Social Development, Finance and Administration to work with the Medical Officer of Health, the General Manager, Children's Services and the General Manager, Parks, Forestry and Recreation to report back on the progress of The Healthy Kids Community Challenge, lessons learned, and opportunities to support community health.

### **Background Information (Committee)**

(August 28, 2015) Report and Appendix A from the Executive Director, Social Development, Finance and Administration on Ministry of Health and Long-Term Care Funding for Healthy Kids Community Challenge

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83495.pdf>

EX8.9	ACTION	Adopted		Ward: 27, 28
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### **The Moss Park Redevelopment Project (Formerly The 519 Sport and Recreation Project) Update and Next Steps**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the Executive Director, Social Development, Finance and Administration, the General Manager, Parks, Forestry and Recreation and the Executive Director, The 519, through the Board of Management, to establish an Executive Project Steering Committee that will be responsible for the project feasibility study and resident and stakeholder consultation.
2. City Council authorize the City and the Board of Management of the 519 Church Street Community Centre to enter into an agreement with the donor or his/her agent for the purposes of undertaking the feasibility study in a form satisfactory to the City Solicitor, to be negotiated by the Executive Director, Social Development, Finance and Administration, the General Manager, Parks, Forestry and Recreation and the Executive Director, The 519.
3. City Council direct the Executive Director, Social Development, Finance and Administration and the General Manager, Parks, Forestry and Recreation and the Executive Director, The 519, to report back no later than the third quarter of 2016 on the feasibility of the project based on the study.
4. City Council direct the Executive Director, Social Development, Finance and Administration and the General Manager, Parks, Forestry and Recreation in partnership with The 519 to pursue funding opportunities with other levels of government to help advance the capital campaign and operating budget impacts associated with the Moss Park Redevelopment Project.

### **Background Information (Committee)**

(September 4, 2015) Report from the Executive Director, Social Development, Finance and Administration and the General Manager, Parks, Forestry and Recreation on The Moss Park Redevelopment Project (Formerly The 519 Sport and Recreation Project) Update and Next Steps

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83496.pdf>

Appendix 1 - Moss Park Site Context

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83497.pdf>

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 10:02 AM

<b>Result: Carried</b>	Majority Required - EX8.9 - Adopt the item
Yes: 38	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 7	Maria Augimeri, Vincent Crisanti, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

<b>EX8.10</b>	ACTION	Amended		Ward: 27
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**Next Steps in the Modernization of 389 Church Street**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the General Manager, Shelter, Support and Housing Administration to transfer up to \$0.6 million from Shelter, Support and Housing Administration's 2015 Approved Operating Budget to Toronto Community Housing Corporation to use as start-up costs to temporarily relocate the Red Door Family Shelter to 389 Church Street.
2. City Council direct the General Manager, Shelter, Support and Housing Administration to report through the 2016 budget process on the City's portion of the capital investments required for the project.
3. City Council direct the General Manager, Shelter, Support and Housing Administration to work with the Toronto Community Housing Corporation, and other agencies as appropriate, to ensure that all existing tenants of 389 Church Street who need to relocate as a result of this initiative are provided with additional tenant relocation assistance and supports needed beyond the requirements of the Residential Tenancies Act, including:
  - a. assurance that no one will be asked to move out any earlier than February 29, 2016; and
  - b. consultation with tenants on the proposed Tenant Relocation and Assistance Implementation Plan (TRAIP), with final approval of the TRAIP subject to the

satisfaction of the local Ward Councillor and General Manager, Shelter, Support and Housing Administration.

### **Background Information (Committee)**

(September 3, 2015) Report from the General Manager, Shelter, Support and Housing Administration on Next Steps in the Modernization of 389 Church Street  
<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83500.pdf>

### **Motions (City Council)**

*1 - Motion to Amend Item (Additional) moved by Councillor Kristyn Wong-Tam (Carried)*  
 That:

1. City Council direct the General Manager, Shelter, Support and Housing Administration to work with the Toronto Community Housing Corporation, and other agencies as appropriate, to ensure that all existing tenants of 389 Church Street who need to relocate as a result of this initiative are provided with additional tenant relocation assistance and supports needed beyond the requirements of the Residential Tenancies Act, including:

- a. assurance that no one will be asked to move out any earlier than February 29, 2016;  
and
- b. consultation with tenants on the proposed Tenant Relocation and Assistance Implementation Plan (TRAIP), with final approval of the TRAIP subject to the satisfaction of the local Ward Councillor and General Manager, Shelter, Support and Housing Administration.

*Motion to Adopt Item as Amended (Carried)*

<b>EX8.12</b>	<b>ACTION</b>	Amended	Ward: 5, 6, 13, 14, 19, 20, 28, 30
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## **F.G. Gardiner Expressway Strategic Rehabilitation Plan Procurement Strategy**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the incorporation of the future outcome of the Gardiner East Environmental Assessment into the scope of work for the overall rehabilitation of the F.G. Gardiner Expressway as documented in the previously approved Strategic Plan for the Rehabilitation of the F.G. Gardiner Expressway, and now referred to as the Revised Strategic Plan.
2. City Council authorize the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer to proceed with an Alternative Financing and Procurement approach for the implementation of the Revised Strategic Plan, including issuance of the Request For Proposal, using a Design-Build-Finance-Operate-Maintain approach, as described in this Item, subject to the approval of Government of Canada funding of one-third of capital construction costs eligible for funding under the P3 Canada and Infrastructure Canada Programs and that City Council direct the Deputy City Manager and Chief Financial Officer to arrange for the completion of a peer review of the methodology of the Value For Money analysis, conducted by a qualified third party, and to submit a report on the results to the December 1, 2015 meeting of the Executive Committee.

3. City Council direct the City Manager to:

- a. submit business cases and such other material as may be required by P3 Canada and Infrastructure Canada to formally request Government of Canada funding for the Revised Strategic Plan; and
- b. enter into the necessary contribution agreements.

4. City Council reiterate the City's request to the Province of Ontario to provide matching one-third funding of the capital cost of the Revised Strategic Plan, in recognition of the vital importance of the F.G. Gardiner Expressway to the economy of Ontario as outlined in the executive summary report from HDR Consulting in Attachment 1 to the report (September 4, 2015) from the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer.

5. City Council authorize the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer, in consultation with the City Solicitor, to negotiate and enter into an agreement with Ontario Infrastructure and Lands Corporation, under which Ontario Infrastructure and Lands Corporation would:

- a. act as commercial procurement lead for the Alternative Financing and Procurement approach, through to execution of project agreements and financial close, at an estimated cost of \$12 million; and
- b. retain the necessary professional services required to support the Alternative Financing Procurement procurement at an estimated cost of \$40 million, based on the scope of services terms outlined in Attachment 3 to the report (September 4, 2015) from the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer.

6. City Council direct the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer to report back in 2017, to the Executive Committee and Council on the results of the procurement process identified in Part 2 above to seek authority to award the contract to the preferred proponent.

7. City Council direct that the Revised Strategic Plan cash flows, and proposed sources of funding be submitted for Council's consideration as part of the 2016 Budget Process, in accordance with the recommended procurement strategy as described in this Item.

### **Background Information (Committee)**

(September 4, 2015) Report and Attachments 1 to 5 from the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer on F.G. Gardiner Expressway Strategic Rehabilitation Plan Procurement Strategy

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83714.pdf>

(September 21, 2015) Presentation from the Executive Director, Engineering and Construction Services, and the Director, Corporate Finance on F.G. Gardiner Expressway Strategic Rehabilitation Plan Procurement Strategy

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-84008.pdf>

### **Motions (City Council)**

*1 - Motion to Amend Item moved by Councillor Shelley Carroll (Carried)*

That City Council amend Executive Committee Recommendation 2 by adding the following words "and that City Council direct the Deputy City Manager and Chief Financial Officer to

arrange for the completion of a peer review of the methodology of the Value For Money analysis, conducted by a qualified third party, and submit a report on the results to the December 1, 2015 meeting of the Executive Committee" so that Recommendation 2 now reads as follows:

2. City Council authorize the Deputy City Manager, Cluster B, and the Deputy City Manager and Chief Financial Officer to proceed with an Alternative Financing and Procurement approach for the implementation of the Revised Strategic Plan, including issuance of the RFP, using a Design-Build-Finance-Operate-Maintain approach, as described herein, subject to the approval of Government of Canada funding of one-third of capital construction costs eligible for funding under the P3 Canada and Infrastructure Canada Programs and that City Council direct the Deputy City Manager and Chief Financial Officer to arrange for the completion of a peer review of the methodology of the Value For Money analysis, conducted by a qualified third party, and submit a report on the results to the December 1, 2015 meeting of the Executive Committee.

*Motion to Adopt Item as Amended (Carried)*

**Vote** (Adopt Item as Amended)

Oct-01-2015 12:26 PM

<b>Result: Carried</b>	Majority Required - EX8.12 - Adopt the item as amended as it pertains to Executive Committee Recommendation 1
Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 4	Joe Cressy, John Filion, Mary Fragedakis, Joe Mihevc
Absent: 5	Rob Ford, Giorgio Mammoliti, Ron Moeser, Anthony Perruzza, Michael Thompson

**Vote** (Adopt Item as Amended)

Oct-01-2015 12:27 PM

<b>Result: Carried</b>	Majority Required - EX8.12 - Adopt the item as amended as it pertains to Executive Committee Recommendation 2 as amended
Yes: 30	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 10	Shelley Carroll, Joe Cressy, Janet Davis, John Filion, Paula Fletcher, Mary Fragedakis, Mike Layton, Pam McConnell, Joe Mihevc, Gord Perks
Absent: 5	Rob Ford, Giorgio Mammoliti, Ron Moeser, Anthony Perruzza, Michael Thompson

**Vote** (Adopt Item as Amended)

Oct-01-2015 12:28 PM

<b>Result: Carried</b>	Majority Required - EX8.12 - Adopt the item as amended as it pertains to Executive Committee Recommendation 3
Yes: 33	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam

No: 7	Shelley Carroll, Joe Cressy, Janet Davis, Paula Fletcher, Mike Layton, Joe Mihevc, Gord Perks
Absent: 5	Rob Ford, Giorgio Mammoliti, Ron Moeser, Anthony Perruzza, Michael Thompson

**Vote** (Adopt Item as Amended)

Oct-01-2015 12:29 PM

<b>Result: Carried</b>	Majority Required - EX8.12 - Adopt the item as amended as it pertains to Executive Committee Recommendation 4
Yes: 37	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 3	Joe Cressy, Paula Fletcher, Joe Mihevc
Absent: 5	Rob Ford, Giorgio Mammoliti, Ron Moeser, Anthony Perruzza, Michael Thompson

**Vote** (Adopt Item as Amended)

Oct-01-2015 12:29 PM

<b>Result: Carried</b>	Majority Required - Ex8.12 - Adopt the item as amended as it pertains to Executive Committee Recommendation 5
Yes: 27	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Jaye Robinson, David Shiner, John Tory
No: 13	Maria Augimeri, Shelley Carroll, Joe Cressy, Janet Davis, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mike Layton, Pam McConnell, Joe Mihevc, Gord Perks, Kristyn Wong-Tam
Absent: 5	Rob Ford, Giorgio Mammoliti, Ron Moeser, Anthony Perruzza, Michael Thompson

**Vote** (Adopt Item as Amended)

Oct-01-2015 12:30 PM

<b>Result: Carried</b>	Majority Required - EX8.12 - Adopt the item as amended as it pertains to Executive Committee Recommendation 6
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 1	Paula Fletcher
Absent: 5	Rob Ford, Giorgio Mammoliti, Ron Moeser, Anthony Perruzza, Michael Thompson

**Vote** (Adopt Item as Amended)

Oct-01-2015 12:31 PM

<b>Result: Carried</b>	Majority Required - EX8.12 - Adopt the item as amended as it pertains to Executive Committee Recommendation 7
Yes: 37	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly,

	Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 3	Joe Cressy, Paula Fletcher, Joe Mihevc
Absent: 5	Rob Ford, Giorgio Mammoliti, Ron Moeser, Anthony Perruzza, Michael Thompson

*Point of Order by Councillor Justin J. Di Ciano*

Councillor Di Ciano, rising on a Point of Order, stated that Councillor Mihevc's remarks were not related to the item but rather he was making comments related to Item PW4.1, previously considered by Council. Councillor Di Ciano requested that Speaker Nunziata request Councillor Mihevc to speak to the item before Council.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that Councillor Mihevc should keep his remarks to the item before Council.

<b>EX8.13</b>	ACTION	Adopted		Ward: 5, 6, 13, 14, 19, 20, 28, 30
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## Tunnelling Options for the F.G. Gardiner Expressway

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council receive the report (September 4, 2015) from the Deputy City Manager, Cluster B, for information.

### Background Information (Committee)

(September 4, 2015) Report and Appendix 1 from the Deputy City Manager, Cluster B on Tunnelling Options for the F.G. Gardiner Expressway

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83473.pdf>

(June 9, 2010) Appendix 2 - Gardiner Skyway Vision

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83474.pdf>

### Motions (City Council)

*1 - Motion to Defer Item moved by Councillor Jim Karygiannis (Lost)*

That consideration of the item be deferred until the proposed February 3 and 4, 2016 meeting of City Council and direct the City Manager to request the Province to consider a streamlined Environmental Assessment for a tunnel and report back to Council on the results of the request.

### Vote (Defer Item)

Oct-02-2015 11:56 AM

<b>Result: Lost</b>	Majority Required - EX8.13 - Karygiannis - motion 1 - defer the item
Yes: 8	Michelle Berardinetti, John Campbell, Paula Fletcher, Jim Karygiannis, Cesar Palacio, James Pasternak, Anthony Perruzza, David Shiner
No: 29	Maria Augimeri, Ana Bailão, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Gary Crawford, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mark Grimes, Stephen Holyday, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Gord Perks, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 8	Paul Ainslie, Raymond Cho, Josh Colle, Joe Cressy, Vincent Crisanti, Rob Ford, Mary Fragedakis, Giorgio Mammoliti

**2 - Motion to Amend Item moved by Councillor Anthony Perruzza (Lost)**

That City Council delete the Executive Committee recommendation and adopt instead the following new recommendation:

1. City Council direct the Deputy City Manager, Cluster B to report to the Public Works and Infrastructure Committee on tunnelling options at the same time as the report regarding Gardiner Expressway and Lake Shore Boulevard East Reconfiguration alternatives.

**Vote (Amend Item)**

Oct-02-2015 2:04 PM

<b>Result: Lost</b>	Majority Required - EX8.13 - Perruzza - motion 2
Yes: 4	Maria Augimeri, Jim Karygiannis, Cesar Palacio, Anthony Perruzza
No: 30	Paul Ainslie, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Mike Layton, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), James Pasternak, Gord Perks, Jaye Robinson, Michael Thompson, John Tory
Absent: 11	Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Rob Ford, Norman Kelly, Giorgio Mammoliti, Pam McConnell, Ron Moeser, David Shiner, Kristyn Wong-Tam

**Motion to Adopt Item (Carried)****Motion to End Debate moved by Councillor Shelley Carroll (Carried)**

That in accordance with Chapter 27, Council Procedures, City Council end the debate on deferral motion 1 by Councillor Karygiannis and take the vote immediately.

**Vote (End Debate)**

Oct-02-2015 11:55 AM

<b>Result: Carried</b>	Two-Thirds Required - EX8.13 - Carroll - End debate on deferral motion
Yes: 29	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Gary Crawford, Janet Davis, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory
No: 6	Glenn De Baeremaeker, Paula Fletcher, Stephen Holyday, Cesar Palacio, Anthony Perruzza, Kristyn Wong-Tam
Absent: 10	Paul Ainslie, Raymond Cho, Josh Colle, Joe Cressy, Vincent Crisanti, John Filion, Rob Ford, Mary Fragedakis, Giorgio Mammoliti, Josh Matlow

<b>EX8.15</b>	ACTION	Amended		Ward: 20
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**505 Richmond Street West - Proposed YMCA Centre****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council support in principle a YMCA as an appropriate use in the potential redevelopment of the City-owned property at 505 Richmond Street West.

2. City Council agree that existing and future Section 37 and Section 45 funds from Ward 20, to a maximum of two-thirds of the construction cost of the facility, be allocated toward the YMCA, with such allocation to be determined through the budget process and future reports for Council's approval.

3. City Council waive the restrictions of Section 2.4(a) of Build Toronto's Shareholder Direction solely for this transaction on terms and conditions satisfactory to the City Manager and in a form approved by the City Solicitor, in order to permit Build Toronto to facilitate the acquisition for nominal consideration by YMCA of Greater Toronto of a portion of the property owned by an affiliate of Build Toronto at 505 Richmond Street West, Toronto for the purposes of the construction of a YMCA facility at such property.

4. City Council direct the General Manager, Parks, Forestry and Recreation to negotiate a Community Use Agreement for the YMCA Centre to be built at 505 Richmond Street West to secure affordable access to community space and recreational programs and services.

### **Background Information (Committee)**

(September 16, 2015) Report from the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation on 505 Richmond Street West - Proposed YMCA Centre

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83768.pdf>

(September 4, 2015) Report from the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation on 505 Richmond Street West - Proposed YMCA Centre - Notice of Pending Report

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83463.pdf>

### **Background Information (City Council)**

(September 29, 2015) Supplementary report from the City Solicitor on 505 Richmond Street West - Proposed YMCA Centre (EX8.15a)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84278.pdf>

### **Communications (Committee)**

(September 16, 2015) E-mail from Kamran Khan (EX.Supp.EX8.15.1)

(September 17, 2015) E-mail from Kit McAllister (EX.Supp.EX8.15.2)

(September 17, 2015) E-mail from James de Hoop (EX.Supp.EX8.15.3)

(September 17, 2015) E-mail from Durelle Harford-McAllister (EX.Supp.EX8.15.4)

(September 21, 2015) E-mail from Ann Marie Strapp, forwarding communication from the Garment District Neighborhood Association (GDNA) (EX.Supp.EX8.15.5)

(September 17, 2015) E-mail from Ceta Ramkhalawansingh (EX.Supp.EX8.15.6)

<http://www.toronto.ca/legdocs/mmis/2015/ex/comm/communicationfile-55374.pdf>

(September 17, 2015) E-mail from Doug Taylor (EX.Supp.EX8.15.7)

(September 21, 2015) E-mail from Valerie Eggertson (EX.Supp.EX8.15.8)

(September 21, 2015) E-mail from The Board of Directors, MTCC #1290 (EX.Supp.EX8.15.9)

(September 14, 2015) Letter from Councillor Joe Cressy (EX.New.EX8.15.10)

<http://www.toronto.ca/legdocs/mmis/2015/ex/comm/communicationfile-55430.pdf>

(September 21, 2015) E-mail from Mark Richardson (EX.New.EX8.15.11)

### **Motions (City Council)**

*1 - Motion to Amend Item (Additional) moved by Councillor Joe Cressy (Carried)*

That City Council adopt the following recommendation contained in the supplementary report (September 29, 2015) from the City Solicitor [EX8.15a]:

1. City Council waive the restrictions of Section 2.4(a) of Build Toronto's Shareholder Direction solely for this transaction on terms and conditions satisfactory to the City Manager

and in a form approved by the City Solicitor, in order to permit Build Toronto to facilitate the acquisition for nominal consideration by YMCA of Greater Toronto of a portion of the property owned by an affiliate of Build Toronto at 505 Richmond Street West, Toronto for the purposes of the construction of a YMCA facility at such property.

**Vote** (Amend Item (Additional))

Oct-01-2015 9:55 AM

<b>Result: Carried</b>	Majority Required - EX8.15 - Cressy - motion 1
Yes: 37	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Rob Ford
Absent: 7	Maria Augimeri, Vincent Crisanti, John Fillion, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

*Motion to Adopt Item as Amended (Carried)***Vote** (Adopt Item as Amended)

Oct-01-2015 9:55 AM

<b>Result: Carried</b>	Majority Required - EX8.15 - Adopt the item as amended
Yes: 36	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Rob Ford
Absent: 8	Maria Augimeri, Vincent Crisanti, Justin J. Di Ciano, John Fillion, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

<b>EX8.16</b>	<b>ACTION</b>	Adopted		Ward: All
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### **Transfer of Ownership, Maintenance and Repair of Private Storm Drainage Systems and Catch Basins to the City**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City's Storm Water Management Steering Committee, as part of its long term work plan, to develop a strategy to aid in reducing flooding risks related to private storm drainage systems on existing private property and new developments.
2. In developing the strategy in Part 1 above, City Council direct the City's Storm Water Management Steering Committee to consider:
  - a. the issues that impact surface drainage on private property, including:

- i. new developments - site plan reviews and revisions, and the adequacy of private catch basins, catch basin design standards, storm system drainage design standards;
  - ii. individual site modifications (Building) - the impact of cumulative individual builds, permitting process review and inspection, grading certificates, etc.;
  - iii. individual site modifications - changes to landscaping and grading on individual properties; and
  - iv. maintenance of private storm drainage systems - adequacy of the Property Standards bylaw, private catch basin location data collection, including education and outreach for private property owners;
- b. current land development and storm water servicing processes and procedures and whether any revisions to these processes and procedures may be appropriate, e.g. development application reviews, approvals and inspections;
  - c. applicable provincial legislation;
  - d. City bylaws governing storm water management and infrastructure on private property and whether any revisions to these by-laws may be appropriate;
  - e. opportunities for improvement in the short, mid, and long-term; and
  - f. any impacts that may arise in respect to any proposed revisions to City processes, procedures and/or by-laws, or other proposed improvements.

3. City Council request the City's Storm Water Management Steering Committee report to Council upon completion of the strategy noted in Part 1 above.

4. City Council direct that the confidential information in Attachment 2 to the report (September 4, 2015) from the General Manager, Toronto Water, the Chief Planner and Executive Director, City Planning and the City Solicitor, remain confidential as it is pertains to solicitor-client privilege and potential litigation which affects the City.

Confidential Attachment 2 to the report (September 4, 2015) from the General Manager, Toronto Water, the Chief Planner and Executive Director, City Planning and the City Solicitor remains confidential, in accordance with the provisions of the City of Toronto Act, 2006, as it pertains to solicitor-client privilege and potential litigation which affects the City.

**Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege and Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**

#### **Background Information (Committee)**

(September 4, 2015) Report and Attachment 1 (Tables 1 and 2) from the General Manager, Toronto Water, the Chief Planner and Executive Director, City Planning and the City Solicitor on Transfer of Ownership, Maintenance and Repair of Private Storm Drainage Systems and Catch Basins to the City

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83469.pdf>

Confidential Attachment - Risks, Liability and Cost Implications to the City

EX8.17	ACTION	Adopted on Consent		Ward: All
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## Consent to Assignment of Agreements with Maple Leaf Sports and Entertainment Ltd. ("MLSEL")

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council consent to the assignment of those agreements listed in Appendix A attached to the report (September 2, 2015) from the City Solicitor and the Deputy City Manager and Chief Financial Officer, from Maple Leaf Sports and Entertainment Ltd. to Maple Leaf Sports and Entertainment Partnership, subject to the terms and conditions in this Item and such other terms and conditions required by the Deputy City Manager and Chief Financial Officer and the City Solicitor.
2. City Council authorize entering into assumption agreements in respect of the agreements listed in Appendix A attached to the report (September 2, 2015) from the City Solicitor and the Deputy City Manager and Chief Financial Officer, with Maple Leaf Sports and Entertainment Ltd. and Maple Leaf Sports and Entertainment Partnership on terms and conditions satisfactory to the Deputy City Manager and Chief Financial Officer and the City Solicitor.
3. City Council authorize the execution of an assumption agreement with Maple Leaf Sports and Entertainment Ltd. and Maple Leaf Sports and Entertainment Partnership for the Team Licence and User Agreement generally on the terms and conditions in this Item and such other terms and conditions satisfactory to the Deputy City Manager and Chief Financial Officer and the City Solicitor.

### Background Information (Committee)

(September 2, 2015) Report and Appendices A and B from the City Solicitor and the Deputy City Manager and Chief Financial Officer on Consent to Assignment of Agreements with Maple Leaf Sports and Entertainment Ltd. ("MLSEL")

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83489.pdf>

EX8.18	ACTION	Adopted on Consent		Ward: All
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## Update on the Shared Services Project

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the Deputy City Manager and Chief Financial Officer to implement shared services items related to the following functions where shown to add value:
  - a. Common Learning – move to a consolidated model where the small Agencies use the City's common learning and training, as outlined in Appendix 1 to the report (September 3, 2015) from the Deputy City Manager and Chief Financial Officer;
  - b. Insurance – move of the City's vehicle insurance from an external provider to the Toronto Transit Commission Insurance Company, if approved by the Government of Ontario, as outlined in Appendix 1 to the report (September 3, 2015) from the Deputy City Manager and Chief Financial Officer;

- c. Procurement – evaluate and report back on a strategic sourcing model, as outlined in Appendix 1 to the report (September 3, 2015) from the Deputy City Manager and Chief Financial Officer; and
  - d. Information and Technology – move to an Enterprise Partnership model for infrastructure services, subject to approval of final business case, as outlined in Appendix 1 to the report (September 3, 2015) from the Deputy City Manager and Chief Financial Officer.
2. City Council direct the Deputy City Manager and Chief Financial Officer to report annually to City Council on the status of the Shared Services Project and benefits achieved.
  3. City Council forward this report to the Agency and Corporation Boards listed below for their consideration:
    - Exhibition Place Board of Governors;
    - Toronto Board of Health;
    - Toronto Community Housing Corporation Board of Directors;
    - Toronto Parking Authority Board of Directors;
    - Toronto Police Services Board;
    - Toronto Public Library Board (considered on September 21, 2015);
    - Toronto Transit Commission Board (considered on September 28, 2015); and
    - Toronto Zoo Board of Management (considered on September 10, 2015).

### Background Information (Committee)

(September 3, 2015) Report and Appendices 1 to 5 from the Deputy City Manager and Chief Financial Officer on Update on the Shared Services Project  
<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83486.pdf>

<b>EX8.19</b>	ACTION	Adopted on Consent		Ward: All
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### Closing the Housing Gap

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council urge the Federal candidates from the current four major Federal parties running in Toronto ridings to speak up and commit to action on housing issues affecting the City, including advocating in Ottawa for the Federal government to close Toronto's "housing gap" by:
  - a. committing to fund its share of Toronto Community Housing's 10-year capital repair needs;

- b. reversing the withdrawal of social housing funds from non-profit and co-operative housing, and reinvesting these funds back into social housing; and
- c. committing to a long term and sustainable national social and affordable housing strategy to meet the needs of low and moderate income Canadians.

2. City Council request the City's Housing Advocate and Co-Chair of the Close the Housing Gap campaign to write a letter to the candidates of the current four major Federal parties in Toronto communicating Council's position.

### **Background Information (Committee)**

(September 2, 2015) Letter from the Affordable Housing Committee on Closing the Housing Gap - Chair's Update on Affordable Housing Activities

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83525.pdf>

(September 2, 2015) Presentation from Councillor Ana Bailão on City Housing Advocate and Chair's Update

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83383.pdf>

<b>EX8.20</b>	ACTION	Adopted on Consent		Ward: 20
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## **Affordable Housing Opportunities in Alexandra Park**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the Director, Affordable Housing Office to negotiate agreements of purchase and sale, with the developer for the purchase by Atkinson Co-operative and/or the City of Toronto for two one-bedroom units in the building to be erected on Block 4, as part of the Alexandra Park revitalization (the "Atkinson Units"), which agreements of purchase and sale will fulfill the obligation of Toronto Community Housing under the section 37 agreement entered into for Phase 1 of the development on the property, between Toronto Community Housing and the City.
2. City Council authorize the Director, Affordable Housing Office to execute the agreements of purchase and sale and any other documents required to complete the purchase of two one-bedroom units, on behalf of the City.
3. City Council authorize the City to be a party to the agreements of purchase and sale contemplated to be entered into for the Atkinson Units as a contingent transferee, in order to ensure the benefit of the Atkinson Co-operative Units is secured for the intended purposes, until the Atkinson Co-operative is able to complete the transactions.
4. City Council authorize the City Solicitor to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as the City Solicitor considers reasonable.
5. City Council authorize the City to assign its interest in the Atkinson Units to Atkinson Co-op upon it entering into a contribution agreement with the City with respect to the operation of the Atkinson Units on terms and conditions determined by him, in his sole discretion and in a form satisfactory to the City Solicitor, or, failing which, the City shall be entitled to sell one or more of the Atkinson Units in the open market at fair market value, with the proceeds payable

to the Capital Revolving Fund for Affordable Housing (XR-1058) in order to give effect to the intended purpose of the Atkinson Units as affordable housing and with the intention that there are no financial consequences to the City having been a party to the agreements of purchase and sale for the Atkinson Units.

6. City Council authorize taking title to the Atkinson Units, in the event they cannot be transferred to Atkinson Co-op and to enter into a lease with Atkinson Co-op or such other not for profit housing corporation deemed appropriate by the Director, Affordable Housing Office and on such terms and conditions and in a form approved by the City Solicitor.
7. City Council authorize the City Solicitor to complete the lease transaction on behalf of the City, including payment of any necessary expenses, establishing and amending the commencement date and any other dates and conditions, as the City Solicitor may from time to time consider reasonable.
8. City Council authorize the Chief Corporate Officer to administer and manage the lease for the Atkinson Co-op, if such lease is entered into, including the provision of any consents, approvals, waiver notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.
9. City Council authorize the Director, Affordable Housing Office to execute, on behalf of the City, a contribution agreement with Atkinson Co-op or the alternate housing provider selected by the Director, Affordable Housing Office.
10. City Council authorize entering into a Contribution Agreement with the Atkinson Housing Co-Operative Inc. with respect to the operation of the Atkinson Units on terms and conditions satisfactory to the Director, Affordable Housing Office and in a form approved by the City Solicitor.
11. City Council approve up to \$225,000 in financial assistance from the Development Charges Reserve Fund (2009) for Subsidized Housing (XR2116) for Toronto Community Housing, in the form of grants by way of forgivable loans to assist up to five home buyers to purchase condominium units in the building to be erected in Block 4 of the Alexandra Park, under the terms of the City's Home Ownership Assistance Program.
12. City Council authorize the Director, Affordable Housing Office to provide up to \$225,000 from the federal/provincial Investment in Affordable Housing Program Extension – Homeownership Component, in the form of grants by way of forgivable loans to be added to the funds from the City's funds referred to in Part 9 above to assist up to five home buyers to purchase condominium units in the building to be erected in Block 4 of the Alexandra Park.
13. City Council authorize entering into a delivery agreement with Toronto Community Housing Corporation or a related corporation, for the delivery and administration of the funds being provided from the Development Charges Reserve Fund (2009) for Subsidized Housing (XR2116) on terms and conditions satisfactory to the Director, Affordable Housing Office and in a form approved by the City Solicitor.
14. City Council authorize entering into a contribution agreement with Toronto Community Housing or a related corporation, for the delivery and administration of the homeownership funds being provided through the federal/provincial Investment in Affordable Housing Program Extension – Homeownership Component on terms and conditions satisfactory to the Director, Affordable Housing Office and in a form approved by the City Solicitor.

15. City Council authorize the Director, Affordable Housing Office to execute the delivery agreement referred to in Part 13 above and the contribution agreement referred to in Part 14 above and any other agreements or documents required to give effect to Parts 13 and 14 above.

16. City Council increase the 2015 Approved Operating Budget for Shelter, Support and Housing Administration by \$225,000 gross, \$0 net, fully funded from Investment in Affordable Housing Program Extension – Homeownership Component, to provide funding for a down-payment assistance loan directly to lower-income households for condominium units in the building to be erected in Block 4 of the Alexandra Park.

### **Background Information (Committee)**

(September 2, 2015) Letter from the Affordable Housing Committee on Affordable Housing Opportunities in Alexandra Park

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83523.pdf>

(August 19, 2015) Report from the Director, Affordable Housing Office on Affordable Housing Opportunities in Alexandra Park

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83384.pdf>

### **Communications (Committee)**

(September 17, 2015) E-mail from Ceta Ramkhalawansingh (EX.Supp.EX8.20.1)

<http://www.toronto.ca/legdocs/mmis/2015/ex/comm/communicationfile-55375.pdf>

EX8.21	ACTION	Adopted		Ward: 22
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## **Results of the Request for Proposals to Develop and Operate Affordable Rental Housing at 200 Madison Avenue**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve Madison View Homes Inc. as the successful proponent for the development of new affordable rental housing at 200 Madison Avenue.
2. City Council authorize the acceptance of the Offer to Purchase from Madison View Homes Inc. for the property municipally known as 200 Madison Avenue and shown as Part 1 on Sketch No. PS-2015 in Appendix B to the report (August 19, 2015) from the Director, Affordable Housing Office (the "Property"), substantially on the terms and conditions outlined in Appendix A to the report (August 19, 2015) from the Director, Affordable Housing Office.
3. City Council authorize each of the Chief Corporate Officer and the Director, Real Estate Services severally to accept the Offer to Purchase on behalf of the City.
4. City Council authorize the City Solicitor to complete the transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as the City Solicitor considers reasonable.
5. City Council authorize making or providing the City's consent as owner, to any regulatory applications by Madison View Homes Inc. and to grant a licence or licences to Madison View Homes Inc. for a term of up to forty-two (42) months from the date of the City's acceptance of the Offer, for the purposes of entering onto the Property to carry out environmental testing and

monitoring and other pre-development activities and that the Director, Real Estate Services, or designate, be authorized to execute the applications, consents and licences.

6. City Council authorize providing a licence or licences, at no cost, to Madison View Homes Inc. over City property at 255 Spadina Road (City Archives), for the time required, to provide access for the construction of a retaining wall to contain environmental contamination on the Property.

7. City Council authorize the Director, Affordable Housing Office to submit a request to the Ministry of Municipal Affairs and Housing for funding through the federal/ provincial Investment in Affordable Housing for Ontario Program (Extension 2014-2020) – Rental Component, in the amount of \$11,890,000 to be used by Madison View Homes Inc. for the development of the affordable housing units on the Property.

8. City Council authorize the Director, Affordable Housing Office to negotiate and enter into a municipal housing facility agreement with Madison View Homes Inc. on terms and conditions satisfactory to the Director, Affordable Housing Office, and in a form approved by the City Solicitor.

9. City Council authorize the Director, Affordable Housing Office to execute, on behalf of the City, the municipal housing facility agreement, any security or financing documents or any other documents required to facilitate the funding process, including any documents required by Madison View Homes Inc. to complete construction and conventional financing, where required.

10. City Council authorize the Director, Revenue Services to recommend an exemption from taxation for municipal and school purposes to the Municipal Property Assessment Corporation for the term of the municipal housing facility agreement.

11. City Council authorize that the development on the Property be exempt from the payment of development charges under existing Council policy.

12. City Council authorize the Director, Affordable Housing Office to provide capital funding in an amount not to exceed \$250,000 secured through a Section 45 Agreement from the developer of 7 Austin Terrace and deposited in the Capital Revolving Reserve Fund for Affordable Housing (XR1058) to be used by Madison View Homes Inc. toward environmental clean-up should the cost of environmental remediation be demonstrated to exceed the budgeted estimate of \$1,500,000 million.

13. City Council authorize the Director, Affordable Housing Office to provide capital funding in an amount not to exceed \$500,000 from the Development Charges Reserve Fund for Subsidized Housing (XR2116), to be used by Madison View Homes Inc. should the cost of environmental remediation be demonstrated to exceed the budgeted estimate of \$1,500,000, and should the additional funding for clean-up identified in Part 12 above be insufficient.

14. City Council authorize the Director, Affordable Housing Office to execute and serve on behalf of the City a Re-conveyance Notice, in accordance with the terms of the agreement of purchase and sale if the need for such notice should arise.

15. City Council authorize the Director, Affordable Housing Office to designate the affordable housing project to be developed on the Property as social housing for the purpose of allowing all or part of the project relief from normal parking standards.

## **Background Information (Committee)**

(September 2, 2015) Letter from the Affordable Housing Committee on Results of the Request for Proposals to Develop and Operate Affordable Rental Housing at 200 Madison Avenue (<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83526.pdf>)

(August 19, 2015) Report from the Director, Affordable Housing Office on Results of the Request for Proposals to Develop and Operate Affordable Rental Housing at 200 Madison Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83385.pdf>)

Appendix A - Terms and Conditions of the Offer to Purchase

(<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83386.pdf>)

Appendix B - Site Details 200 Madison Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83387.pdf>)

## Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 11:16 AM

<b>Result: Carried</b>	Majority Required - EX8.21 - Adopt the item
Yes: 37	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 2	Rob Ford, Gord Perks
Absent: 6	Paul Ainslie, Raymond Cho, Janet Davis, Mary Fragedakis, Giorgio Mammoliti, Michael Thompson

<b>EX8.22</b>	<b>ACTION</b>	Adopted		Ward: All
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## Operating Variance Report for the Six-Month Period Ended June 30, 2015

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the budget adjustments detailed in Appendix F to the report (August 14, 2015) from the Deputy City Manager and Chief Financial Officer to amend the 2015 Approved Operating Budget between Programs that have no impact to the 2015 Approved Net Operating Budget.

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Operating Variance Report for the Six-Month Period Ended June 30, 2015

(<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83504.pdf>)

(August 14, 2015) Report and Appendices A to G from the Deputy City Manager and Chief Financial Officer on Operating Variance Report for the Six-Month Period Ended June 30, 2015

(<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83375.pdf>)

(August 31, 2015) Presentation from the Deputy City Manager and Chief Financial Officer - Guide to the new Corporate Variance Report Dashboard

(<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83376.pdf>)

## Motions (City Council)

*Motion to Adopt Item (Carried)***Declared Interests (City Council)**

The following member(s) declared an interest:

Councillor James Pasternak - as his wife is an employee of the Toronto Public Library.

EX8.23	ACTION	Adopted		Ward: All
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**Capital Variance Report for the Six-Month Period Ended June 30, 2015****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council receive Appendix 2 to the report (August 14, 2015) from the Deputy City Manager and Chief Financial Officer, which lists 202 completed capital projects/sub-projects to be closed resulting in a total combined project budget savings of \$3.628 million, for information.
2. City Council approve in-year budget adjustments to the 2015-2024 Approved Capital Budget and Plan detailed in Appendix 3 to the report (August 14, 2015) from the Deputy City Manager and Chief Financial Officer, with no incremental impact on debt funding.

**Background Information (Committee)**

(August 31, 2015) Letter from the Budget Committee on Capital Variance Report for the Six-Month Period Ended June 30, 2015

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83505.pdf>

(August 14, 2015) Report and Appendices 1 to 4 from the Deputy City Manager and Chief Financial Officer on Capital Variance Report for the Six Months Period Ended June 30, 2015

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83379.pdf>

Appendix 5 - Capital Dashboard by Program/Agency

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83400.pdf>

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

**Declared Interests (City Council)**

The following member(s) declared an interest:

Councillor James Pasternak - as his wife is an employee of the Toronto Public Library.

EX8.24	ACTION	Adopted on Consent		Ward: 11
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**Transfer of Funds from the Eglinton Flats Maintenance Reserve Fund (XR3204)****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the 2015 Parks, Forestry and Recreation Operating Budget by \$51,000.00, fully funded from the 2015 Eglinton Flats Reserve Fund (XR3204), on a one-time basis, for purpose of tennis court surface repair and the purchase of tennis equipment for the Eglinton Flats courts.

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Transfer of Funds from the Eglinton Flats Maintenance Reserve Fund (XR3204)

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83506.pdf>

(August 10, 2015) Report from the General Manager, Parks, Forestry and Recreation on Transfer of Funds from the Eglinton Flats Maintenance Reserve Fund (XR3204)

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83403.pdf>

EX8.25	ACTION	Adopted on Consent		Ward: 7
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### Budget Adjustment to the 2015 Approved Operating Budget for Shelter, Support and Housing Administration for Investment in Affordable Housing (Extension)

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the 2015 Approved Operating Budget for Shelter, Support and Housing Administration by \$9,275,640 gross and \$0 net to reflect the additional Provincial funding received under the Canada-Ontario Investment in Affordable Housing Extension (2014-2020) program for the Medallion Corporation 3415 Weston Road - CASA at Emery Village project (Phase Four).

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Budget Adjustment to the 2015 Approved Operating Budget for Shelter, Support and Housing Administration for Investment in Affordable Housing (Extension)

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83507.pdf>

(August 17, 2015) Report from the General Manager, Shelter, Support and Housing Administration and the Director, Affordable Housing Office on Budget Adjustment to the 2015 Approved Operating Budget for Shelter, Support and Housing Administration for Investment in Affordable Housing (Extension)

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83405.pdf>

EX8.26	ACTION	Adopted on Consent		Ward: All
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### Solid Waste Management Services 2015 Capital Budget and 2016-2024 Capital Plan Budget Adjustments

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the reallocation of funds in Solid Waste Management Services' approved 2015 Capital Budget and 2016-2024 Capital Plan in the amount of \$35.251 million from projects that have been completed or delayed to those requiring additional funding in the

same amount as presented in Schedule A (Part A) to the report (August 12, 2015) from the General Manager, Solid Waste Management Services.

2. City Council authorize the reduction of funds in Solid Waste Management Services' approved 2015 Capital Budget and 2016-2024 Capital Plan in the amount of \$2.047 million from projects that have an in-year change in scope or have been cancelled as presented in Schedule A (Part B) to the report (August 12, 2015) from the General Manager, Solid Waste Management Services.

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Solid Waste Management Services 2015 Capital Budget and 2016-2024 Capital Plan Budget Adjustments

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83516.pdf>

(August 12, 2015) Report and Schedule A (Parts A and B) from the General Manager, Solid Waste Management Services on Solid Waste Management Services 2015 Capital Budget and 2016-2024 Capital Plan Budget Adjustments

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83407.pdf>

EX8.27	ACTION	Adopted on Consent		Ward: All
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## Toronto Water 2015 Capital Budget and 2016-2024 Capital Plan Budget Adjustments

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the reallocation of funds within Toronto Water's approved 2015 Capital Budget in the amount of \$27.362 million, for acceleration and deferral of projects, as presented in Schedule A (Part A and B) to the report (August 14, 2015) from the General Manager, Toronto Water, with a zero Budget impact.
2. City Council authorize the reallocation of funds in Toronto Water's approved 2015 Capital Budget and 2016 - 2024 Capital Plan in the amount of \$21.612 million from projects that are delayed to those requiring additional funding in the same amount as presented in Schedule A (Part C) to the report (August 14, 2015) from the General Manager, Toronto Water, with a zero Budget impact.

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Toronto Water 2015 Capital Budget and 2016-2024 Capital Plan Budget Adjustments

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83517.pdf>

(August 4, 2015) Report and Schedule A (Parts A, B and C) from the General Manager, Toronto Water on Toronto Water 2015 Capital Budget and 2016-2024 Capital Plan Budget Adjustments

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83410.pdf>

EX8.28	ACTION	Adopted on Consent		Ward: All
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## Budget Adjustments to the Toronto Public Health 2015 Approved Operating Budget

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council reduce the Toronto Public Health 2015 Approved Operating Budget by \$444.3 thousand gross and \$0.0 net to reflect confirmed 100 percent funding from Provincial ministries and the Nipissing University.

## Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Budget Adjustments to the Toronto Public Health 2015 Approved Operating Budget

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83245.pdf>

(June 29, 2015) Letter from the Board of Health on Budget Adjustments to the Toronto Public Health 2015 Approved Operating Budget

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83246.pdf>

(June 5, 2015) Report from the Medical Officer of Health on Budget Adjustments to the Toronto Public Health 2015 Approved Operating Budget

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83247.pdf>

EX8.29	ACTION	Deferred		Ward: All
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## Toronto Police Service - 2015 Operating Budget Adjustments and Operating Budget Variance Report Ending March 2015

### City Council Decision

City Council on September 30, October 1 and 2, 2015, deferred consideration of Item EX8.29 until the November 3 and 4, 2015 City Council meeting.

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Toronto Police Service - 2015 Operating Budget Adjustments and Operating Budget Variance Report Ending March 2015

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83253.pdf>

(June 26, 2015) Report and Appendix A from the Acting Chair, Toronto Police Services Board on Toronto Police Service - 2015 Operating Budget Adjustments and Operating Budget Variance Report Ending March 2015

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83257.pdf>

### Motions (City Council)

1 - Motion to Defer Item moved by Councillor Josh Matlow (**Carried**)

That consideration of the item be deferred until the November 3 and 4, 2015 meeting of City Council.

### Vote (Defer Item)

Oct-02-2015 2:21 PM

<b>Result: Carried</b>	Majority Required - EX8.29 - Matlow - motion 1 - defer the item
Yes: 29	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Jim Karygiannis, Mike Layton, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory
No: 4	Gary Crawford, Justin J. Di Ciano, Mark Grimes, Chin Lee
Absent: 12	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Frank Di Giorgio, Rob Ford, Norman Kelly, Giorgio Mammoliti, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, David Shiner, Kristyn Wong-Tam

*Point of Order by Councillor Michael Thompson*

Councillor Thompson, rising on a Point of Order, stated that the questions of staff on Items EX8.29 and EX8.30 should be directed to the Toronto Police Services Board and as Councillor Lee is the Vice Chair and present in the Chamber, questions to members of the Toronto Police Service staff should be through Councillor Lee.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that Councillor Lee should sit with the Toronto Police Service staff and Councillor Lee should answer questions on the two items.

**Declared Interests (City Council)**

The following member(s) declared an interest:

Councillor Norman Kelly - as his wife is a civilian employee of the Toronto Police Service.

EX8.30	ACTION	Deferred		Ward: All
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### **Toronto Police Service - Parking Enforcement Unit - 2015 Operating Budget Variance Report for the Period Ending March 31, 2015**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, deferred consideration of Item EX8.30 until the November 3 and 4, 2015 City Council meeting.

**Background Information (Committee)**

(August 31, 2015) Letter from the Budget Committee on Toronto Police Service - Parking Enforcement Unit - 2015 Operating Budget Variance Report for the Period Ending March 31, 2015

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83319.pdf>

(June 26, 2015) Report and Appendix A from the Acting Chair, Toronto Police Services Board on Toronto Police Service - Parking Enforcement Unit - 2015 Operating Budget Variance Report for the Period Ending March 31, 2015

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83340.pdf>

**Motions (City Council)***Motion to Defer Item moved by Councillor Josh Matlow (Carried)*

That consideration of the item be deferred until November 3 and 4, 2015 meeting of City Council.

*Point of Order by Councillor Michael Thompson*

Councillor Thompson, rising on a Point of Order, stated that the questions of staff on Items EX8.29 and EX8.30 should be directed to the Toronto Police Services Board and as Councillor Lee is the Vice Chair and present in the Chamber, questions to members of the Toronto Police Service staff should be through Councillor Lee.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that Councillor Lee should sit with the Toronto Police Service staff and Council Lee should answer questions on the two items.

	ACTION	Adopted		Ward: 35
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EX8.31

## Toronto Public Library - 2015 Capital Budget Adjustment for Eglinton Square Branch and New Lease Agreement

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the addition of a new 2015 capital project to Toronto Public Library's 2015-2024 Capital Budget and Plan for the expansion of the Eglinton Square Branch with total project cost of \$1,242,325 gross, fully funded by a \$600,000 one-time Landlord Contribution and a \$642,325 draw from the Library's Development Charge Reserve Fund (XR2115), with cash flows of \$300,000 in 2015 and \$942,325 in 2016.
2. City Council approve a new lease between the Toronto Public Library Board, as tenant, and Bentall Kennedy (Canada) LP, as Landlord, for premises having an area of approximately 10,000 square feet at 1 Eglinton Square (Eglinton Square Shopping Centre), based substantially on the terms and conditions set out in Attachment 1 to the report (August 17, 2015) from the City Librarian.

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Toronto Public Library - 2015 Capital Budget Adjustment for Eglinton Square Branch and New Lease Agreement

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83341.pdf>

(August 17, 2015) Report and Attachment 1 from the City Librarian on Toronto Public Library - 2015 Capital Budget Adjustment for Eglinton Square Branch and New Lease Agreement

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83342.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:50 AM

<b>Result: Carried</b>	Majority Required - EX8.31 - Adopt the item
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 5	Pam McConnell, Denzil Minnan-Wong, Ron Moeser, James Pasternak, David Shiner

### Declared Interests (City Council)

The following member(s) declared an interest:

Councillor James Pasternak - as his wife is an employee of the Toronto Public Library.

EX8.32	ACTION	Adopted		Ward: 2
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## Toronto Public Library - 2015 Capital Budget Adjustment for Northern Elms Branch

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve a \$147,480 gross (\$0 debt) increase to the 2015 project cost and cash flow for the Multi-Branch State of Good Repair project (CLB184), fully funded by a \$51,480 one-time Landlord Contribution and a \$96,000 draw from the Library's Development Charge Reserve Fund (XR2115), for the renovation associated with an additional 858 square feet of leased space at the Northern Elms Branch.

### Background Information (Committee)

(August 31, 2015) Letter from the Budget Committee on Toronto Public Library - 2015 Capital Budget Adjustment for Northern Elms Branch

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83413.pdf>

(August 17, 2015) Report from the City Librarian on Toronto Public Library - 2015 Capital Budget Adjustment for Northern Elms Branch

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83412.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

### Declared Interests (City Council)

The following member(s) declared an interest:

Councillor James Pasternak - as his wife is an employee of the Toronto Public Library.

EX8.39	ACTION	Amended		Ward: All
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## Syrian Refugee Crisis - Options for a City of Toronto Resettlement Program

### City Council Decision

City Council on September 30 and October 1, 2015, adopted the following:

1. City Council approve the proposed activities of the City of Toronto Syrian refugee resettlement program outlined under the following categories in this report:

#### Mobilization and Preparedness

1. Inter-Divisional Team
2. Inter-Agency Task Force
3. Anti-rumours Campaign
4. Continued Support to Lifeline Syria, including exploration of an Assurance Fund

#### Post-Arrival Supports

5. Settlement Supports through City Divisions
6. Settlement Services in City Facilities
7. Online Sector Supports
8. Continued Coordination through the Inter-divisional Team and Inter-agency Task Force
9. Ongoing Support to Lifeline Syria and other Community Agencies
10. Inter-governmental Coordination.

2. City Council approve a one-time allocation of \$0.600 million from the Tax Rate Stabilization Reserve (XQ0703) to fund the settlement program.
3. City Council approve an increase of \$0.025 million gross and zero net to the 2015 Approved Operating Budget and include the remainder of \$0.575 million gross and zero net in the 2016 Operating Budget Submission for Social Development and Finance Administration.
4. City Council request Citizenship and Immigration Canada to provide the funding required to support the successful resettlement of Syrian refugees in Toronto.
5. City Council request Mayor Tory to forward a letter to the Prime Minister requesting funding assistance for the City of Toronto Syrian refugee resettlement program in areas such as affordable housing, social assistance and child care.
6. City Council direct the Executive Director, Social Development, Finance and Administration to report back to City Council in January 2016 on the progress of the implementation of the program expansion.

### Background Information (Committee)

(September 9, 2015) Letter from Councillor Joe Cressy on Request for Report on Options for a City of Toronto Resettlement Program

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83502.pdf>

### Motions (City Council)

*1 - Motion to Amend Item moved by Councillor Gary Crawford (Carried)*

That City Council amend Executive Committee Recommendation 3 by deleting the words "the addition of one temporary staff complement and" so that it now reads as follows:

3. City Council approve an increase of \$0.025 million gross and zero net to the 2015 Approved Operating Budget and include the remainder of \$0.575 million gross and zero net in the 2016 Operating Budget Submission for Social Development and Finance Administration (SDF).

### Vote (Amend Item)

Oct-02-2015 11:09 AM

<b>Result: Carried</b>	Majority Required - EX8.39 - Crawford - motion 1
Yes: 34	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Rob Ford, Mark Grimes, Stephen Holyday, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser,

	Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, John Tory, Kristyn Wong-Tam
No: 7	Shelley Carroll, Paula Fletcher, Jim Karygiannis, Norman Kelly, Pam McConnell, Gord Perks, Michael Thompson
Absent: 4	Paul Ainslie, Josh Colle, Mary Fragedakis, David Shiner

**2 - Motion to Amend Item (Additional) moved by Councillor Giorgio Mammoliti (Carried)**

That City Council request Mayor Tory to forward a letter to the Prime Minister requesting funding assistance for the City of Toronto Syrian refugee resettlement program in areas such as affordable housing, social assistance and child care.

**Vote (Amend Item (Additional))**

Oct-02-2015 11:11 AM

<b>Result: Carried</b>	Majority Required - EX8.39 - Mammoliti - motion 2
Yes: 38	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Pam McConnell, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 5	Rob Ford, Stephen Holyday, Josh Matlow, Mary-Margaret McMahon, Gord Perks
Absent: 2	Paul Ainslie, Mary Fragedakis

**3a - Motion to Amend Item moved by Councillor Jim Karygiannis (Redundant)**

That Executive Committee Recommendation 3 be amended by deleting the word "temporary" and the words "include the remainder of \$0.75 million gross and zero net" and replacing them with the words "permanent" and "include the necessary funding for this permanent position" so that the recommendation would now read:

3. City Council approve the addition of one permanent staff complement and an increase of \$0.025 million gross and zero net to the 2015 Approved Operating Budget and include the necessary funding for this permanent position in the 2016 Operating Budget Submission for Social Development and Finance Administration (SDFA).

**Ruling by Speaker Frances Nunziata**

Speaker Nunziata ruled motion 3a by Councillor Karygiannis redundant due to Council's adoption of motion 1 by Councillor Crawford.

**3b - Motion to Amend Motion moved by Councillor Jim Karygiannis (Lost)**

That motion 2 by Councillor Mammoliti be amended by adding the words "to the levels of the pre-2005 Federal Budget" so that the motion would now read:

That City Council request Mayor Tory to forward a letter to the Prime Minister requesting funding assistance to the levels of the pre-2005 Federal Budget for the City of Toronto Syrian refugee resettlement program in areas such as affordable housing, social assistance and child care.

**Vote (Amend Motion)**

Oct-02-2015 11:10 AM

<b>Result: Lost</b>	Majority Required - EX8.39 - Karygiannis - motion 3b
Yes: 21	Ana Bailão, Michelle Berardinetti, Jon Burnside, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, John Filion, Paula Fletcher, Jim Karygiannis, Norman Kelly, Denzil Minnan-Wong, Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson

No: 22	Maria Augimeri, John Campbell, Christin Carmichael Greb, Joe Cressy, Janet Davis, Frank Di Giorgio, Sarah Doucette, Rob Ford, Mark Grimes, Stephen Holyday, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Gord Perks, John Tory, Kristyn Wong-Tam
Absent: 2	Paul Ainslie, Mary Fragedakis

*Motion to Adopt Item as Amended (Carried)*

Adopt item as amended as it pertains to Executive Committee Recommendations 1 to 5 as amended.

**Vote** (Adopt Item as Amended)

Oct-02-2015 11:13 AM

<b>Result: Carried</b>	Majority Required - EX8.39 - as it pertains to Executive Committee Recommendations 1 - 5 as amended
Yes: 42	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Rob Ford
Absent: 2	Paul Ainslie, Mary Fragedakis

*Motion to Adopt Item as Amended (Lost)*

Adopt item as amended as it pertains to Executive Committee Recommendation 6.

**Vote** (Adopt Item as Amended)

Oct-02-2015 11:14 AM

<b>Result: Lost</b>	Majority Required - EX8.39 - Adopt the item as amended only as it pertains to Executive Committee Recommendation 6
Yes: 11	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Norman Kelly, Giorgio Mammoliti, Denzil Minnan-Wong, Ron Moeser, Cesar Palacio, James Pasternak, Jaye Robinson, David Shiner
No: 32	Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Rob Ford, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Gord Perks, Anthony Perruzza, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 2	Paul Ainslie, Mary Fragedakis

*Point of Order by Deputy Mayor Denzil Minnan-Wong*

Deputy Mayor Minnan-Wong, rising on a Point of Order, stated that when an item which has been held is made time specific, that the Member who is holding the item should be informed.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that staff should let Councillor Ford's office know that Item TE10.12 will be considered immediately following Item EX8.39.

**Rulings (City Council)**

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata ruled Councillor Perks' questions out of order and Speaker Nunziata requested Councillor Perks only ask questions on clarification of the motion.

## 39a City of Toronto Resettlement Program

### Background Information (Committee)

(September 17, 2015) Report from the Executive Director, Social Development, Finance and Administration on City of Toronto Resettlement Program

<http://www.toronto.ca/legdocs/mmis/2015/ex/bgrd/backgroundfile-83896.pdf>

### Board of Health - Meeting 6

HL6.2	ACTION	Amended		Ward: All
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### Green City: Why Nature Matters to Health

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council dedicate sufficient resources to meet the strategic goal of increasing canopy cover in Toronto to 40 percent as set out by the 2013 Strategic Forest Management Plan.
2. City Council prioritize green space investment in the 31 Neighborhood Improvement Areas.
3. City Council recognize school sites as important community assets benefitting human health and the environment and that it support Toronto school boards keeping green spaces and sports facilities associated with schools accessible for use by the public when decisions are made on the future of school properties, especially those in high growth and Neighbourhood Improvement Areas.

#### Background Information (Board)

(September 4, 2015) Report from the Medical Officer of Health on the Green City: Why Nature Matters to Health

<http://www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-83420.pdf>

Attachment 1: Green City: Why Nature Matters to Health - An Evidence Review

<http://www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-83421.pdf>

Attachment 2: The Impact of Green Space on Heat and Air Pollution in Urban Communities: A meta-narrative systematic review

<http://www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-83422.pdf>

Presentation from the Medical Officer of Health on Green City: Why Nature Matters to Health

<http://www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-84077.pdf>

#### Background Information (City Council)

(September 28, 2015) Transmittal from City-School Boards Advisory Committee on Green City: Why Nature Matters to Health (HL6.2a)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84238.pdf>

#### Communications (Board)

(September 21, 2015) Letter from Dave Harvey, Executive Director, Park People (HL.New.HL6.2.1)

<http://www.toronto.ca/legdocs/mmis/2015/hl/comm/communicationfile-55505.pdf>

(September 21, 2015) E-mail from Sharon Yetman (HL.New.HL6.2.2)

(September 22, 2015) Presentation from Mike Puddister, Deputy CAO and Director Watershed Transformation, Credit Valley Conservation Authority and Pegeen Walsh, Executive Director,

Ontario Public Health Association (HL.New.HL6.2.3)

(<http://www.toronto.ca/legdocs/mmis/2015/hl/comm/communicationfile-55580.pdf>)

## Motions (City Council)

### 1 - Motion to Amend Item moved by Councillor Josh Matlow (**Carried**)

That City Council amend Board of Health Recommendation 3 by deleting the words "provide funding and other", "to", "to ensure that any", "open spaces" and "remain", and inserting the word "keeping" and inserting the letter "s" after the word space so that it now reads as follows:

3. City Council recognize school sites as important community assets benefitting human health and the environment and that it supports Toronto school boards keeping green spaces and sports facilities associated with schools accessible for use by the public when decisions are made on the future of school properties, especially those in high growth and Neighbourhood Improvement Areas.

### 2 - Motion to Amend Item moved by Councillor Stephen Holyday (**Lost**)

That City Council refer Board of Health Recommendations 1 and 2 to the General Manager, Parks, Forestry and Recreation for consideration in the implementation of the 2013-2018 Strategic Forest Management Plan and in the development of the 20 year Parks and Recreation Facility Master Plan, the Parkland Acquisition Strategy and the subsequent Parks, Forestry and Recreation 10 Year Capital Plan.

Recommendations to be referred:

1. City Council dedicate sufficient resources to meet the strategic goal of increasing canopy cover in Toronto to 40 percent as set out by the 2013 Strategic Forest Management Plan.
2. City Council prioritize green space investment in the 31 Neighborhood Improvement Areas.

## Vote (Amend Item)

Oct-02-2015 12:20 PM

<b>Result: Lost</b>	Majority Required - HL6.2 - Holyday - motion 2
Yes: 15	Ana Bailão, John Campbell, Christin Carmichael Greb, Gary Crawford, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), James Pasternak, David Shiner, Michael Thompson, John Tory
No: 21	Maria Augimeri, Jon Burnside, Shelley Carroll, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mark Grimes, Norman Kelly, Mike Layton, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Gord Perks, Anthony Perruzza, Kristyn Wong-Tam
Absent: 9	Paul Ainslie, Michelle Berardinetti, Raymond Cho, Josh Colle, Rob Ford, Mary Fragedakis, Giorgio Mammoliti, Cesar Palacio, Jaye Robinson

## Motion to Adopt Item as Amended (**Carried**)

## Vote (Adopt Item as Amended)

Oct-02-2015 12:22 PM

<b>Result: Carried</b>	Majority Required - HL6.2 - Adopt the item as amended
Yes: 35	Maria Augimeri, Ana Bailão, Christin Carmichael Greb, Shelley Carroll, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James

	Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 3	Jon Burnside, John Campbell, Stephen Holyday
Absent: 7	Paul Ainslie, Michelle Berardinetti, Raymond Cho, Josh Colle, Rob Ford, Mary Fragedakis, Giorgio Mammoliti

<b>HL6.7</b>	ACTION	Amended		Ward: All
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## Amendments to the 2015 Audit Work Plan

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Attachment 1 to the report (September 4, 2015) from the City Manager in Item EX8.1 so that the request to extend the jurisdiction of the Auditor General to the Board of Health is limited to those programs and expenditures where the City of Toronto funding or user fees constitute the majority of the funding, or when the Board of Health requests the Auditor General conduct an audit.

### City Council Decision Advice and Other Information

City Council considered Items EX8.1 and HL6.7 together.

### Background Information (Board)

(June 19, 2015) Letter from City Council on Amendments to the 2015 Audit Work Plan amended and adopted by City Council on June 10, 11, and 12, 2015  
<http://www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-82300.pdf>

### Motions (City Council)

*1 - Motion to Adopt Item as Amended moved by Councillor Chin Lee (Carried)*

HL6.7 and EX8.1:

That City Council amend the Board of Health recommendation to now read as follows:

City Council amend Attachment 1 to the report (September 4, 2015) from the City Manager so that the request to extend the jurisdiction of the Auditor General to the Board of Health is limited to those programs and expenditures where the City of Toronto funding or user fees constitute the majority of the funding, or when the Board of Health requests the Auditor General conduct an audit.

## 7a City of Toronto Auditor General's Jurisdiction and the Board of Health

### Background Information (Board)

(September 4, 2015) Report from the Medical Officer of Health on the City of Toronto Auditor General's Jurisdiction and the Board of Health  
<http://www.toronto.ca/legdocs/mmis/2015/hl/bgrd/backgroundfile-83637.pdf>

## Community Development and Recreation Committee - Meeting 6

<b>CD6.1</b>	ACTION	Adopted on Consent		Ward: All
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## Rates for Contracted Agencies, Long-Term Care Homes and Services

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the General Manager, Long-Term Care Homes and Services to negotiate annual rate increases in 2016, 2017, 2018, 2019 and 2020 for the Homemakers and Nurses Services program that do not exceed the rate of inflation and/or any increase prescribed and funded under provincial policy, and that are within the program's Council approved base program budget.
2. City Council authorize the General Manager, Long-Term Care Homes and Services to negotiate annual rate increases in 2016, 2017, 2018, 2019, and 2020 for the Supportive Housing program that do not exceed the rate of inflation and/or any increase prescribed and funded under provincial policy, and that are within the program's Council approved base program budget.

### Background Information (Committee)

(July 29, 2015) Report from the General Manager, Long-Term Care Homes and Services, on Rates for Contracted Agencies, Long-Term Care Homes and Services  
<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-82438.pdf>

CD6.2	ACTION	Adopted		Ward: All
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## Community Investment Funding Programs - 2015 Allocation Recommendations (Access, Equity and Human Rights, Community Safety, and Pan Am Festivals)

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve allocations for the following Investment Funding programs, as recommended in Appendices A and B, from the 2015 Approved Operating Budget for Social Development, Finance and Administration:
  - a. \$814,000 to 21 organizations for the 2015 Access, Equity and Human Rights Investment Program;
  - b. \$718,000 to 18 organizations for the 2015 Community Safety Investment Program;
  - c. \$80,000.00 be held for appeals for Access, Equity and Human Rights and Community Safety Investment Programs; and
  - d. reallocation of \$27,000 in unused funds from the previously allocated funding to Pan Am Festivals and Events to one organization for the 2015 Pan Am/Parapan Am Games Festivals and Events - Local Animation Through Collaboration.
2. City Council direct Social Development, Finance and Administration staff to review the five Community Investment Funding programs and to report on the results of the review prior to the 2017 funding cycle.

3. City Council approve delegated authority to enable the Executive Director, Social Development, Finance and Administration to reallocate unused Access, Equity and Human Rights and Community Safety Investment funds during the funding period to partner organizations that can implement the approved project, or to reallocate to applicants that were rated as high priority but not funded due to budget constraints.

4. City Council request the Executive Director, Social Development, Finance and Administration to report on any re-allocation of 2015 Access, Equity and Human Rights and Community Safety Investment funds as part of the report on the 2016 grants allocation.

**Background Information (Committee)**

(September 2, 2015) Report from the Executive Director, Social Development, Finance and Administration, on Community Investment Funding Programs - 2015 Allocation Recommendations (Access, Equity and Human Rights, Community Safety, and Pan Am Festivals) and Appendix A - 2015 Allocation Recommendations - Access, Equity and Human Rights (AEHR), Community Safety Investment (CSI), 2015 Pan Am/Parapan Am Games Festivals and Events - Local Animation Through Collaboration

<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-83277.pdf>

Appendix B - 2015 Detailed Summary Sheets and Summary of Declined Applicants - Access, Equity and Human Rights (AEHR), Community Safety Investment (CSI), 2015 Pan Am/Parapan Am Games Festivals and Events - Local Animation Through Collaboration

<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-83278.pdf>

Appendix C - Application Process and Assessment - 2015 Access, Equity and Human Rights (AEHR) and Community Safety Investment (CSI)

<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-83279.pdf>

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:38 AM

<b>Result: Carried</b>	Majority Required - CD6.2 - Adopt the item
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 2	Rob Ford, Stephen Holyday
Absent: 3	Pam McConnell, Denzil Minnan-Wong, David Shiner

<b>CD6.3</b>	<b>ACTION</b>	Adopted on Consent		Ward: All
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**Toronto Social Development Dashboard, September 2015**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council receive the report (September 2, 2015) from the Executive Director, Social Development, Finance and Administration, for information.

**Background Information (Committee)**

(September 2, 2015) Report from the Executive Director, Social Development, Finance and Administration, on Toronto Social Development Dashboard, September 2015

<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-83304.pdf>

Appendix 1 - City of Toronto Social Development Dashboard (September 2015)

<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-83305.pdf>

CD6.5	ACTION	Adopted		Ward: All
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## Updated Toronto Shelter Standards

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt the updated version of the Toronto Shelter Standards, as set out in Attachment 1 to the report (September 2, 2015) from the General Manager, Shelter, Support and Housing Administration, for implementation throughout the shelter system.

### Background Information (Committee)

(September 2, 2015) Report from the General Manager, Shelter, Support and Housing Administration, on Updated Toronto Shelter Standards

<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-83314.pdf>

Attachment 1 - Draft Toronto Shelter Standards (2015)

<http://www.toronto.ca/legdocs/mmis/2015/cd/bgrd/backgroundfile-83315.pdf>

### Background Information (City Council)

(September 24, 2015) Supplementary report from the Executive Director, Social Development, Finance and Administration and the General Manager, Shelter, Support and Housing Administration on Board Governance for Not-for-Profit Corporations (CD6.5a)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84211.pdf>

### Communications (Committee)

(September 17, 2015) Letter from Councillor Paula Fletcher - Ward 30, Toronto-Danforth (CD.New.CD6.5.1)

<http://www.toronto.ca/legdocs/mmis/2015/cd/comm/communicationfile-55255.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 11:34 AM

<b>Result: Carried</b>	Majority Required - CD6.5 - Adopt the item
Yes: 41	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 4	Paul Ainslie, Vincent Crisanti, Mary Fragedakis, Giorgio Mammoliti

## Economic Development Committee - Meeting 6

ED6.2	ACTION	Adopted		Ward: All
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## The Creation of a Foreign Direct Investment Regional Agency - Update

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council endorse, in principle the establishment of a new regional foreign direct investment attraction agency which would include functions currently carried out by Invest Toronto, subject to a further report to Council on the specifics of the proposed organization, including its governance, funding formula and core operating elements such as strategy and positioning and subject to the City's financial contribution being approved in the 2016 budget process.
2. City Council direct the Deputy City Manager and Chief Financial Officer to work with the General Manager, Economic Development and Culture, to review funding options for the City's contribution to a new regional agency and to recommend to Council how best to realign funding support for the impacted economic development functions.
3. City Council direct the City Manager, in consultation with the General Manager, Economic Development and Culture, to report to City Council through the Executive Committee on the implementation impacts for Invest Toronto and with recommendations on how best to transition to a new regional agency.

### Background Information (Committee)

(August 21, 2015) Report from the General Manager, Economic Development and Culture on Update - The Creation of a Foreign Direct Investment Regional Agency  
<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83240.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

ED6.5	ACTION	Adopted		Ward: All
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## Terms of Reference for a City of Toronto Photo Laureate

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the terms of reference for a Photo Laureate as described in Appendix A to the report (September 1, 2015) from the General Manager, Economic Development and Culture.
2. City Council request the appointment of the City of Toronto's first Photo Laureate in 2016 pending its consideration of support for the honorarium as part of the Economic Development and Culture 2016 Operating Budget.

### Background Information (Committee)

(September 1, 2015) Report and Appendix A from the General Manager, Economic Development and Culture on the Terms of Reference for a City of Toronto Photo Laureate  
<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83127.pdf>

**Motions (City Council)***Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-02-2015 11:33 AM

<b>Result: Carried</b>	Majority Required - ED6.5 - Adopt the item
Yes: 38	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 3	Rob Ford, Stephen Holyday, Denzil Minnan-Wong
Absent: 4	Paul Ainslie, Vincent Crisanti, Mary Fragedakis, Giorgio Mammoliti

<b>ED6.7</b>	<b>ACTION</b>	Adopted		Ward: All
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**Measuring the Impact of Culture Grants****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council receive the report (September 1, 2015) from the General Manager, Economic Development and Culture, for information.

**Background Information (Committee)**

(September 1, 2015) Report from the General Manager, Economic Development and Culture on Measuring the Impact of Culture Grants

<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83237.pdf>

**Motions (City Council)***Motion to Adopt Item (Carried)***Declared Interests (City Council)**

The following member(s) declared an interest:

Councillor Raymond Cho - as his wife is a member of the Korean Canadian Symphony Orchestra and is the Chair of the Korean Canadian Dance Study Society.

<b>ED6.9</b>	<b>ACTION</b>	Adopted on Consent		Ward: 15, 16, 17, 22, 25
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**Appointments to Business Improvement Area Boards of Management****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council remove the following appointees from the Business Improvement Area Boards of Management:

Eglinton Way BIA:  
Dimitrijevic, Dragan

Fairbank Village:  
Makris, Manolis

Uptown Yonge:  
Hughes, Scott

2. City Council, in accordance with the City's Public Appointments Policy, appoint the following nominee to the Business Improvement Area Board of Management at pleasure of Council, and for a term expiring at the end of the term of Council and until successors are appointed:

Eglinton Way:  
Jacki Allen.

3. City Council direct that Schedule A of the Municipal Code Chapter 19, Business Improvement Areas be amended to reflect the number of Board members for the Fairbank Village Business Improvement Area as nine (9) and for the Uptown Yonge Business Improvement Area as nineteen (19).

### **Background Information (Committee)**

(August 13, 2015) Report from the General Manager, Economic Development and Culture on Appointments to Business Improvement Area Boards of Management  
(<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83092.pdf>)

ED6.10	ACTION	Adopted on Consent		Ward: 15, 17
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### **The Fairbank Village Business Improvement Area (BIA) - Minor Boundary Expansion**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council designate the area described by Attachment 1 to the report (July 16, 2015) from the General Manager, Economic Development and Culture as the expanded Fairbank Village Business Improvement Area under Chapter 19 of the Toronto Municipal Code.
2. City Council direct the City solicitor to submit a by-law to designate the area described in Attachment 1 to the report (July 16, 2015) from the General Manager, Economic Development and Culture as the expanded Fairbank Village Business Improvement Area.
3. City Council authorize the City Solicitor to amend Municipal Code Chapter 19, Business Improvement Areas, as necessary, to reflect the expanded boundaries of Fairbank Village Business Improvement Area.

### **Background Information (Committee)**

(July 16, 2015) Report and Attachment 1 from the General Manager, Economic Development and Culture on The Fairbank Village Business Improvement Area (BIA) - Minor Boundary Expansion  
(<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83121.pdf>)

ED6.11	ACTION	Adopted on Consent		Ward: 8, 9
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## Wilson-Keele and Dufferin-Finch Business Improvement Areas (BIAs) - Name Changes

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the renaming of Wilson-Keele and Dufferin-Finch Business Improvement Areas, as defined by the boundaries described in Attachments 1 and 2 to the report (July 13, 2015) from the General Manager, Economic Development and Culture, to the Wilson Village and Duke Heights Business Improvement Areas respectively.
2. City Council amend The Toronto Municipal Code Chapter 19, Business Improvement Areas, as required to reflect the name changes.

### Background Information (Committee)

(July 13, 2015) Report and Attachments 1 and 2 from the General Manager, Economic Development and Culture on Wilson-Keele and Dufferin-Finch Business Improvement Areas (BIAs) - Name Changes

<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83093.pdf>

ED6.12	ACTION	Adopted on Consent		Ward: All
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## Uses of the Maple Leaf Forever Wood

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the General Manager, Economic Development and Culture to submit to the Toronto Archives complete documentation, including digital photographs, of all the Maple Leaf Forever Tree projects.
2. City Council publicly express its appreciation for the effort made by the project developers and the artisans, wood-workers and other makers across Canada who contributed to the preservation of this important part of Canadian history and culture.

### Background Information (Committee)

(August 24, 2015) Report from the General Manager, Economic Development and Culture on the Uses of the Maple Leaf Forever Wood

<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83123.pdf>

Appendix A - Catalogue of Projects from the Maple Leaf Forever Tree

<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83124.pdf>

ED6.13	ACTION	Adopted		Ward: All
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## Green Market Acceleration Program Pilot

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the General Manager, Economic Development and Culture and the Director, Toronto Office of Partnerships, in consultation with the Director, Purchasing and Materials Management, to launch the Green Market Acceleration Program for a period of two years as described in the report (August 20, 2015) from the General Manager, Economic Development and Culture and the Director, Toronto Office of Partnerships with the implementation requirements as set out in the Protocol for the Green Market Acceleration Program (attached to the report (August 20, 2015) from the General Manager, Economic Development and Culture and the Director, Toronto Office of Partnerships as Appendix A).
2. City Council authorize the Division heads of applicable City divisions to execute agreements on behalf of the City providing for the implementation of applied research partnerships, proof of concept projects and technology demonstrations using City assets or infrastructure under the Green Market Acceleration Program in a form satisfactory to the City Solicitor.
3. City Council direct all City divisions to work with local businesses, through the Green Market Acceleration Program, to assist with their applied research, proof of concept projects and technology demonstrations, supporting the development of "made in Toronto" market-based innovative solutions to real world issues and growing Toronto's economy.
4. City Council direct the General Manager, Economic Development and Culture and the Director, Toronto Office of Partnerships, to report back on the outcomes of the Green Market Acceleration Program pilot program after two years and, if warranted, provide recommendations on the establishment of a permanent program.
5. City Council direct the General Manager, Economic Development and Culture, in consultation with the Director of the Toronto Office of Partnerships and working in partnership with other City divisions, to report back in early 2016 on a proposed innovation procurement policy that would enable the City to be a first-purchaser of innovative products, services and technologies from Toronto's businesses.

### **Background Information (Committee)**

(August 20, 2015) Report and Appendices A and B from the General Manager, Economic Development and Culture and the Director, Toronto Office of Partnerships on the Green Market Acceleration Program Pilot

<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83120.pdf>

### **Communications (Committee)**

(September 18, 2015) Letter from Deputy Mayor Crisanti (ED.New.ED6.13.1)

<http://www.toronto.ca/legdocs/mmis/2015/ed/comm/communicationfile-55347.pdf>

### **Motions (City Council)**

*Motion to Adopt Item (Carried)*

ED6.14	ACTION	Deferred		Ward: All
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### **Establishing a Connectivity Advisory Group (CAG)**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, deferred consideration of Item ED6.14

until the November 3 and 4, 2015 City Council meeting.

### Background Information (Committee)

(August 26, 2015) Report and Appendix 1 from the General Manager, Economic Development and Culture on Establishing a Connectivity Advisory Group (CAG)

(<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83238.pdf>)

### Motions (City Council)

*1 - Motion to Defer Item moved by Councillor Mary Fragedakis (Carried)*

That consideration of the item be deferred until the November 3 and 4, 2015 City Council meeting.

ED6.16	ACTION	Amended		Ward: All
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### Economic Dashboard

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the General Manager, Economic Development and Culture to review how the Economic Dashboards statistics can be enhanced by including metrics which measure changes in general welfare created by new technologies.
2. City Council receive the report (September 8, 2015) from the General Manager, Economic Development and Culture, for information.

### Background Information (Committee)

(September 8, 2015) Report from the General Manager, Economic Development and Culture on the Economic Dashboard

(<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83126.pdf>)

(September 4, 2015) Attachment: Economic Dashboard Presentation - September 2015

(<http://www.toronto.ca/legdocs/mmis/2015/ed/bgrd/backgroundfile-83451.pdf>)

### Motions (City Council)

*1 - Motion to Amend Item (Additional) moved by Councillor Paul Ainslie (Carried)*

That:

1. City Council direct the General Manager, Economic Development and Culture to review how the Economic Dashboards statistics can be enhanced by including metrics which measure changes in general welfare created by new technologies.

*Motion to Adopt Item as Amended (Carried)*

### Government Management Committee - Meeting 6

GM6.9	ACTION	Adopted on Consent		Ward: All
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### Update on Cogeco Contract Status

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council receive the report (August 26, 2015) from the City Solicitor for information.
2. City Council direct that the information contained in Confidential Attachment 1 to the report (August 26, 2015) from the City Solicitor remain confidential as it relates to litigation or potential litigation affecting the City or one of its agencies, boards or commissions.

Confidential Attachment 1 to the report (August 26, 2015) from the City Solicitor remains confidential in its entirety in accordance with the provisions of the City of Toronto Act, 2006, as it pertains to litigation or potential litigation affecting the City or one of its agencies or commissions.

**Confidential Attachment - This report concerns litigation or potential litigation that affects the City or one of its agencies, boards, and commissions.**

### **Background Information (Committee)**

(August 26, 2015) Report from the City Solicitor on Update on Cogeco Contract Status

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83232.pdf>

(August 26, 2015) Confidential Attachment 1 - Confidential Update on Cogeco Contract

<b>GM6.10</b>	<b>ACTION</b>	Adopted on Consent		Ward: All
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### **Bell Integrated Telecommunications Infrastructure - Request for Five Year Contract Extension and Report on Contract Dispute**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt the recommendations contained in Confidential Attachment 1 to the report (September 1, 2015) from the Chief Information Officer, Information and Technology, the City Solicitor and the Director, Purchasing and Materials Management.
2. City Council authorize the public release of all or a portion of the confidential recommendations contained in Confidential Attachment 1 to the report (September 1, 2015) from the Chief Information Officer, Information and Technology, the City Solicitor and the Director, Purchasing and Materials Management at the discretion of the City Solicitor, and City Council direct the balance of Confidential Attachment 1 to the report (September 1, 2015) from the Chief Information Officer, Information and Technology, the City Solicitor and the Director, Purchasing and Materials Management remain confidential as it contains advice that is subject to solicitor-client privilege and it pertains to litigation or potential litigation.
3. City Council authorize for the Chief Information Officer to extend the current Integrated Telecommunications Infrastructure and related services contract and increase the contract value with Bell Canada for a five (5) year term commencing October 1, 2015, ending no later than September 30, 2020, for an additional estimated amount of \$49.841 million net of HST recoveries (\$48.979 million excluding taxes) based on the same pricing, terms and conditions.

Confidential Attachment 1 to the report (September 1, 2015) from the Chief Information Officer, Information and Technology, the City Solicitor and the Director, Purchasing and Materials Management remains confidential in its entirety at this time in accordance with the provisions of the City of Toronto Act, 2006 as it contains advice that is subject to solicitor-

client privilege and it pertains to litigation or potential litigation. All of a portion of the confidential recommendations in Confidential Attachment 1 will be made public at the discretion of the City Solicitor.

**Confidential Attachment - This report contains advice or communications that are subject to solicitor-client privilege, and pertains to litigation or potential litigation that affects the City.**

### **Background Information (Committee)**

(September 1, 2015) Report from the Chief Information Officer, Information and Technology, the City Solicitor, and the Director, Purchasing and Materials Management, on Bell Integrated Telecommunications Infrastructure - Request for Five Year Contract Extension and Report on Contract Dispute

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83271.pdf>

(September 1, 2015) Confidential Attachment 1 with Appendix - Bell Integrated Telecommunications Infrastructure Contract Dispute Update

GM6.11	ACTION	Amended		Ward: 27
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## **Food Service Opportunity at Toronto City Hall and Nathan Phillips Square**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council defer the plans for a restaurant development opportunity on Nathan Phillips Square indefinitely and instead, landscape the area for public use.
2. City Council direct the Chief Corporate Officer to proceed with the tenant selection process, including consideration of social enterprise, for the food service opportunity at Toronto City Hall.
3. City Council direct the Chief Corporate Officer to undertake the tenant selection process as outlined in Appendix 1 of the report (February 9, 2015) from the Chief Corporate Officer [Item GM1.4a], as adopted by City Council at its meeting held on February 10 and 11, 2015, subject to Part 4 below, and including consideration of social enterprise, to find a commercial food service operator and to report back to City Council, through the Government Management Committee, on the recommended tenant(s) and lease terms, if any.
4. In lieu of hiring a process monitor, City Council direct the Chief Corporate Officer to record the tenant selection process to ensure fairness.
5. City Council direct the Chief Corporate Officer to establish an advisory committee composed of members of the public with extensive experience in the food service industry to explore social enterprise food service options for the City Hall food service opportunity; such committee to serve on a voluntary basis.
6. City Council direct staff to consider all food service operations in a wholistic manner, to ensure well-coordinated food service operations at City Hall.
7. City Council authorize the extension of the lease between the City and 1158093 Ontario Limited o/a Café on the Square ("Café on the Square") beyond the current expiry date of

December 31, 2015 until the City has entered into a new agreement for the provision of food services in Toronto City Hall, with such extension to be on the same terms as the existing lease and in a form satisfactory to the City Solicitor.

### City Council Decision Advice and Other Information

City Council re-opened Item GM1.4 for further consideration only as it pertains to a process monitor.

### Background Information (Committee)

(August 31, 2015) Report from the Chief Corporate Officer on Food Service Opportunity at Toronto City Hall and Nathan Phillips Square

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83296.pdf>

Appendix A - Net Present Value of Social Enterprise Food Service Operation

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83297.pdf>

Appendix B - Response from Hospitality Workers Training Centre and Working for Change - June 25, 2015

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83298.pdf>

Appendix C - Response from Paintbox Catering and Bistro Inc. - June 25, 2015

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83299.pdf>

### Motions (City Council)

*1a - Motion to Amend Item moved by Councillor Paul Ainslie (Carried)*

That City Council delete Government Management Committee Recommendation 1:

Recommendation to be deleted:

1. City Council direct the Chief Corporate Officer not to proceed with the tenant selection process at this time for the Nathan Phillips Square restaurant development opportunity.

And replace it with the following new recommendation:

1. City Council defer the plans for a restaurant development opportunity on Nathan Phillips Square indefinitely and instead, landscape the area for public use.

*Motion to Re-open Item moved by Councillor Paul Ainslie (Carried)*

That City Council re-open Item GM1.4 only as it pertains to a process monitor.

**Vote** (Re-open Item)

Oct-02-2015 2:41 PM

<b>Result: Carried</b>	Two-Thirds Required - GM6.11 - Ainslie - Re-open Item GM1.4
Yes: 31	Paul Ainslie, Maria Augimeri, Ana Bailão, John Campbell, Raymond Cho, Josh Colle, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Michael Thompson, John Tory
No: 4	Jon Burnside, Gary Crawford, Anthony Perruzza, Jaye Robinson
Absent: 10	Michelle Berardinetti, Christin Carmichael Greb, Shelley Carroll, Vincent Crisanti, Paula Fletcher, Rob Ford, Giorgio Mammoliti, Ron Moeser, David Shiner, Kristyn Wong-Tam

*1b - Motion to Amend Item moved by Councillor Paul Ainslie (Carried)*

That:

1. City Council direct the Chief Corporate Officer to establish an advisory committee composed of members of the public with extensive experience in the food service industry to explore social enterprise food service options for the City Hall food service opportunity; such committee to serve on a voluntary basis.

2. In lieu of hiring a process monitor, City Council direct the Chief Corporate Officer to record the tenant selection process to ensure fairness.

**Vote** (Amend Item)

Oct-02-2015 2:43 PM

<b>Result: Carried</b>	Majority Required - GM6.11 - Ainslie - motion 1b - Part 1
Yes: 28	Paul Ainslie, Maria Augimeri, Ana Bailão, Shelley Carroll, Raymond Cho, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Michael Thompson, John Tory
No: 7	Jon Burnside, John Campbell, Josh Colle, Gary Crawford, Justin J. Di Ciano, Mark Grimes, Jaye Robinson
Absent: 10	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Paula Fletcher, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, David Shiner, Kristyn Wong-Tam

**Vote** (Amend Item)

Oct-02-2015 2:45 PM

<b>Result: Carried</b>	Majority Required - GM6.11 - Ainslie - motion 1b - Part 2
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory
No: 2	Janet Davis, Mike Layton
Absent: 9	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Paula Fletcher, Rob Ford, Giorgio Mammoliti, Ron Moeser, David Shiner, Kristyn Wong-Tam

*Motion to Adopt Item as Amended (Carried)*

<b>GM6.12</b>	<b>ACTION</b>	Adopted		Ward: 27
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### **Amendment to Purchase Order No. 6034414 Issued to Rochon Genova LLP for Rent Arbitration - 2 Bloor Street East**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend and increase the value of Rochon Genova LLP Purchase Order No. 6034414 for an additional \$138,000 net of HST (\$140,428 net of HST recoveries). This amount will increase the current contract value from \$1,409,238, net of HST (\$1,434,041 net of HST recoveries) to \$1,547,238 net of HST (\$1,574,470 net of HST recoveries).

2. City Council direct that Confidential Attachment 1 to the report (September 1, 2015) from the Chief Corporate Officer, the Director, Purchasing and Materials Management and the City

Solicitor remain confidential as it is the subject of litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board.

Confidential Attachment 1 to the report (September 1, 2015) from the Chief Corporate Officer, the Director, Purchasing and Materials Management and the City Solicitor remains confidential in its entirety in accordance with the provisions of the City of Toronto Act, 2006, as it is the subject of litigation or potential litigation affecting the City or one of its agencies or commissions.

**Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board.**

**Background Information (Committee)**

(September 1, 2015) Report from the Chief Corporate Officer, the Director, Purchasing and Materials Management, and the City Solicitor, on Amendment to Purchase Order No. 6034414 Issued to Rochon Genova LLP for Rent Arbitration - 2 Bloor Street East

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83303.pdf>

(September 1, 2015) Confidential Attachment 1 - Amendment to Purchase Order No. 6034414 Issued to Rochon Genova LLP for Rent Arbitration - 2 Bloor Street East

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:28 AM

<b>Result: Carried</b>	Majority Required - GM6.12 - Adopt the item
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Ron Moeser
Absent: 4	Rob Ford, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong

<b>GM6.14</b>	ACTION	Adopted		Ward: 2
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**Expropriation of Easement for Sanitary Trunk Sewer and Erosion Control, 36 Westmount Park Road**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the Director, Real Estate Services to continue negotiation to acquire, and if unsuccessful, to initiate the expropriation process for the easement interest at 36 Westmount Park Road depicted on the sketch in Appendix A (the "Lands") and shown on the map attached as Appendix B to the report (August 27, 2015) from the Chief Corporate Officer.
2. City Council authorize the Director, Real Estate Services to serve and publish Notices of Application for Approval to Expropriate the permanent easement in the Lands, to forward to the Chief Inquiry Officer any requests for hearing that are received, to attend the hearing to

present the City's position and to report the Inquiry Officer's recommendations to City Council for its consideration.

### **Background Information (Committee)**

(August 27, 2015) Report and Appendices A and B from the Chief Corporate Officer on Expropriation of Easement for Sanitary Trunk Sewer and Erosion Control, 36 Westmount Park Road

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83177.pdf>

### **Communications (City Council)**

(September 18, 2015) E-mail from Jeffrey E. Streisfield, Land Lawyer and Land Development Manager, Landlaw (CC.Main.GM6.14.1)

<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56010.pdf>

### **Motions (City Council)**

*Motion to Adopt Item (Carried)*

### **Declared Interests (City Council)**

The following member(s) declared an interest:

Councillor Rob Ford - as his mother's house is right behind the house on Westmount Park Road.

GM6.15	ACTION	Adopted on Consent		Ward: 8
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## **Real Estate Acquisition and Expropriation - 50 Romfield Drive**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the Director, Real Estate Services to negotiate to acquire a two year temporary easement over 50 Romfield Drive (the Property) and, if necessary, initiate expropriation proceedings to facilitate the construction of the Toronto-York Spadina Subway Extension Project (the Project).
2. City Council authorize the Director, Real Estate Services to serve and publish Notices of Application for Approval to Expropriate the Property, to forward to the Chief Inquiry Officer any requests for hearings that are received, to attend any hearings in order to present the City's position and to report the Inquiry Officer's recommendations back to City Council for its consideration.

### **Background Information (Committee)**

(August 27, 2015) Report and Appendices A and B from the Chief Corporate Officer on Real Estate Acquisition and Expropriation - 50 Romfield Drive

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83111.pdf>

GM6.16	ACTION	Adopted on Consent		Ward: 41
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## **Extension of Lease for Lands at Dynamic Drive**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize a lease extension agreement for 6,000 square feet of land located south of Nashdene Road and east of East Highland Creek with CP Rail for a five (5) year term commencing May 1, 2013 and expiring April 30, 2018, substantially on the terms and conditions set out in Appendix A to the report (August 27, 2015) from the Chief Corporate Officer, and on such other terms and conditions as may be deemed appropriate by the Chief Corporate Officer ("CCO"), or designate, and in a form acceptable to the City Solicitor.
2. City Council authorize the City Solicitor to complete the lease extension agreement, deliver any notices, pay expenses and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as the City Solicitor may, from time to time determine.
3. City Council authorize the Chief Corporate Officer to administer and manage the lease extension agreement, including the provision of any consent, approvals, notices and notices of termination, provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.
4. City Council authorize the Chief Corporate Officer and the Director, Real Estate Services to severally execute the lease extension agreement on behalf of the City.

## Background Information (Committee)

(August 27, 2015) Report and Appendices A and B from the Chief Corporate Officer on Extension of Lease for Lands at Dynamic Drive

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83112.pdf>

GM6.17	ACTION	Adopted on Consent		Ward: All
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## Lease Agreements with Toronto District School Board for City Directly Operated Child Care Programs

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the execution of existing leases as set out in Appendix A to the report (August 27, 2015) from the Chief Corporate Officer, and future leases for additional sites as required, with the Toronto District School Board for the purpose of providing City directly operated child care programs, based on the terms and conditions deemed appropriate by the Chief Corporate Officer, in consultation with the General Manager, Children's Services, in a form acceptable to the City Solicitor.

## Background Information (Committee)

(August 27, 2015) Report and Appendix A from the Chief Corporate Officer on Lease Agreements with Toronto District School Board for City Directly Operated Child Care Programs

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83275.pdf>

GM6.18	ACTION	Adopted on Consent		Ward: 22
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## Below-Market Rent Lease Agreement at 140 Merton Street

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize entering into a lease renewal agreement for a Below Market Rent (BMR) lease (Renewal Agreement) with SPRINT at 140 Merton Street for a three (3) year term, substantially based on the terms set out in Appendix A to the report (August 27, 2015) from the Chief Corporate Officer and the Executive Director, Social Development, Finance and Administration, and on such other or amended terms and conditions acceptable to the Chief Corporate Officer, or designate, and in a form acceptable to the City Solicitor.
2. City Council grant an exemption from the Return on Investment requirement under the Below Market Rent Policy as the tool is under development by Social Development, Finance and Administration.
3. City Council authorize the City Solicitor to complete the Renewal Agreement, deliver any notices, pay expenses and amend the commencement and other dates to such earlier or later date(s), on such terms and conditions, as the City Solicitor may, from time to time, determine.
4. City Council authorize the Chief Corporate Officer, or designate, to administer and manage the Renewal Agreement, including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.

### Background Information (Committee)

(August 27, 2015) Report from the Chief Corporate Officer and the Executive Director, Social Development, Finance and Administration, on Below-Market Rent Lease Agreement at 140 Merton Street

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83140.pdf>

Appendix A - Major Terms and Conditions

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83141.pdf>

Appendix B - Location Map

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83142.pdf>

GM6.19	ACTION	Adopted on Consent		Ward: 42
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## Renewal of Below Market Rent Sublease Agreement with Malvern Family Resource Centre at 1321 Neilson Road

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the renewal of the Sublease with Malvern Family Resource Centre ("MFRC") for a five (5) year term substantially based on the terms and conditions set out in Appendix A to the report (August 27, 2015) from the Chief Corporate Officer and the Executive Director, Social Development, Finance and Administration, and on such other terms and conditions acceptable to the Chief Corporate Officer, or designate, and in a form acceptable to the City Solicitor.

2. City Council authorize the Chief Corporate Officer to administer and manage the Sublease agreement, including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matters (including their content) to City Council for its determination and direction.
3. City Council grant an exemption from the Return on Investment (ROI) requirement as the tool is under development with the Social Development, Finance and Administration Division.

### Background Information (Committee)

(August 27, 2015) Report from the Chief Corporate Officer and the Executive Director, Social Development, Finance and Administration, on Renewal of Below Market Rent Sublease Agreement with Malvern Family Resource Centre at 1321 Neilson Road

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83137.pdf>

Appendix A - Major Terms and Conditions

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83138.pdf>

Appendix B - Location Map

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83139.pdf>

GM6.22	ACTION	Adopted on Consent		Ward: All
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## Proposed Amendments to Municipal Code Chapter 219 - Toronto Transit Commission (TTC) Records Retention

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Toronto Municipal Code, c.219-5, Article II (Appendix 1), to include electronic and digital records as official Toronto Transit Commission records formats and to permit electronic and digital records to be original records for the purpose of the by-law.
2. City Council approve the updated Toronto Transit Commission Records Retention Schedule in a form consistent with that set out in the PricewaterhouseCoopers LLP report, attached as Appendix 2 to the report (June 29, 2015) from the Chief Financial and Administration Officer, Toronto Transit Commission.

### Background Information (Committee)

(June 29, 2015) Letter from the Chief Financial and Administration Officer, Toronto Transit Commission, on Proposed Amendments to Municipal Code Chapter 219 - Toronto Transit Commission (TTC) Records Retention

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-82131.pdf>

(June 22, 2015) Report and Appendices 1 and 2 from the Chief Executive Officer, Toronto Transit Commission, on Proposed Amendments to Municipal Code Chapter 219 - Toronto Transit Commission (TTC) Records Retention

<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-82132.pdf>

GM6.23	ACTION	Adopted on Consent		Ward: 17
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## Acquisition of 437 Rogers Road

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the acquisition by the City of the property known municipally as 437 Rogers Road (the "Property") from The Batoni Group Ltd. (the "Vendor") for the purchase price of \$650,000 and substantially on the terms and conditions contained in Appendix A to the report (September 1, 2015) from the President, Toronto Parking Authority, plus the additional expenditure of approximately \$45,000 for associated costs such as land transfer tax, appraisal fees, a survey, environmental studies, and legal fees for a total estimated acquisition cost of \$695,000.
2. City Council amend the 2015 Capital Budget and 2016-2024 Capital Plan for Toronto Parking Authority by adding the capital project 437 Rogers Road Carpark Development to be funded by reallocation of capital funds from the Redevelopment of Carpark 411 project already included in the 2015 Approved Capital Budget and 2016-2024 Capital Plan in the amount of \$700,000 in order to facilitate the purchase of the Property.
3. City Council authorize the assumption of the commercial and the residential leases as described in Appendix A to the report (September 1, 2015) from the President, Toronto Parking Authority, in the event that the Toronto Parking Authority and the Vendor agree that the leases will be assigned as part of the transaction.
4. City Council direct that subsequent to acquisition, following the future termination of all leases, the Property be designated for municipal parking purposes to be managed by the Toronto Parking Authority.
5. City Council authorize the City Solicitor to complete the purchase transaction, deliver any notices, pay any expenses and amend the closing and other dates to such earlier or later date(s), on such terms and conditions, as the City Solicitor may, from time to time, determine.

**Background Information (Committee)**

(September 1, 2015) Report, Site Location Map and Appendices A to D from the President, Toronto Parking Authority, on Acquisition of 437 Rogers Road  
<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83300.pdf>

<b>GM6.24</b>	ACTION	Amended	Ward: 14, 16, 18, 19, 20, 22, 25, 27, 28
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**Changes to the On-Street Parking Machine Rates and Hours of Operation**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the changes to the hourly rates and hours of operation, as described in the revised Appendices 1 and 2 to the supplementary report (September 29, 2015) from the President, Toronto Parking Authority.
2. City Council amend Schedule I to City of Toronto Municipal Code Chapter 910, Parking Machines to incorporate the changes set out in Part 1 above.
3. As a result of the impact of extended paid parking hours on musicians unloading at music venues, City Council request the Toronto Parking Authority, in consultation with the General Manager of Economic Development and Culture, the Director, Entertainment Industries, and

the General Manager, Transportation Services to develop a musician loading system for venues that host live music performances and to report back to the Economic Development Committee.

4. City Council authorize the appropriate City officials to undertake the actions necessary to implement Council's decision, including any amendments that may be required to by-laws, and the City of Toronto Municipal Code.

### *Public Notice Given*

### **Background Information (Committee)**

(September 2, 2015) Report from the President, Toronto Parking Authority, on Changes to the On-Street Parking Machine Rates and Hours of Operation

(<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83311.pdf>)

Appendix 1 - List of Proposed By-Law Amendments - To Be Rescinded

(<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83312.pdf>)

Appendix 2 - List of Proposed By-Law Amendments - To Be Enacted

(<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83313.pdf>)

(September 10, 2015) Public Notice

(<http://www.toronto.ca/legdocs/mmis/2015/gm/bgrd/backgroundfile-83427.pdf>)

### **Background Information (City Council)**

(September 29, 2015) Supplementary report from the President, Toronto Parking Authority on changes to on-street parking machine rates and hours of operation (GM6.24a)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84275.pdf>)

Appendix 1 - list of proposed by-law amendments to be rescinded

(<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84276.pdf>)

Appendix 2 - list of proposed by-law amendments to be enacted

(<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84277.pdf>)

### **Motions (City Council)**

*1a - Motion to Amend Item moved by Councillor Joe Cressy (Carried)*

That City Council adopt the following recommendation contained in the supplementary report (September 29, 2015) from the President, Toronto Parking Authority [GM6.24a]:

1. City Council replace Appendices "1" and "2" to Government Management Committee Item GM6.24 and to the report (September 2, 2015) from the President, Toronto Parking Authority, with the revised Appendices "1" and "2" attached to the report dated September 29, 2015 from the President, Toronto Parking Authority.

### **Vote** (Amend Item)

Oct-02-2015 2:56 PM

<b>Result: Carried</b>	Majority Required - GM6.24 - Cressy - motion 1a
Yes: 35	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Pam McConnell, Mary-Margaret McMahan, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Josh Matlow
Absent: 9	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Paula Fletcher, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, David Shiner

*1b - Motion to Amend Item moved by Councillor Joe Cressy (Carried)*

That as a result of the impact of extended paid parking hours on musicians unloading at music venues, City Council request the Toronto Parking Authority, in consultation with the General Manager of Economic Development and Culture, the Director of Entertainment Industries, and the General Manager of Transportation Services to develop a musician loading system for venues that host live music performances and to report back to the Economic Development Committee.

**Vote** (Amend Item)

Oct-02-2015 2:58 PM

<b>Result: Carried</b>	Majority Required - GM6.24 - Cressy - motion 1b
Yes: 32	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 4	Justin J. Di Ciano, Mark Grimes, Stephen Holyday, Denzil Minnan-Wong
Absent: 9	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Paula Fletcher, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, David Shiner

*Motion to Adopt Item as Amended (Carried)***Vote** (Adopt Item as Amended)

Oct-02-2015 2:59 PM

<b>Result: Carried</b>	Majority Required - GM6.24 - Adopt the item as amended
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 2	John Campbell, Josh Matlow
Absent: 9	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Paula Fletcher, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, David Shiner

**Licensing and Standards Committee - Meeting 6**

LS6.1	ACTION	Amended		Ward: All
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**2015 Ground Transportation Review: Taxis, Limos and Uber****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Toronto Municipal Code, Chapter 545, Licensing to:
  - a. update the definitions of Taxicab Broker and Limousine Service Company to explicitly provide that technology-based brokerages, including Uber, are within the existing regulatory regime;
  - b. amend the definition of Taxicab to clarify the distinction between taxicabs and limousines; and

c. explicitly state that a Taxicab Broker and Limousine Service Company may only contract and/or connect passengers with municipally-licensed taxicabs and limousines, respectively.

2. City Council amend the Toronto Municipal Code, Chapter 545, Appendix C, "Tariff A", to reduce the initial cost, referred to as 'the drop fee', from \$4.25 to \$3.25 effective November 1, 2015.

3. City Council request the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee in Spring 2016 on a framework to equitably regulate all ground transportation providers and to begin consulting on the appropriate regulations to ensure a level playing field that considers the City of Toronto's accessibility objectives in the ground transportation industry.

4. City Council direct the Executive Director, Municipal Licensing and Standards to review provisions of the Municipal Code related to taxicabs and report back to Licensing and Standards Committee at the same time as the report requested in Part 3 above is considered by the Licensing and Standards Committee with recommendations to lessen regulatory burden and enhance competitiveness in the municipally-licensed taxicab industry, as outlined in Attachment 1 to the report (September 8, 2015) from the Executive Director, Municipal Licensing and Standards, including reviewing:

- a. current fare structure;
- b. vehicle requirements;
- c. vehicle inspections; and
- d. taxicab training.

such report to also include other issues identified in Attachment 1, Outstanding Report Requests on Taxicab Regulations.

5. City Council direct the Executive Director, Municipal Licensing and Standards to review the limousine industry and report back to Licensing and Standards Committee at the same time as the report requested in Part 3 above is considered by the Licensing and Standards Committee with recommendations to update and modernize the municipally-licensed limousine service, as outlined in Attachment 1 to the report (September 8, 2015) from the Executive Director, Municipal Licensing and Standards, including reviewing:

- a. required 20-minute pre-booked time;
- b. minimum fare of \$70/hour for the first two hours; and
- c. ratio requirements for stretch limousines.

6. City Council direct the Executive Director, Municipal Licensing and Standards to report to the Licensing and Standards Committee:

- a. on the existence or absence of legislation and or regulations that protect consumers against price gouging or surge pricing by ground transportation providers during civic emergencies, electrical black outs, transit disruptions or other events that cause an immediate demand for alternative transportation options and if such Federal or

Provincial legislation and or regulations do not exist, the report should include recommendations on how the City of Toronto might address spike pricing in civic emergencies;

b. on the Provincial regulations governing Pearson International Airport rider pick up and recommendations on the process on how that can be reformed to allow Toronto taxi drivers to pick up rides at the airport; and

c. with recommendations for the in-vehicle posting of the Harmonized Sales Tax number held by either the driver or the cab owner so that it can be viewed by passengers.

7. City Council direct the Executive Director, Municipal Licensing and Standards to undertake a review of the current state of accessible ground transportation options for the public, and provide recommendations to enhance the service, including responding to outstanding directives, identifying possible funding sources to mitigate the costs of providing the service, and examining the need for incremental taxicab licence issuance.

8. City Council authorize the issuance of 100 new Toronto Taxicab Licences (TTLs) to drivers on the waiting list, in order to advance the availability of metered on-demand wheelchair accessible taxicab service, commencing November 1, 2015.

9. City Council direct the Executive Director Municipal Licensing and Standards to immediately implement and enforce Council's decision, including if necessary, requesting City Council, through the City's Budget Process, additional dedicated by-law officers to ensure adherence to this by-law.

10. City Council request the Toronto Police Services Board to report, through the Licensing and Standards Committee, with an update on the action taken with respect to City Council's previous request regarding enforcement of unlicensed taxicabs.

11. City Council request Uber to stop operating in the City of Toronto until such time as the Executive Director, Municipal Licensing and Standards reports on a framework to regulate ground transportation providers.

12. Notwithstanding the adoption of LS6.1, City Council reaffirm its intention that all persons are to comply with Chapter 545, Licensing, as amended.

### **City Council Decision Advice and Other Information**

City Council considered Items LS5.3, LS6.1 and CC9.8 together.

#### *Public Notice Given*

### **Background Information (Committee)**

(September 8, 2015) Report from the Executive Director, Municipal Licensing and Standards on the 2015 Ground Transportation Review - Taxis, Limos, and Uber

<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-83268.pdf>

Attachment 1 - Ground Transportation Review

<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-83503.pdf>

Attachment 2 - Ipsos Reid Qualitative and Quantitative Research

<http://www.toronto.ca/legdocs/mmis/2015/ls/bgrd/backgroundfile-83494.pdf>

### **Communications (Committee)**

(September 8, 2015) E-mail from Spiros Bastas, President, Accessible Transportation

Association of Ontario (AOTA) (LS.Main.LS6.1.1)

<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-54845.pdf>

(September 4, 2015) E-mail from Mitch Glassman, Royal Limousine, on behalf of Bennington Limousine, Cullitons Limousine Service, Global Alliance, Rosedale Livery, and Royal Limousine (LS.Main.LS6.1.2)

<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-54848.pdf>

(September 11, 2015) E-mail from Jessie Poh (LS.New.LS6.1.3)

(September 11, 2015) E-mail from Maya Voss (LS.New.LS6.1.4)

(September 11, 2015) E-mail from Joy Green (LS.New.LS6.1.5)

(September 11, 2015) E-mail from Tatyana Marshall (LS.New.LS6.1.6)

(September 11, 2015) E-mail from Charles Liddy (LS.New.LS6.1.7)

(September 11, 2015) E-mail from Felicity Stone (LS.New.LS6.1.8)

(September 11, 2015) E-mail from Nikola Sunderic (LS.New.LS6.1.9)

(September 11, 2015) E-mail from Philip Lunev (LS.New.LS6.1.10)

(September 11, 2015) E-mail from Graeme Thompson (LS.New.LS6.1.11)

(September 11, 2015) E-mail from Mandy Graham (LS.New.LS6.1.12)

(September 11, 2015) E-mail from John King (LS.New.LS6.1.13)

(September 11, 2015) E-mail from Kamlesh Parmar (LS.New.LS6.1.14)

(September 11, 2015) E-mail from Simrat Randhawa (LS.New.LS6.1.15)

(September 11, 2015) E-mail from Gerry Tate (LS.New.LS6.1.16)

(September 11, 2015) E-mail from Daniel Kmiecik (LS.New.LS6.1.17)

(September 11, 2015) E-mail from James Park (LS.New.LS6.1.18)

(September 11, 2015) E-mail from Al Ferrer (LS.New.LS6.1.19)

(September 11, 2015) E-mail from Nazrul Islam (LS.New.LS6.1.20)

(September 11, 2015) E-mail from Joseph Shabason (LS.New.LS6.1.21)

(September 11, 2015) E-mail from Terry Ibele (LS.New.LS6.1.22)

(September 11, 2015) E-mail from Ryan Healey-Ogden (LS.New.LS6.1.23)

(September 11, 2015) E-mail from Thomas Ganyuk (LS.New.LS6.1.24)

(September 11, 2015) E-mail from Nadir Al-Sharif (LS.New.LS6.1.25)

(September 11, 2015) E-mail from Donald Muda (LS.New.LS6.1.26)

(September 11, 2015) E-mail from Nancy Jarvis (LS.New.LS6.1.27)

(September 11, 2015) E-mail from Anthony Conte (LS.New.LS6.1.28)

(September 11, 2015) E-mail from Jamie Richardson (LS.New.LS6.1.29)

(September 11, 2015) E-mail from Shawn McGraw (LS.New.LS6.1.30)

(September 11, 2015) E-mail from David Turtle (LS.New.LS6.1.31)

(September 11, 2015) E-mail from Kevin Navarro (LS.New.LS6.1.32)

(September 11, 2015) E-mail from Mansell Nelson (LS.New.LS6.1.33)

(September 11, 2015) E-mail from Ashlea Ochsner (LS.New.LS6.1.34)

(September 11, 2015) E-mail from Stephen Allen (LS.New.LS6.1.35)

(September 11, 2015) E-mail from Tayjah Barnes (LS.New.LS6.1.36)

(September 11, 2015) E-mail from David Ford (LS.New.LS6.1.37)

(September 11, 2015) E-mail from Kelly Groh (LS.New.LS6.1.38)

(September 11, 2015) E-mail from James Parker (LS.New.LS6.1.39)

(September 11, 2015) E-mail from Rob Gatto (LS.New.LS6.1.40)

(September 11, 2015) E-mail from Megan Triebe (LS.New.LS6.1.41)

(September 11, 2015) E-mail from Chantal Fry (LS.New.LS6.1.42)

(September 11, 2015) E-mail from Alex Rempel (LS.New.LS6.1.43)

(September 11, 2015) E-mail from Carmen McIntyre (LS.New.LS6.1.44)

(September 11, 2015) E-mail from Sebastian Cosgrove and John Westlake (LS.New.LS6.1.45)

(September 11, 2015) E-mail from Ben Cantin-Kranz (LS.New.LS6.1.46)

(September 11, 2015) E-mail from Mike Sinfarosa (LS.New.LS6.1.47)

(September 11, 2015) E-mail from Kyle Bishop (LS.New.LS6.1.48)

(September 11, 2015) E-mail from Nadine Palmer (LS.New.LS6.1.49)

(September 11, 2015) E-mail from Patrick Lavender (LS.New.LS6.1.50)

(September 11, 2015) E-mail from Lawrence Lus (LS.New.LS6.1.51)  
(September 11, 2015) E-mail from Sari Abdo (LS.New.LS6.1.52)  
(September 11, 2015) E-mail from Adam Chappell (LS.New.LS6.1.53)  
(September 11, 2015) E-mail from Danbi Lee (LS.New.LS6.1.54)  
(September 11, 2015) E-mail from Charaka Kithulegoda (LS.New.LS6.1.55)  
(September 11, 2015) E-mail from Carolyn Correia (LS.New.LS6.1.56)  
(September 11, 2015) E-mail from Joanne Fletcher-Kent (LS.New.LS6.1.57)  
(September 11, 2015) E-mail from Mary Claire Thompson (LS.New.LS6.1.58)  
(September 11, 2015) E-mail from Anne Frank (LS.New.LS6.1.59)  
(September 11, 2015) E-mail from Timothy Bullock (LS.New.LS6.1.60)  
(September 11, 2015) E-mail from Jodie Adams (LS.New.LS6.1.61)  
(September 11, 2015) E-mail from Ian Elliott (LS.New.LS6.1.62)  
(September 11, 2015) E-mail from Ken McNeilly (LS.New.LS6.1.63)  
(September 11, 2015) E-mail from Melissa Barizo (LS.New.LS6.1.64)  
(September 11, 2015) E-mail from Jodi Kaplovitch (LS.New.LS6.1.65)  
(September 11, 2015) E-mail from Lamine Niasse (LS.New.LS6.1.66)  
(September 11, 2015) E-mail from Jeffrey Reffo (LS.New.LS6.1.67)  
(September 11, 2015) E-mail from Patricia Burns (LS.New.LS6.1.68)  
(September 11, 2015) E-mail from Margo Pulkinen (LS.New.LS6.1.69)  
(September 11, 2015) E-mail from Cheliyan Rajalingam (LS.New.LS6.1.70)  
(September 11, 2015) E-mail from Saro Setrakian (LS.New.LS6.1.71)  
(September 11, 2015) E-mail from Rohan Hossain (LS.New.LS6.1.72)  
(September 11, 2015) E-mail from Samantha Conde (LS.New.LS6.1.73)  
(September 12, 2015) E-mail from Marion Magloire (LS.New.LS6.1.74)  
(September 12, 2015) E-mail from Noha Hassan (LS.New.LS6.1.75)  
(September 12, 2015) E-mail from K. Richards (LS.New.LS6.1.76)  
(September 12, 2015) E-mail from Kevin Richard (LS.New.LS6.1.77)  
(September 12, 2015) E-mail from Anthony Nguyen (LS.New.LS6.1.78)  
(September 12, 2015) E-mail from Rameez Gulam (LS.New.LS6.1.79)  
(September 12, 2015) E-mail from Ashee Dalrymple (LS.New.LS6.1.80)  
(September 12, 2015) E-mail from Nancy Gaughan (LS.New.LS6.1.81)  
(September 12, 2015) E-mail from Mark Diamond (LS.New.LS6.1.82)  
(September 12, 2015) E-mail from Holton Hunter (LS.New.LS6.1.83)  
(September 12, 2015) E-mail from Tracy Thompson (LS.New.LS6.1.84)  
(September 12, 2015) E-mail from Ronald Manlicic (LS.New.LS6.1.85)  
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(September 12, 2015) E-mail from Jessica Gomes (LS.New.LS6.1.87)  
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(September 12, 2015) E-mail from Kim Bishop (LS.New.LS6.1.89)  
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(September 12, 2015) E-mail from Cheliyan Rajalingam (LS.New.LS6.1.91)  
(September 12, 2015) E-mail from Ken Bell (LS.New.LS6.1.92)  
(September 12, 2015) E-mail from Alain G. Cogan (LS.New.LS6.1.93)  
(September 12, 2015) E-mail from Darryl Haye-Morgan (LS.New.LS6.1.94)  
(September 12, 2015) E-mail from Debbie Davidson (LS.New.LS6.1.95)  
(September 12, 2015) E-mail from Trina Sinclair (LS.New.LS6.1.96)  
(September 12, 2015) E-mail from Krunal (LS.New.LS6.1.97)  
(September 12, 2015) E-mail from Ivon da Silva (LS.New.LS6.1.98)  
(September 12, 2015) E-mail from Alisha Hoque (LS.New.LS6.1.99)  
(September 13, 2015) E-mail from Darryl Haye-Morgan (LS.New.LS6.1.100)  
(September 13, 2015) E-mail from Brian Aucoin (LS.New.LS6.1.101)  
(September 13, 2015) E-mail from Loralie Olinyk (LS.New.LS6.1.102)  
(September 13, 2015) E-mail from Victoria Kolakowski (LS.New.LS6.1.103)  
(September 14, 2015) E-mail from Greg Noseworthy (LS.New.LS6.1.104)

(September 14, 2015) E-mail from Melissa Martin (LS.New.LS6.1.105)  
(September 14, 2015) E-mail from Stefan Kovac (LS.New.LS6.1.106)  
(September 14, 2015) E-mail from Frank Bonofiglio (LS.New.LS6.1.107)  
(September 14, 2015) E-mail from Markian Lozowchuk (LS.New.LS6.1.108)  
(September 14, 2015) E-mail from AJ Goldie (LS.New.LS6.1.109)  
(September 14, 2015) E-mail from John Lambert (LS.New.LS6.1.110)  
(September 14, 2015) E-mail from Philip Evans (LS.New.LS6.1.111)  
(September 14, 2015) E-mail from Kavita Bailey (LS.New.LS6.1.112)  
(September 14, 2015) E-mail from Richard Papa (LS.New.LS6.1.113)  
(September 14, 2015) E-mail from Warren Jansons (LS.New.LS6.1.114)  
(September 14, 2015) E-mail from Chris Chan (LS.New.LS6.1.115)  
(September 14, 2015) E-mail from Mario Cantin (LS.New.LS6.1.116)  
(September 14, 2015) E-mail from Robert Bergman (LS.New.LS6.1.117)  
(September 14, 2015) E-mail from John MacMillan (LS.New.LS6.1.118)  
(September 14, 2015) E-mail from Cara Hirsch (LS.New.LS6.1.119)  
(September 14, 2015) E-mail from Andrew Hladkyj (LS.New.LS6.1.120)  
(September 14, 2015) E-mail from Keith Agnew (LS.New.LS6.1.121)  
(September 14, 2015) E-mail from Chrissy G (LS.New.LS6.1.122)  
(September 14, 2015) E-mail from Elizabeth Callahan (LS.New.LS6.1.123)  
(September 14, 2015) E-mail from Elmer Oscar (LS.New.LS6.1.124)  
(September 14, 2015) E-mail from Ky Cotrone (LS.New.LS6.1.125)  
(September 14, 2015) E-mail from Remmy Funtos (LS.New.LS6.1.126)  
(September 14, 2015) E-mail from Laura Polak (LS.New.LS6.1.127)  
(September 14, 2015) E-mail from Andrew Perry (LS.New.LS6.1.128)  
(September 14, 2015) E-mail from Mike Beresford (LS.New.LS6.1.129)  
(September 14, 2015) E-mail from Daryl Sedgmen (LS.New.LS6.1.130)  
(September 14, 2015) E-mail from Theo Adjei (LS.New.LS6.1.131)  
(September 14, 2015) E-mail from Anne Bayin (LS.New.LS6.1.132)  
(September 14, 2015) E-mail from George Engman (LS.New.LS6.1.133)  
(September 14, 2015) E-mail from Kim Roberts (LS.New.LS6.1.134)  
(September 14, 2015) E-mail from Lloyd Duckman (LS.New.LS6.1.135)  
(September 14, 2015) E-mail from Guenther Koehler (LS.New.LS6.1.136)  
(September 14, 2015) E-mail from Myriam Abecassis (LS.New.LS6.1.137)  
(September 14, 2015) E-mail from Joshua Teti (LS.New.LS6.1.138)  
(September 14, 2015) E-mail from Johnathon McKay (LS.New.LS6.1.139)  
(September 14, 2015) E-mail from Austin Noble (LS.New.LS6.1.140)  
(September 14, 2015) E-mail from Steve Perron (LS.New.LS6.1.141)  
(September 14, 2015) E-mail from Philip Szczypinski (LS.New.LS6.1.142)  
(September 14, 2015) E-mail from Melissa Hayward (LS.New.LS6.1.143)  
(September 14, 2015) E-mail from Ian Reeve (LS.New.LS6.1.144)  
(September 14, 2015) E-mail from Jeff Cardona (LS.New.LS6.1.145)  
(September 14, 2015) E-mail from Nicole Allossery (LS.New.LS6.1.146)  
(September 14, 2015) E-mail from Jose Taboada (LS.New.LS6.1.147)  
(September 14, 2015) E-mail from Devika Smith (LS.New.LS6.1.148)  
(September 14, 2015) E-mail from Sue Mackellar (LS.New.LS6.1.149)  
(September 14, 2015) E-mail from Emir Tahirovic (LS.New.LS6.1.150)  
(September 14, 2015) E-mail from Christopher Abreu (LS.New.LS6.1.151)  
(September 14, 2015) E-mail from Serguei Seleznev (LS.New.LS6.1.152)  
(September 14, 2015) E-mail from Mike Paul (LS.New.LS6.1.153)  
(September 14, 2015) E-mail from Michel Boudreault (LS.New.LS6.1.154)  
(September 14, 2015) E-mail from Ronald Rosenes (LS.New.LS6.1.155)  
(September 14, 2015) E-mail from Peter Lengyel (LS.New.LS6.1.156)  
(September 14, 2015) E-mail from Kieron Kawall (LS.New.LS6.1.157)  
(September 14, 2015) E-mail from Kieron Kawall (LS.New.LS6.1.158)

(September 14, 2015) E-mail from Rachel Baron (LS.New.LS6.1.159)  
(September 14, 2015) E-mail from Krishna Komatla (LS.New.LS6.1.160)  
(September 14, 2015) E-mail from Sam Shields (LS.New.LS6.1.161)  
(September 14, 2015) E-mail from Jennifer Lippa (LS.New.LS6.1.162)  
(September 14, 2015) E-mail from James D. Spencer (LS.New.LS6.1.163)  
(September 14, 2015) E-mail from Meg Robinson (LS.New.LS6.1.164)  
(September 14, 2015) E-mail from Akrem Mohammed (LS.New.LS6.1.165)  
(September 14, 2015) E-mail from Ryan Rebello (LS.New.LS6.1.166)  
(September 14, 2015) E-mail from Serge Sergeev (LS.New.LS6.1.167)  
(September 14, 2015) E-mail from Seunghee Jung (LS.New.LS6.1.168)  
(September 14, 2015) E-mail from Sam Salituro (LS.New.LS6.1.169)  
(September 14, 2015) E-mail from Michael Alday (LS.New.LS6.1.170)  
(September 14, 2015) E-mail from Peter Vo (LS.New.LS6.1.171)  
(September 14, 2015) E-mail from Steve Exil (LS.New.LS6.1.172)  
(September 14, 2015) E-mail from John Hourihan (LS.New.LS6.1.173)  
(September 14, 2015) E-mail from Jannette Cha (LS.New.LS6.1.174)  
(September 14, 2015) E-mail from Joshua Kay (LS.New.LS6.1.175)  
(September 14, 2015) E-mail from Jet Lising (LS.New.LS6.1.176)  
(September 14, 2015) E-mail from Kertricia Nelson (LS.New.LS6.1.177)  
(September 14, 2015) E-mail from Holly Treddenik (LS.New.LS6.1.178)  
(September 14, 2015) E-mail from Ryan Wickware (LS.New.LS6.1.179)  
(September 14, 2015) E-mail from Carole Atkins (LS.New.LS6.1.180)  
(September 14, 2015) E-mail from Andrew Hall (LS.New.LS6.1.181)  
(September 14, 2015) E-mail from Annette Plumstead (LS.New.LS6.1.182)  
(September 14, 2015) E-mail from Alex Young (LS.New.LS6.1.183)  
(September 14, 2015) E-mail from Walter Swardfager (LS.New.LS6.1.184)  
(September 14, 2015) E-mail from Ellen van Steenburgh (LS.New.LS6.1.185)  
(September 14, 2015) E-mail from Luis Martinez (LS.New.LS6.1.186)  
(September 14, 2015) E-mail from Shaun Ashley (LS.New.LS6.1.187)  
(September 14, 2015) E-mail from Les Harris (LS.New.LS6.1.188)  
(September 14, 2015) E-mail from Luca De Montis (LS.New.LS6.1.189)  
(September 14, 2015) E-mail from Gordon Rowcliffe (LS.Main.LS6.1.190)  
(September 14, 2015) E-mail from Khaled Mozahar (LS.New.LS6.1.191)  
(September 14, 2015) E-mail from Benjamin Lee (LS.New.LS6.1.192)  
(September 14, 2015) E-mail from Alexis Shamess (LS.New.LS6.1.193)  
(September 14, 2015) E-mail from Shannon Sanders (LS.New.LS6.1.194)  
(September 14, 2015) E-mail from L.R. Gauthier (LS.New.LS6.1.195)  
(September 14, 2015) E-mail from Muammer Saadauddin Ayub (LS.New.LS6.1.196)  
(September 14, 2015) E-mail from Roman Brik (LS.New.LS6.1.197)  
(September 14, 2015) E-mail from Graham Spry (LS.New.LS6.1.198)  
(September 14, 2015) E-mail from Luc Gauthier (LS.New.LS6.1.199)  
(September 14, 2015) E-mail from Shari Walczak (LS.New.LS6.1.200)  
(September 14, 2015) E-mail from Natalie Zadarko (LS.New.LS6.1.201)  
(September 14, 2015) E-mail from Dave Kim (LS.New.LS6.1.202)  
(September 14, 2015) E-mail from Shawn Sosnowski (LS.New.LS6.1.203)  
(September 14, 2015) E-mail from Dolores O'Brien (LS.New.LS6.1.204)  
(September 14, 2015) E-mail from Alyssa Rego (LS.New.LS6.1.205)  
(September 14, 2015) E-mail from Roxanne Felix (LS.New.LS6.1.206)  
(September 14, 2015) E-mail from Esther Wong (LS.New.LS6.1.207)  
(September 14, 2015) E-mail from Natalia J (LS.New.LS6.1.208)  
(September 14, 2015) E-mail from George Filtsos (LS.New.LS6.1.209)  
(September 15, 2015) E-mail from Mar Farooqi (LS.New.LS6.1.210)  
(September 15, 2015) E-mail from Cris Bascunan (LS.New.LS6.1.211)  
(September 14, 2015) E-mail from Chris Leigh (LS.New.LS6.1.212)

(September 14, 2015) E-mail from Veerendra Nagalla (LS.New.LS6.1.213)  
(September 14, 2015) E-mail from Sid Choudhuri (LS.New.LS6.1.214)  
(September 15, 2015) E-mail from Diane Fisico (LS.New.LS6.1.215)  
(September 15, 2015) E-mail from Betty Nelima (LS.New.LS6.1.216)  
(September 15, 2015) E-mail from Marc Kanatkin (LS.New.LS6.1.217)  
(September 15, 2015) E-mail from Narendra Baghat (LS.New.LS6.1.218)  
(September 15, 2015) E-mail from Kapil Gupta (LS.New.LS6.1.219)  
(September 15, 2015) E-mail from Sabrina Brown (LS.New.LS6.1.220)  
(September 15, 2015) E-mail from Colin May (LS.New.LS6.1.221)  
(September 15, 2015) E-mail from Maria Shinn (LS.New.LS6.1.222)  
(September 15, 2015) E-mail from Kristopher Bowman (LS.New.LS6.1.223)  
(September 15, 2015) E-mail from Sarah Aubrey Gazaneo (LS.New.LS6.1.224)  
(September 15, 2015) E-mail from Paul Padda (LS.New.LS6.1.225)  
(September 15, 2015) E-mail from Usman Abid (LS.New.LS6.1.226)  
(September 15, 2015) E-mail from Trisha Ramnane (LS.New.LS6.1.227)  
(September 15, 2015) E-mail from Ish Ash (LS.New.LS6.1.228)  
(September 15, 2015) E-mail from Lisa Marshall (LS.New.LS6.1.229)  
(September 15, 2015) E-mail from James Flanagan (LS.New.LS6.1.230)  
(September 15, 2015) E-mail from Helen Sanderson (LS.New.LS6.1.231)  
(September 15, 2015) E-mail from Alexis Ledgister (LS.New.LS6.1.232)  
(September 15, 2015) E-mail from KC Parker (LS.New.LS6.1.233)  
(September 15, 2015) E-mail from Mahmood Hassan (LS.New.LS6.1.234)  
(September 15, 2015) E-mail from Francesco Digenova (LS.New.LS6.1.235)  
(September 15, 2015) E-mail from Simcha D. Alon (LS.New.LS6.1.236)  
(September 15, 2015) E-mail from Brian Rocha (LS.New.LS6.1.237)  
(September 15, 2015) E-mail from Anthony Jabbour (LS.New.LS6.1.238)  
(September 15, 2015) E-mail from Seyed Ali Javid (LS.New.LS6.1.239)  
(September 15, 2015) E-mail from Chris Schafer, Uber Public Policy Manager, Canada (LS.New.LS6.1.240)

<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-55222.pdf>

(September 16, 2015) E-mail from Nizam Rahman (LS.New.LS6.1.241)  
(September 16, 2015) E-mail from Mark Daugela (LS.New.LS6.1.242)  
(September 16, 2015) E-mail from Rashad Muhammad (LS.New.LS6.1.243)  
(September 16, 2015) E-mail from Paul Levin (LS.New.LS6.1.244)  
(September 16, 2015) E-mail from Mubashir Bukhari (LS.New.LS6.1.245)  
(September 16, 2015) E-mail from James D. Spencer (LS.New.LS6.1.246)  
(September 16, 2015) Submission from Al Moore (LS.New.LS6.1.247)  
(September 16, 2015) Submission from John Dahdaly, Ontario Limousine Owners Association (OLOA) (LS.New.LS6.1.248)

<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-55154.pdf>

(September 16, 2015) E-mail from Thomas Silcox-Childs (LS.New.LS6.1.249)  
(September 16, 2015) Submission from Sivathas Gopalapillai (LS.New.LS6.1.250)  
(September 16, 2015) E-mail from Cecilia Tsang (LS.New.LS6.1.251)  
(September 16, 2015) E-mail from Leslie Luong (LS.New.LS6.1.252)  
(September 16, 2015) E-mail from Greg Cameron (LS.New.LS6.1.253)  
(September 16, 2015) E-mail from Araceli Ryabinchak (LS.New.LS6.1.254)  
(September 16, 2015) E-mail from D. Kishun (LS.New.LS6.1.255)  
(September 16, 2015) E-mail from Alex Ranieri (LS.New.LS6.1.256)  
(September 16, 2015) E-mail from Steve Lennon (LS.New.LS6.1.257)  
(September 16, 2015) E-mail from Adrienne Dennis (LS.New.LS6.1.258)  
(September 16, 2015) E-mail from Julian Taylor (LS.New.LS6.1.259)  
(September 16, 2015) E-mail from Chris Poole (LS.New.LS6.1.260)  
(September 16, 2015) E-mail from Andre Bodnar (LS.New.LS6.1.261)  
(September 16, 2015) E-mail from Tuula Hopp (LS.New.LS6.1.262)

(September 16, 2015) E-mail from Steven Vangou (LS.New.LS6.1.263)  
(September 16, 2015) E-mail from Linda Truong (LS.New.LS6.1.264)  
(September 16, 2015) E-mail from Anoosheh Zonoozi (LS.New.LS6.1.265)  
(September 16, 2015) E-mail from Robert Shaw (LS.New.LS6.1.266)  
(September 16, 2015) E-mail from Ariel Pailas (LS.New.LS6.1.267)  
(September 16, 2015) E-mail from Andrew Hope (LS.New.LS6.1.268)  
(September 16, 2015) E-mail from Chris Lea (LS.New.LS6.1.269)  
(September 16, 2015) E-mail from Claudine Tyrell (LS.New.LS6.1.270)  
(September 16, 2015) E-mail from Farren Whittaker (LS.New.LS6.1.271)  
(September 16, 2015) E-mail from Thomas Duplessie (LS.New.LS6.1.272)  
(September 16, 2015) E-mail from Jonathan Rapp (LS.New.LS6.1.273)  
(September 16, 2015) E-mail from Bonnie Wilkinson (LS.New.LS6.1.274)  
(September 16, 2015) E-mail from Nancy T. Yamamura (LS.New.LS6.1.275)  
(September 16, 2015) E-mail from Joshua Klement (LS.New.LS6.1.276)  
(September 16, 2015) E-mail from Andrew Pedulla (LS.New.LS6.1.277)  
(September 16, 2015) E-mail from Chris Lea (LS.New.LS6.1.278)  
(September 16, 2015) E-mail from Anastasia Averkov (LS.New.LS6.1.279)  
(September 16, 2015) E-mail from Alexandra Zollerano (LS.New.LS6.1.280)  
(September 16, 2015) E-mail from Jeff Payne (LS.New.LS6.1.281)  
(September 16, 2015) E-mail from Sean Petrus (LS.New.LS6.1.282)  
(September 16, 2015) E-mail from Michael Gould (LS.New.LS6.1.283)  
(September 16, 2015) E-mail from Graeme Klim (LS.New.LS6.1.284)  
(September 16, 2015) E-mail from Mark Stableforth (LS.New.LS6.1.285)  
(September 16, 2015) Submission from Joe Farrugia (LS.New.LS6.1.286)  
(September 16, 2015) E-mail from Lutch Maharaj (LS.New.LS6.1.287)  
(September 16, 2015) E-mail from Surenthar Santhiralingam (LS.New.LS6.1.288)  
(September 16, 2015) E-mail from Maggie Keene (LS.New.LS6.1.289)  
(September 16, 2015) E-mail from Lina Nouraly (LS.New.LS6.1.290)  
(September 16, 2015) E-mail from Nakeisha Reid (LS.New.LS6.1.291)  
(September 16, 2015) E-mail from Dara Sabadin (LS.New.LS6.1.292)  
(September 16, 2015) E-mail from Mark Corrigan (LS.New.LS6.1.293)  
(September 16, 2015) E-mail from Steve Guise (LS.New.LS6.1.294)  
(September 16, 2015) E-mail from Minsoo Ko (LS.New.LS6.1.295)  
(September 16, 2015) E-mail from Jennifer Alexander (LS.New.LS6.1.296)  
(September 16, 2015) E-mail from Cassie Bragg (LS.New.LS6.1.297)  
(September 16, 2015) E-mail from Jim Dinner (LS.New.LS6.1.298)  
(September 16, 2015) E-mail from Julie Edelstein (LS.New.LS6.1.299)  
(September 16, 2015) E-mail from Marilyn Dunphy (LS.New.LS6.1.300)  
(September 16, 2015) E-mail from Tyler Luyben (LS.New.LS6.1.301)  
(September 16, 2015) E-mail from Marc Botticella (LS.New.LS6.1.302)  
(September 16, 2015) E-mail from Paul Wojdylo (LS.New.LS6.1.303)  
(September 16, 2015) E-mail from Michael Laurel (LS.New.LS6.1.304)  
(September 16, 2015) E-mail from Mikhdad Nakgoda (LS.New.LS6.1.305)  
(September 16, 2015) E-mail from Brent Thomas (LS.New.LS6.1.306)  
(September 16, 2015) E-mail from Ken Rozansky (LS.New.LS6.1.307)  
(September 16, 2015) E-mail from Matthew Clarke (LS.New.LS6.1.308)  
(September 16, 2015) E-mail from Jason Kennedy (LS.New.LS6.1.309)  
(September 16, 2015) Submission from Jafar Mirsalar (LS.New.LS6.1.310)  
(September 16, 2015) Submission from Peter Mandronis (LS.New.LS6.1.311)  
(September 16, 2015) E-mail from Philomena Comerford, Baird Insurance Brokers LP (LS.New.LS6.1.312)  
(<http://www.toronto.ca/legdocs/mmis/2015/ls/comm/communicationfile-55370.pdf>)

## Communications (City Council)

(September 29, 2015) Petition from Chris Schafer, Public Policy Manager, Uber Canada (formerly numbered as LS6.1.1132) (CC.Supp.LS6.1.313)

<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56474.pdf>

(September 29, 2015) E-mail from Josh Wozenilek, President, Taxi Charger (formerly numbered as LS6.1.1133) (CC.Supp.LS6.1.314)

<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56475.pdf>

(September 30, 2015) Multiple Communications from various persons. List of communications LS6.1.315 to LS6.1.3926. (CC.Supp)

<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56449.pdf>

(September 30, 2015) Petition from Councillor Giorgio Mammoliti, Ward 7, York West, headed "Keep the Taxi Industry Alive", containing the signatures of approximately 7,000 persons, filed during the Routine Matters portion of the meeting (CC.New)

(September 30, 2015) Petition from Councillor Pam McConnell, Ward 28, Toronto Centre-Rosedale, headed "Preventing the illegal activities of UberX", containing the signatures of approximately 200 persons, filed during the Routine Matters portion of the meeting (CC.New)

## Motions (City Council)

*1 - Motion to Amend Item (Additional) moved by Mayor John Tory (Amended)*

That City Council request the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee in Spring 2016 on a framework to regulate alternate ground transportation providers and to begin consulting on the appropriate regulations to ensure a level playing field in the ground transportation industry.

Amended by motion 8 by Councillor Wong-Tam

## Vote (Amend Item (Additional))

Sep-30-2015 7:33 PM

Result: Carried	Majority Required - LS6.1 - Tory - motion 1 as amended by motion 8
Yes: 32	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahan, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 12	Michelle Berardinetti, Raymond Cho, Vincent Crisanti, Glenn De Baeremaeker, Frank Di Giorgio, Rob Ford, Mark Grimes, Jim Karygiannis, Giorgio Mammoliti, Cesar Palacio, James Pasternak, Anthony Perruzza
Absent: 1	Denzil Minnan-Wong

*2 - Motion to Amend Motion moved by Councillor Giorgio Mammoliti (Lost)*

That motion 1 by Mayor Tory be amended by adding the words "and City Council request the Executive Director, Municipal Licensing and Standards to include in the framework, current Taxi regulations such as: energy efficient vehicles; age of vehicle restrictions - 5 model years or less; all vehicles be accessible; City-regulated fares - no surge pricing; and criminal check registered with the City" so that the motion would now read:

That City Council request the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee in 2016 on a framework to regulate alternate ground transportation providers and to begin consulting on the appropriate regulations to ensure a level playing field in the ground transportation industry and City Council request the Executive Director, Municipal Licensing and Standards to include in the framework, current Taxi regulations such as:

a. energy efficient vehicles;

b. age of vehicle restrictions - 5 model years or less;

c. all vehicles be accessible;

d. City-regulated fares - no surge pricing; and

e. criminal check registered with the City.

**Vote** (Amend Motion)

Sep-30-2015 7:27 PM

<b>Result: Lost</b>	Majority Required - LS6.1 - Mammoliti - motion 2
Yes: 13	Michelle Berardinetti, Raymond Cho, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Rob Ford, Jim Karygiannis, Giorgio Mammoliti, Ron Moeser, Cesar Palacio, Anthony Perruzza, Michael Thompson
No: 31	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), James Pasternak, Gord Perks, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
Absent: 1	Denzil Minnan-Wong

**Vote** (Amend Motion)

Sep-30-2015 7:29 PM

<b>Result: Lost</b>	Majority Required - LS6.1 - Mammoliti - motion 2 - REVOTE
Yes: 14	Michelle Berardinetti, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Rob Ford, Mark Grimes, Jim Karygiannis, Giorgio Mammoliti, Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, Michael Thompson
No: 30	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Gord Perks, David Shiner, John Tory, Kristyn Wong-Tam
Absent: 1	Denzil Minnan-Wong

*Motion to Reconsider Vote moved by Councillor Mike Layton (Carried)*

That in accordance with the provisions of Chapter 27, Council Procedures, City Council reconsider the vote on motion 2 by Councillor Mammoliti.

*3 - Motion to Amend Item moved by Councillor Janet Davis (Carried)*

That:

1. City Council amend Licensing and Standards Committee Recommendation 2 by deleting the words "plus a reduction to the remaining overall rate by 10%" so that it now reads as follows:

2. City Council amend the Toronto Municipal Code, Chapter 545, Appendix C, "Tariff A", to reduce the initial cost, referred to as 'the drop fee', from \$4.25 to \$3.25 effective November 1, 2015.

2. City Council amend Licensing and Standards Committee Recommendation 3 by adding the words "such report to also include other issues identified in Attachment 1, Outstanding Report Requests on Taxicab Regulations" so that it now reads as follows:

3. City Council direct the Executive Director, Municipal Licensing and Standards to review provisions of the Municipal Code related to taxicabs and report back to Licensing

and Standards Committee by January 2016 with recommendations to lessen regulatory burden and enhance competitiveness in the municipally-licensed taxicab industry, as outlined in Attachment 1, including reviewing:

- a. current fare structure;
- b. vehicle requirements;
- c. vehicle inspections; and
- d. taxicab training;

such report to also include other issues identified in Attachment 1, Outstanding Report Requests on Taxicab Regulations.

**Vote** (Amend Item)

Sep-30-2015 7:35 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Davis - motion 3 - Part 1
Yes: 38	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 6	Josh Colle, Glenn De Baeremaeker, Justin J. Di Ciano, Rob Ford, Jim Karygiannis, Giorgio Mammoliti
Absent: 1	Denzil Minnan-Wong

**Vote** (Amend Item)

Sep-30-2015 7:36 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Davis - motion 3 - Part 2
Yes: 37	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 7	John Campbell, Gary Crawford, Rob Ford, Giorgio Mammoliti, Ron Moeser, Jaye Robinson, David Shiner
Absent: 1	Denzil Minnan-Wong

**4 - Motion to Receive Item moved by Councillor Mary-Margaret McMahon (Carried)**

That Item LS3.5 be received for information.

**Vote** (Receive Item)

Sep-30-2015 7:25 PM

<b>Result: Carried</b>	Majority Required - LS3.5 - McMahon - motion 4 - receive the item
Yes: 29	Paul Ainslie, Maria Augimeri, Ana Bailão, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Norman Kelly, Mike Layton, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Gord Perks, David Shiner, John Tory, Kristyn Wong-Tam
No: 15	Michelle Berardinetti, Jon Burnside, John Campbell, Josh Colle, Glenn De Baeremaeker, Frank Di Giorgio, Rob Ford, Jim Karygiannis, Chin Lee, Giorgio

	Mammoliti, Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, Michael Thompson
Absent: 1	Denzil Minnan-Wong

**5 - Motion to Amend Item (Additional) moved by Councillor James Pasternak (Carried)**

That City Council direct the Executive Director, Municipal Licensing and Standards to report to the Licensing and Standards Committee:

- a. on the existence or absence of legislation and or regulations that protect consumers against price gouging or surge pricing by ground transportation providers during civic emergencies, electrical black outs, transit disruptions or other events that cause an immediate demand for alternative transportation options and if such Federal or Provincial legislation and or regulations do not exist, the report should include recommendations on how the City of Toronto might address spike pricing in civic emergencies;
- b. on the Provincial regulations governing Pearson International Airport rider pick up and recommendations on the process on how that can be reformed to allow Toronto taxi drivers to pick up rides at the airport; and
- c. with recommendations for the in-vehicle posting of the Harmonized Sales Tax number held by either the driver or the cab owner so that it can be viewed by passengers.

**Vote** (Amend Item (Additional))

Sep-30-2015 7:39 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Pasternak - motion 5
Yes: 26	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Raymond Cho, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Giorgio Mammoliti, Pam McConnell, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 18	Maria Augimeri, Jon Burnside, John Campbell, Shelley Carroll, Josh Colle, Joe Cressy, Janet Davis, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mike Layton, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Ron Moeser, Gord Perks
Absent: 1	Denzil Minnan-Wong

**6 - Motion to Amend Item (Additional) moved by Councillor Christin Carmichael Greb (Lost)**

That:

1. City Council acknowledge the fundamental importance of adequate insurance coverage for the purposes of protecting public safety for any vehicles that are being used to carry paying passengers.
2. City Council:
  - a. request the Province of Ontario and the Financial Services Commission of Ontario to expedite the process to develop a solution, either through regulation or legislation, to fill the insurance gap present in the ground transportation industry; and
  - b. direct the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee by January 2016 on the status of this request.
3. City Council request the Executive Director, Municipal Licensing and Standards to conduct an information campaign to educate UberX drivers and passengers of the necessary insurance requirements and potential liabilities.

## Motion 6 as amended by motion 12a by Councillor Carroll lost

**Vote** (Amend Item (Additional))

Sep-30-2015 7:42 PM

<b>Result: Lost</b>	Majority Required - LS6.1 - Carmichael Greb - motion 6 as amended
Yes: 19	Paul Ainslie, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Vincent Crisanti, Justin J. Di Ciano, Mark Grimes, Stephen Holyday, Norman Kelly, Chin Lee, Pam McConnell, Frances Nunziata (Chair), James Pasternak, Jaye Robinson, David Shiner, John Tory
No: 25	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Shelley Carroll, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Jim Karygiannis, Mike Layton, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Cesar Palacio, Gord Perks, Anthony Perruzza, Michael Thompson, Kristyn Wong-Tam
Absent: 1	Denzil Minnan-Wong

*7a - Motion to Amend Item moved by Councillor Glenn De Baeremaeker (Lost)*

That City Council amend Licensing and Standards Committee Recommendation 6 by adding the words "and that all vehicles used for these new licenses meet the Canada Motor Vehicle Safety Standards (CMVSS) including Occupant Protection (CMVSS201), Occupant Crash Protection (CMVSS208), Side Door Strength (CMVSS214), Roof Crush Resistance (CMVSS216) and Fuel System Integrity (CMVSS301)" so that it now reads as follows:

6. City Council authorize the issuance of 100 new Toronto Taxicab Licences (TTLs) to drivers on the waiting list, in order to advance the availability of metered on-demand wheelchair accessible taxicab service, commencing November 1, 2015 and that all vehicles used for these new licenses meet the Canada Motor Vehicle Safety Standards (CMVSS) including Occupant Protection (CMVSS201), Occupant Crash Protection (CMVSS208), Side Door Strength (CMVSS214), Roof Crush Resistance (CMVSS216) and Fuel System Integrity (CMVSS301).

**Vote** (Amend Item)

Sep-30-2015 7:37 PM

<b>Result: Lost</b>	Majority Required - LS6.1 - De Baeremaeker - motion 7a
Yes: 8	Michelle Berardinetti, Raymond Cho, Vincent Crisanti, Glenn De Baeremaeker, Frank Di Giorgio, Giorgio Mammoliti, Cesar Palacio, Anthony Perruzza
No: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 1	Denzil Minnan-Wong

*7b - Motion to Amend Motion moved by Councillor Glenn De Baeremaeker (Lost)*

That City Council amend Motion 1 by Mayor Tory to read as follows:

That City Council request the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee in 2016 on a framework to regulate alternate ground transportation providers and to begin consulting on the appropriate regulations to ensure a level playing field in the ground transportation industry, such report to include maintaining and/or improving public safety, environmental and consumer protection requirements such as, but not limited to, the following:

A driver shall:

- a. provide proof, to the satisfaction of the City, that they have obtained sufficient insurance, as published in Toronto Municipal Code Chapter 545, to operate and protect themselves and their passengers;
- b. provide proof, to the satisfaction of the City, of the adequacy of criminal background screening, driving record screening, and electronic record keeping;
- c. enter into an agreement to indemnify the City against any loss related to the use of their vehicle;
- d. ensure that their vehicle is mechanically inspected by a licensed mechanic as published in Toronto Municipal Code Chapter 545;
- e. pay a licence fee on a flat-rate or per-ride basis, or combination thereof, that ensures full recovery by the City of the cost of creating, administering, and enforcing the licence category;
- f. provide proof that they are using a City-approved vehicle as published in Toronto Municipal Code Chapter 545;
- g. ensure that their vehicle has a fully functioning emergency lights system, a camera system and a global positioning system as published in Toronto Municipal Code Chapter 545;
- h. ensure that their vehicle adheres to the specifications for equipment and markings as published in Toronto Municipal Code Chapter 545;
- i. provide proof to the City that they adhere to driver training courses regulations as published in Toronto Municipal Code Chapter 545;
- j. charge a rate that adheres to regulations as published in Toronto Municipal Code Chapter 545;
- k. provide proof to the City that they have registered for HST and that they report HST earnings, to the satisfaction of the City;
- l. ensure their vehicle be equipped with snow tires as published in Toronto Municipal Code Chapter 545;
- m. maintain and submit records to the City as a part of a mandatory audit process to ensure compliance with the regulations as published in Toronto Municipal Code Chapter 545; and
- n. comply with the regulations as published in Toronto Municipal Code Chapter 545 and may be subject to revocation for non-compliance.

**Vote** (Amend Motion)

Sep-30-2015 7:31 PM

<b>Result: Lost</b>	Majority Required - LS6.1 - De Baeremaeker - motion 7b
Yes: 19	Maria Augimeri, Michelle Berardinetti, Raymond Cho, Josh Colle, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Rob Ford, Mark Grimes, Jim Karygiannis, Chin Lee, Giorgio Mammoliti, Joe Mihevc, Cesar Palacio, James Pasternak, Anthony Perruzza, Michael Thompson, Kristyn Wong-Tam
No: 25	Paul Ainslie, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael

	Greb, Shelley Carroll, Gary Crawford, Joe Cressy, Janet Davis, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Norman Kelly, Mike Layton, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Ron Moeser, Frances Nunziata (Chair), Gord Perks, Jaye Robinson, David Shiner, John Tory
Absent: 1	Denzil Minnan-Wong

**8 - Motion to Amend Motion moved by Councillor Kristyn Wong-Tam (Carried)**

That City Council amend Motion 1 by Mayor Tory by adding the words "equitably" after the word "to", deleting the word "alternate" and inserting the word "all", and adding the words "that considers the City of Toronto's accessibility objectives" so that it now reads as follows:

That City Council request the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee in 2016 on a framework to equitably regulate all ground transportation providers and to begin consulting on the appropriate regulations to ensure a level playing field that considers the City of Toronto's accessibility objectives in the ground transportation industry.

**Vote (Amend Motion)**

Sep-30-2015 7:32 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Wong-Tam - motion 8
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 2	John Campbell, Stephen Holyday
Absent: 1	Denzil Minnan-Wong

**9 - Motion to Amend Item (Additional) moved by Councillor Jim Karygiannis (Amended)**

That:

1. City Council request Uber to stop operating in the City of Toronto until such time as the Executive Director, Municipal Licensing and Standards reports on a framework to regulate alternate ground transportation providers.
2. City Council request the Executive Director, Municipal Licensing and Standards to report to the January 22, 2016 meeting of the Licensing and Standards Committee on the framework.

Part 2 was ruled redundant

**Vote (Amend Item (Additional))**

Sep-30-2015 7:44 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Karygiannis - motion 9 - Part 1 only
Yes: 24	Michelle Berardinetti, Shelley Carroll, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Mike Layton, Giorgio Mammoliti, Pam McConnell, Joe Mihevc, Ron Moeser, Cesar Palacio, James Pasternak, Anthony Perruzza, Michael Thompson, Kristyn Wong-Tam
No: 20	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Josh Colle, Janet Davis, Sarah Doucette, Paula Fletcher, Stephen Holyday, Norman Kelly, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Frances Nunziata (Chair), Gord Perks, Jaye Robinson, David Shiner, John Tory

Absent: 1

Denzil Minnan-Wong

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata ruled Part 2 of motion 9 by Councillor Karygiannis redundant, due to Council's adoption of motion 1 by Mayor Tory, as amended.

*10 - Motion to Amend Item (Additional) moved by Councillor Gord Perks (Carried)*

That:

Notwithstanding the adoption of LS6.1, City Council reaffirm its intention that all persons are to comply with Chapter 545, Licensing, as amended.

**Vote** (Amend Item (Additional))

Sep-30-2015 7:45 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Perks - motion 10
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 4	John Campbell, Rob Ford, Stephen Holyday, Giorgio Mammoliti
Absent: 1	Denzil Minnan-Wong

*11 - Motion to Amend Motion moved by Councillor Pam McConnell (Redundant)*

That City Council amend motion 1 by Mayor Tory by adding the word "Spring" after the word "in", so that it now reads as follows:

That City Council request the Executive Director, Municipal Licensing and Standards to report back to the Licensing and Standards Committee in Spring 2016 on a framework to regulate alternate ground transportation providers and to begin consulting on the appropriate regulations to ensure a level playing field in the ground transportation industry.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata ruled motion 11 by Councillor McConnell redundant as Mayor Tory had already revised his motion 1 to include the word "Spring".

*12a - Motion to Amend Motion moved by Councillor Shelley Carroll (Carried)*

That motion 6 by Councillor Carmichael Greb be amended by deleting the words in 2.b. "by January 2016" and replace them with the words "at the same time as the report on the framework to regulate alternate ground transportation providers " so that the motion now reads:

That:

1. City Council acknowledge the fundamental importance of adequate insurance coverage for the purposes of protecting public safety for any vehicles that are being used to carry paying passengers.

2. City Council:

a. request the Province of Ontario and the Financial Services Commission of Ontario to expedite the process to develop a solution, either through regulation or legislation, to fill the insurance gap present in the ground transportation industry; and

b. direct the Executive Director, Municipal Licencing and Standards to report back to the Licensing and Standards Committee at the same time as the report on the framework to regulate alternate ground transportation providers (motion 1 by Mayor Tory), on the status of this request.

3. City Council request the Executive Director, Municipal Licencing and Standards to conduct an information campaign to educate UberX drivers and passengers of the necessary insurance requirements and potential liabilities.

**Vote** (Amend Motion)

Sep-30-2015 7:41 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Carroll - motion 12a
Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Norman Kelly, Mike Layton, Chin Lee, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 8	Frank Di Giorgio, Rob Ford, Mark Grimes, Jim Karygiannis, Giorgio Mammoliti, Josh Matlow, Ron Moeser, Anthony Perruzza
Absent: 1	Denzil Minnan-Wong

*12b - Motion to Amend Item moved by Councillor Shelley Carroll (Carried)*

That City Council amend Licensing and Standards Committee recommendations 3 and 4 by deleting the words "by January 2016" and inserting the words "at the same time as the report contained in Mayor Tory's motion 1 is considered by the Licensing and Standards Committee" so that it now reads as follows:

3. City Council direct the Executive Director, Municipal Licensing and Standards to review provisions of the Municipal Code related to taxicabs and report back to Licensing and Standards Committee at the same time as the report contained in Mayor Tory's motion 1 is considered by the Licensing and Standards Committee with recommendations to lessen regulatory burden and enhance competitiveness in the municipally-licensed taxicab industry, as outlined in Attachment 1, including reviewing:

- a. current fare structure;
- b. vehicle requirements;
- c. vehicle inspections; and
- d. taxicab training.

4. City Council direct the Executive Director, Municipal Licensing and Standards to review the limousine industry and report back to Licensing and Standards Committee by at the same time as the report contained in Mayor Tory's motion 1 is considered by the Licensing and Standards Committee with recommendations to update and modernize the municipally-licensed limousine service, as outlined in Attachment 1, including reviewing:

- a. required 20-minute pre-booked time;
- b. minimum fare of \$70/hour for the first two hours; and

c. ratio requirements for stretch limousines.

**Vote** (Amend Item)

Sep-30-2015 7:38 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Carroll - motion 12b
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 4	Frank Di Giorgio, Rob Ford, Giorgio Mammoliti, David Shiner
Absent: 1	Denzil Minnan-Wong

*Motion to Adopt Item as Amended (Carried)*

**Vote** (Adopt Item as Amended)

Sep-30-2015 7:46 PM

<b>Result: Carried</b>	Majority Required - LS6.1 - Adopt the item as amended
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 10	Michelle Berardinetti, Vincent Crisanti, Glenn De Baeremaeker, Frank Di Giorgio, Rob Ford, Mark Grimes, Giorgio Mammoliti, Cesar Palacio, James Pasternak, Anthony Perruzza
Absent: 1	Denzil Minnan-Wong

*Point of Order by Councillor Giorgio Mammoliti*

Councillor Mammoliti, rising on a Point of Order stated that combining the deferred item with the Mayor's Key matter is confusing and it would be better to deal with that item at the next meeting. Councillor Mammoliti requested the Speaker to allow him to place a motion to defer LS3.5 entitled "Chapter 545, Licensing, Article VIII, Owners and Drivers of Taxicabs – Information on Amendments to Standard Taxicab Regulations".

*Point of Order by Councillor Janet Davis*

Councillor Davis, rising on a Point of Order, stated that Council had already adopted the Order Paper and had decided that deferred item LS3.5, Item LS6.1 and CC9.8 would be considered together.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that Councillor Davis' understanding was correct.

*Point of Order by Councillor Gord Perks*

Councillor Perks, rising on a Point of Order, stated that if a Member wishes to place a motion to defer, receive or refer they do so during their speaking time and not on a Point of Privilege or Point of Order.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Points of Order by Councillors Mammoliti, Davis and Perks and ruled that if Councillor Mammoliti wishes to move a deferral motion he places it when he

speaks on the Items and Council will vote on it. The Speaker's previous ruling cannot be overturned.

*Point of Order by Councillor Ron Moeser*

Councillor Moeser, rising on a Point of Order, asked whether a two-thirds vote was required to overrule the Speaker's decision.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that it did not require a two-thirds vote.

*Point of Order by Councillor David Shiner*

Councillor Shiner, rising on a Point of Order, asked the Speaker to confirm how debate on a deferral motion on a single item would occur, given that Council is considering the three items together, and if there will be a deferral debate.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that debate would occur in the usual way. If a Member moves a deferral motion, Council will debate the deferral, Member will have two minutes to speak and Council will vote on the motion.

*Point of Order by Councillor Jim Karygiannis*

Councillor Karygiannis, rising on a Point of Order, stated that he found Councillor McMahon's use of the term "skin in the game" was inappropriate during her questions of staff.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that Councillor McMahon should withdraw her remarks. Councillor McMahon withdrew her remarks and apologized.

*Point of Privilege by Councillor Josh Matlow*

Councillor Matlow, rising on a Point of Privilege, stated that Councillor Karygiannis' remarks during questions of Mayor Tory were impugning Mayor Tory's motivations for his motion.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and ruled that Councillor Karygiannis should keep his questions related to the motion only.

*Point of Order by Councillor Mary-Margaret McMahon*

Councillor McMahon, rising on a Point of Order, stated that she felt Councillor Mammoliti's statement about providing voting records to show how Councillors vote on an item was threatening.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and reminded Councillor McMahon that Members can provide copies of votes on items as votes are part of the public record.

*Point of Order by Councillor Jim Karygiannis*

Councillor Karygiannis, rising on a Point of Order, stated that Speaker Nunziata should put his time on hold and that Speaker Nunziata should do her job as Chair properly.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata did not accept the Point of Order.

*Point of Privilege by Councillor Justin J. Di Ciano*

Councillor Di Ciano, rising on a Point of Privilege, stated that he found Councillor Karygiannis' remarks concerning Speaker Nunziata's performance as Speaker to be inappropriate. Councillor Di Ciano requested the Speaker to ask Councillor Karygiannis to apologize.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and ruled that Councillor Karygiannis should apologize.

*Point of Privilege by Councillor Jim Karygiannis*

Councillor Karygiannis, rising on a Point of Privilege, stated the he would not apologize for his earlier remarks concerning Speaker Nunziata's performance as Speaker and Councillor Karygiannis further stated that Speaker Nunziata should have put his time on hold when Speaker Nunziata addressed him during his speaking time.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and ruled that Councillor Karygiannis' remarks were not an apology and further stated that when Councillor Karygiannis rises on a Point of Order or Privilege that she does not listen to the Councillor.

*Point of Order by Councillor Giorgio Mammoliti*

Councillor Mammoliti, rising on a Point of Order, stated that Speaker Nunziata should not state that, as Speaker, she does not listen to a Member when they rise and that Speaker Nunziata should listen to all Members in her position as Speaker.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that she had not said that she doesn't listen to Members but rather that she does not listen to Members who rise on a Point of Order or Privilege and are rude and disruptive to the proceedings and who do not listen to her as Speaker.

*Point of Privilege by Councillor Jim Karygiannis*

Councillor Karygiannis, rising on a Point of Privilege, stated the Speaker's role is to keep decorum and respect in the Chamber and to protect the rights of the Members. Councillor Karygiannis stated that he asked to have his time put on hold while Speaker Nunziata gave direction and Councillor Karygiannis stated that his privileges have not been respected in the Chamber.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata did not accept the Point of Privilege.

*Point of Privilege by Councillor Giorgio Mammoliti*

Councillor Mammoliti, rising on a Point of Privilege, stated that Councillor Matlow's comment about Councillors working in a certain was inappropriate.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and ruled that Councillor Matlow had not finished speaking.

*Point of Order by Councillor John Campbell*

Councillor Campbell, rising on a Point of Order, stated that Councillor Di Giorgio's questions were not on clarification of the motion by Councillor Carmichael Greb and requested the Speaker to request Councillor Di Giorgio to keep his questions related to the motion.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata, accepted the Point of Order and ruled that she had already reminded Councillor Di Giorgio to keep his questions related to clarification of the motion. Speaker Nunziata reminded Councillor Di Giorgio again.

*Point of Order by Councillor Jim Karygiannis*

Councillor Karygiannis, rising on a Point of Order, asked for separate votes on each of the parts in motion 7b.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that the vote on motion 7b could not be split.

**Rulings (City Council)***Ruling by Speaker Frances Nunziata*

Speaker Nunziata ruled that Councillor Karygiannis should only ask questions of clarification on the motion.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata ruled that Councillor Karygiannis should stop bullying other Members of Council.

**Parks and Environment Committee - Meeting 5**

PE5.3	ACTION	Referred		Ward: All
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**Parks, Forestry and Recreation Service Levels****City Council Decision**

City Council on September 30, October 1 and 2, 2015, referred Item PE5.3 to the Budget Committee, the City Manager and the Deputy City Manager and Chief Financial Officer for consideration as part of the 2016 Budget Process.

**Background Information (Committee)**

(September 3, 2015) REVISED Report from the General Manager, Parks, Forestry and Recreation, on Parks, Forestry and Recreation Service Levels

<http://www.toronto.ca/legdocs/mmis/2015/pe/bgrd/backgroundfile-83736.pdf>

(September 3, 2015) Report from the General Manager, Parks, Forestry and Recreation, on Parks, Forestry and Recreation Service Levels

**Communications (Committee)**

(September 17, 2015) Letter from Dave Harvey, Executive Director, Park People (PE.New.PE5.3.1)

<http://www.toronto.ca/legdocs/mmis/2015/pe/comm/communicationfile-55257.pdf>

**Communications (City Council)**

(September 28, 2015) E-mail from Ewa Jarmicka (CC.Supp.PE5.3.2)

**Motions (City Council)**

*1 - Motion to Refer Item moved by Councillor Gary Crawford (Carried)*

That City Council refer the Item to the Budget Committee, the City Manager and the Deputy City Manager and Chief Financial Officer for consideration as part of the 2016 Budget Process.

**Vote** (Refer Item)

Oct-02-2015 3:55 PM

<b>Result: Carried</b>	Majority Required - PE5.3 - Crawford - motion 1 - refer the item
Yes: 21	Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Raymond Cho, Josh Colle, Gary Crawford, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, John Filion, Mark Grimes, Stephen Holyday, Chin Lee, Josh Matlow, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Anthony Perruzza, Jaye Robinson, John Tory
No: 13	Paul Ainslie, Maria Augimeri, Shelley Carroll, Joe Cressy, Janet Davis, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mike Layton, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Gord Perks
Absent: 11	Christin Carmichael Greb, Vincent Crisanti, Rob Ford, Jim Karygiannis, Norman Kelly, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner, Michael Thompson, Kristyn Wong-Tam

### Planning and Growth Management Committee - Meeting 6

<b>PG6.2</b>	<b>ACTION</b>	Adopted on Consent		Ward: All
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### Construction Fire Safety for Mid-Rise Wood Buildings - Update

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Province of Ontario to amend the Ontario Fire Code by adopting requirements similar to the National Fire Code of Canada in order to regulate fire safety during the construction of mid-rise wood buildings, such requirements to include cost recovery mechanisms.

#### Background Information (Committee)

(August 28, 2015) Report from the Chief Building Official and Executive Director, Toronto Building and the Fire Chief and General Manager, Toronto Fire Services on Construction Fire Safety for Mid-Rise Wood Buildings - Update

<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-83215.pdf>

Appendix A: Summary of Section 5.6 National Fire Code of Canada 2010

<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-83216.pdf>

#### Communications (Committee)

(September 15, 2015) Letter from Richard Lyall, President, Residential Construction Council of Ontario (PG.New.PG6.2.1)

<http://www.toronto.ca/legdocs/mmis/2015/pg/comm/communicationfile-55200.pdf>

<b>PG6.5</b>	<b>ACTION</b>	Adopted		Ward: All
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### Official Plan Five Year Review - Greenbelt Plan Conformity: Draft Official Plan Amendment

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct that the proposed Official Plan amendment containing the draft proposed Greenbelt Plan Conformity amendments appended to the report (August 18, 2015) from the Chief Planner and Executive Director, City Planning, as Attachments 1 and 2 be endorsed as the basis for consultation.
2. City Council direct the Chief Planner and Executive Director, City Planning to conduct a Statutory Open House in the Scarborough Community Council district in the fall of 2015 and to continue to meet with stakeholders to obtain comments and feedback regarding the draft Official Plan amendments in Attachments 1 and 2 to the report (August 18, 2015) from the Chief Planner and Executive Director, City Planning.
3. City Council direct City Planning staff to report back to Planning and Growth Management Committee on the results of the public consultations and with a proposed Official Plan Amendment which will be considered at a statutory public meeting of Planning and Growth Management Committee in the first quarter of 2016.

### Background Information (Committee)

(August 18, 2015) Report and Attachments 1a, 1b, 2a, 2b, 3 and 4 from the Chief Planner and Executive Director, City Planning on Official Plan Five Year Review - Greenbelt Plan Conformity: Draft Official Plan Amendment  
<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-83291.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:30 AM

<b>Result: Carried</b>	Majority Required - PG6.5 - Adopt the item
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	Rob Ford, Pam McConnell, Denzil Minnan-Wong

<b>PG6.7</b>	<b>ACTION</b>	Amended		Ward: All
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### Sections 37 and 45(9), Community Benefits Secured in 2013 and 2014

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Chief Planner and Executive Director, City Planning to report annually on the Section 37 and 45 benefits secured in the preceding year.
2. City Council direct Planning staff to post Section 37 and Section 45 monies outlined in the report (August 31, 2015) from the Chief Planner and Executive Director, City Planning on the City of Toronto Planning Division's website and City Council direct Planning staff to make this information available in a format compatible with the City of Toronto's Open Data catalogue.

3. City Council request the Chief Planner and Executive Director, City Planning to review Section 37 obligations as they pertain to development under 10,000 square metres and to report on policy alternatives to Council through the Planning and Growth Management Committee.

### Background Information (Committee)

(August 31, 2015) Report and Attachments 1 and 2 from the Chief Planner and Executive Director, City Planning on Sections 37 and 45(9), Community Benefits Secured in 2013 and 2014

<http://www.toronto.ca/legdocs/mmis/2015/pg/bgrd/backgroundfile-83196.pdf>

### Motions (City Council)

1 - Motion to Amend Item (Additional) moved by Councillor Paul Ainslie (**Carried**)

That:

1. City Council direct Planning staff to post Section 37 and Section 45 monies outlined in the report (August 31, 2015) from the Chief Planner and Executive Director, City Planning on the City of Toronto Planning Division's website and City Council direct Planning staff to make this information available in a format compatible with the City of Toronto's Open Data catalogue.

2 - Motion to Amend Item (Additional) moved by Councillor Joe Mihevc (**Carried**)

That:

1. City Council request the Chief Planner and Executive Director, City Planning to review Section 37 obligations as they pertain to development under 10,000 square metres and to report on policy alternatives to Council through the Planning and Growth Management Committee.

*Motion to Adopt Item as Amended (Carried)*

**Vote** (Adopt Item as Amended)

Oct-02-2015 4:01 PM

<b>Result: Carried</b>	Majority Required - PG6.7 - Adopt the item as amended
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory
No: 0	
Absent: 11	Michelle Berardinetti, Christin Carmichael Greb, Vincent Crisanti, Rob Ford, Norman Kelly, Mike Layton, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner, Kristyn Wong-Tam

### Public Works and Infrastructure Committee - Meeting 6

<b>PW6.9</b>	ACTION	Adopted on Consent	Ward: All
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### Waste Transfer Agreement with the Regional Municipality of Peel

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the General Manager, Solid Waste Management Services, to execute an Agreement with the Region of Peel for the transfer of Region of Peel non-hazardous

municipal waste through the Disco Transfer Station on terms and conditions substantially as set out in the draft agreement in Attachment 1 to the report (June 2, 2015) from the General Manager, Solid Waste Management Services, including authority to amend as necessary, and otherwise on terms and conditions satisfactory to the General Manager, Solid Waste Management Services, and in a form satisfactory to the City Solicitor for a term from January 1, 2016 to December 31, 2020, with optional extensions for up to five one year periods.

**Background Information (Committee)**

(June 2, 2015) Report from the General Manager, Solid Waste Management Services on Waste Transfer Agreement with the Regional Municipality of Peel  
<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-81078.pdf>  
 Attachment 1 - Draft Agreement with the Region of Peel  
<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-81083.pdf>

**Public Works and Infrastructure Committee - Meeting 7**

PW7.3	ACTION	Amended		Ward: All
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**Solid Waste Management Services Long Term Waste Management Strategy: Vision, Guiding Principles, Evaluation Criteria and Options**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the Vision Statement as set out in the report (September 8, 2015) from the General Manager, Solid Waste Management Services as follows:

"Waste Strategy Vision Statement:

Together we will reduce the amount of waste we generate, reuse what we can, and recycle and recover the remaining resources to reinvest back into the economy. We will embrace a waste management system that is user-friendly, with programs and facilities that balance the needs of the community and the environment with long term financial sustainability. Together, we will ensure a safe, clean, beautiful and healthy City for the future."

2. City Council approve the Guiding Principles as set out in the report (September 8, 2015) from the General Manager, Solid Waste Management Services as follows:

"Waste Strategy Guiding Principles:

1. Work to Mitigate Climate Change Impacts - To reduce our impact on climate change we will find solutions that reduce greenhouse gas emissions associated with our waste management system.

2. Treat Waste as a Resource- Waste is an asset that needs to be conserved. We should make best use of our waste by recovering materials and energy remaining after reducing, reusing, and recycling.

3. Prioritize our Community’s Health and Environment- The health of our residents and the environment is a priority in decision making to minimize negative impacts and to maximize the benefits.

4. Embrace Social Equity- Create an easy-to-use system that all residents and the community can understand and participate in.

5. Lead the Change- Strong leadership is taking ownership, leading by action and being responsible for the waste we produce.

6. Ensure Financial Sustainability- Financially sustainable solutions that are easy and affordable to maintain by future generations and also help to stimulate economic growth within our community.

7. Make the Future System Transparent- Future decisions on the implementation of the Strategy will be open, accessible and based on best practices and facts to find solutions that benefit all.

8. Support Development of Community Partnerships- Working together with local community groups and organizations will help us reach our goals and reduce waste more effectively and efficiently."

3. City Council approve the evaluation criteria in the following Table 3: Recommended Final Evaluation Criteria, as set out in the report (September 8, 2015) from the General Manager, Solid Waste Management Services, as amended, to be used to evaluate the options (Appendix 1) in order to begin development of a draft Long Term Waste Management Strategy.

Category	Criteria	Indicators
<b>Environmental Impact/Benefit</b>	Local Environmental Impact/Benefit	<ul style="list-style-type: none"> <li>• Potential Impacts/Benefits to Land Resources</li> <li>• Potential Impacts to Local Airshed</li> <li>• Potential Impacts to Local Water Sources</li> <li>• Potential Water Consumption Requirements</li> <li>• Total Land Required and Land Use Displacement</li> </ul>
	Regional/Global Environmental Impact/Benefit	<ul style="list-style-type: none"> <li>• Energy and Fossil Fuel Generation / Consumption</li> <li>• Greenhouse Gas Contributions</li> </ul>
	Public Health Impact/Benefit	<ul style="list-style-type: none"> <li>• Potential to impact human health</li> <li>• Potential to impact Ecological health</li> </ul>
	Potential to Increase Diversion	<ul style="list-style-type: none"> <li>• Ability to recover additional reusable and/or recyclable materials</li> </ul>

Category	Criteria	Indicators
	Waste Hierarchy	<ul style="list-style-type: none"> <li>• Consistency with the priorities of the Waste Hierarchy</li> </ul>
<b>Social Impact/Benefit</b>	Approvals Complexity	<ul style="list-style-type: none"> <li>• Complexity associated with approvals and permitting requirements</li> </ul>
	Potential for Land Use Conflicts/Community Interruption	<ul style="list-style-type: none"> <li>• Potential for Traffic increase/Reduction</li> <li>• Potential for Litter increase/Reduction</li> <li>• Potential Odour Emissions</li> <li>• Potential Noise Emissions</li> <li>• Potential for Increased Vector/Vermin</li> </ul>
	Collaboration	<ul style="list-style-type: none"> <li>• Ability to partner with other municipalities/ organizations</li> </ul>
	Complexity	<ul style="list-style-type: none"> <li>• Program complexity to user</li> </ul>
	Convenience	<ul style="list-style-type: none"> <li>• Ease of participation</li> </ul>
	Community Safety	<ul style="list-style-type: none"> <li>• Potential for impacts to Community Safety</li> </ul>
	Equity	<ul style="list-style-type: none"> <li>• Potential for unequal impacts/benefits to specific groups</li> </ul>
	Behaviour Change	<ul style="list-style-type: none"> <li>• Potential to influence or encourage behaviour resulting in sustainable waste reduction choices (e.g. buying behaviour, consistent and dedicated participation in diversion programs, etc.)</li> </ul>
<b>Financial Impact/Benefit</b>	Cost	<ul style="list-style-type: none"> <li>• Estimated Net Capital Cost</li> <li>• Estimated Net Operating Cost</li> <li>• Estimated Health Care Cost</li> </ul>
	Risk	<ul style="list-style-type: none"> <li>• Potential for Contractual Risk</li> <li>• Schedule Risk</li> <li>• Innovation Risk</li> </ul>

Category	Criteria	Indicators
	Economic Growth	<ul style="list-style-type: none"> <li>• Potential for Local Economic Growth</li> <li>• Potential for Regional/Global Economic Growth</li> <li>• Employment Opportunities</li> </ul>
	Flexibility	<ul style="list-style-type: none"> <li>• Ability to accommodate future changes (e.g. regulation, waste composition, etc.)</li> </ul>

4. City Council authorize the General Manager, Solid Waste Management Services to amend the Long Term Waste Management Strategy Consultant Agreement between the City of Toronto and HDR Corporation (RFP 9119-13-3146) to extend the term of the agreement until December 31, 2016.

5. City Council request the General Manager, Solid Waste Management Services to include the following in Appendix 1 - Final List of Options in the report (September 8, 2015) from the General Manager, Solid Waste Management Services:

Under Overall System Consideration, enhanced by-law enforcement strategies and a review of best practices in order to improve waste diversion requirements in existing residential and commercial buildings. This option would also consider the additional promotion and education strategy that would be required in order to effectively implement any new and enhanced bylaws.

### Background Information (Committee)

(September 8, 2015) Report from the General Manager, Solid Waste Management Services on the Solid Waste Management Services Long Term Waste Management Strategy: Vision, Guiding Principles, Evaluation Criteria and Options

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83452.pdf>

Appendix 1 - Final List of Options

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83453.pdf>

Appendix 2 - Waste Strategy Deliverables Update

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83454.pdf>

Appendix 3 - Public Consultation and Engagement Feedback

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83455.pdf>

### Communications (Committee)

(September 21, 2015) E-mail from Donna-Marie Batty for Stop Plastics (PW.New.PW7.3.1)

(September 22, 2015) Submission from Louise Weniger (PW.New.PW7.3.2)

(September 22, 2015) Submission from Donovan Ruddick (PW.New.PW7.3.3)

### Communications (City Council)

(September 23, 2015) E-mail from Donna-Marie Batty for Stop Plastics (CC.Main.PW7.3.4)

### Motions (City Council)

*1 - Motion to Amend Item moved by Councillor Mike Layton (Carried)*

That City Council amend Table 3: Recommended Final Evaluation Criteria by:

1. adding the following indicators to the Financial Impact/Benefit category:

- a. "Employment Opportunities" to the Economic Growth criteria section; and
- b. "Estimated Health Care Cost" to the Cost criteria section.

**Vote** (Amend Item)

Oct-02-2015 4:36 PM

<b>Result: Carried</b>	Majority Required - PW7.3 - Layton - motion 1
Yes: 26	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Shelley Carroll, Raymond Cho, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Cesar Palacio, Gord Perks, Anthony Perruzza, Michael Thompson, Kristyn Wong-Tam
No: 11	John Campbell, Josh Colle, Gary Crawford, Frank Di Giorgio, Mark Grimes, Stephen Holyday, Jim Karygiannis, Denzil Minnan-Wong, Frances Nunziata (Chair), Jaye Robinson, John Tory
Absent: 8	Christin Carmichael Greb, Vincent Crisanti, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner

*Motion to Adopt Item as Amended (Carried)**Motion to End Debate moved by Councillor Jim Karygiannis (Lost)*

That in accordance with the provisions of Chapter 27, Council Procedures, City Council end the debate on Item PW7.3 and take the vote immediately.

**Vote** (End Debate)

Oct-02-2015 4:34 PM

<b>Result: Lost</b>	Two-Thirds Required - PW7.8 Karygiannis - End debate
Yes: 13	Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Gary Crawford, Stephen Holyday, Chin Lee, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Jaye Robinson, John Tory
No: 22	Paul Ainslie, Maria Augimeri, Raymond Cho, Josh Colle, Joe Cressy, Janet Davis, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Mike Layton, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Gord Perks, Anthony Perruzza, Michael Thompson, Kristyn Wong-Tam
Absent: 10	Christin Carmichael Greb, Vincent Crisanti, Glenn De Baeremaeker, Paula Fletcher, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner

<b>PW7.6</b>	<b>ACTION</b>	Adopted		Ward: All
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## Drinking Water Licensing Program Update and Standard of Care Training Course for Members of City Council

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the General Manager, Toronto Water to hire the Walkerton Clean Water Centre to provide the Standard of Care training course for all members of City Council at a cost of approximately \$3,500.00.
2. All members of Toronto City Council take the Standard of Care Training course provided by the Walkerton Clean Water Centre in order to become better informed of their responsibilities under the Safe Drinking Water Act.

**Background Information (Committee)**

(August 20, 2015) Report and Appendices A and B from the General Manager, Toronto Water on Drinking Water Licensing Program Update and Standard of Care Training Course for Members of City Council

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83236.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 11:17 AM

<b>Result: Carried</b>	Majority Required - PW7.6 - Adopt the item
Yes: 27	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Shelley Carroll, Joe Cressy, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), James Pasternak, Gord Perks, Anthony Perruzza, David Shiner, John Tory, Kristyn Wong-Tam
No: 12	Jon Burnside, John Campbell, Josh Colle, Gary Crawford, Vincent Crisanti, Justin J. Di Ciano, John Filion, Rob Ford, Mark Grimes, Ron Moeser, Cesar Palacio, Jaye Robinson
Absent: 6	Paul Ainslie, Raymond Cho, Janet Davis, Mary Fragedakis, Giorgio Mammoliti, Michael Thompson

<b>PW7.8</b>	ACTION	Adopted		Ward: All
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## Red Light Cameras - Status Update and Phase 3 Contract Award (Request for Proposal No. 9148-15-5000 - 2017 to 2021)

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the General Manager, Transportation Services to negotiate and enter into an agreement with Traffipax LLC, being the highest overall scoring proponent meeting the requirements of RFP No. 9148-15-5000, for the supply, installation, operation, maintenance and future removal of red light camera systems for the period of five (5) years (January 1, 2017 to December 31, 2021), in the amount of \$10,553,538.30 net of all taxes and charges with an option to renew, on the sole discretion of the General Manager, Transportation Services, and subject to budget approval, for an additional five (5) years (January 1, 2022 to December 31, 2026) in the amount of \$7,451,781.77 net of all taxes and charges totalling \$18,005,320.07 net of all taxes and charges, for a total potential cost of \$18,322,213.70 net of HST Recoveries, in accordance with terms and conditions as set out in the RFP and any other terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor.

### Background Information (Committee)

(August 31, 2015) Report and Appendices A to E from the General Manager, Transportation Services and Director, Purchasing and Materials Management, on Red Light Cameras - Status Update and Phase 3 Contract Award (Request for Proposal No. 9148-15-5000 - 2017 to 2021)

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83498.pdf>

### Communications (City Council)

(September 29, 2015) Letter from Catherine O'Brien, Vice President, Corporate Affairs Nestle Canada, distributed at the request of Councillor John Filion (CC.New.PW7.8.1)

<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56527.pdf>

**Motions (City Council)***Motion to Adopt Item (Carried)*

PW7.10	ACTION	Amended		Ward: All
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**Contract Award - Request for Proposals No. 9117-14-3049 Design, Build, Operate and Maintain the Expanded Dufferin Organics Processing Facility**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize and direct the General Manager, Solid Waste Management Services to negotiate and enter into agreements with W.S. Nicholls Construction Inc., being the highest overall scoring proponent that met the requirements of Request for Proposal No. 9117-14-3049, to:

a. design, build and commission the expanded Dufferin Organics Processing Facility to process a minimum 55,000 tonnes per year of the City's Source Separated Organic material at the Dufferin Waste Management Facility, at an estimated total amount of \$81,978,300 including HST and all applicable charges, or \$73,824,000 net of HST recoveries; and

b. operate and maintain the expanded Dufferin Organics Processing Facility over a term of three (3) years from commissioning with an option to renew for up to an additional two (2) one (1) year extensions, at the sole discretion of the General Manager of Solid Waste Management Services, at an estimated total amount of \$42,431,164 including HST and all applicable charges, or \$38,210,577, net of HST recoveries.

2. City Council authorize and direct the General Manager, Solid Waste Management Services to increase the Capital Plan for the Dufferin Organics Processing Facility (CSW009) for the years 2015 through 2019 by \$20,670,695, from \$53,153,305 to \$73,824,000 (net of HST recoveries), with annual cash flows as indicated in Table 2 of the Financial Impact section of the report (September 4, 2015) from the General Manager, Solid Waste Management Services, with the increase funded through the Waste Management Reserve Fund.

3. City Council direct the General Manager, Solid Waste Management Services to require any City and contracted vehicles travelling to and from the Dufferin Waste Management Facility, including the Dufferin Organics Processing Facility, to approach and exit from the south using only approved truck routes.

4. City Council direct the General Manager, Solid Waste Management Services to report back to the Public Works and Infrastructure Committee on future beneficial uses of the derived biogas from the Dufferin Organics Processing Facility, including but not limited to cogeneration, renewable natural gas and district heating opportunities for local businesses and institutions.

**Background Information (Committee)**

(September 4, 2015) Report from the General Manager, Solid Waste Management Services and the Director, Purchasing and Materials Management Division on Contract Award - Request for Proposals No. 9117-14-3049 Design, Build, Operate and Maintain the Expanded Dufferin

## Organics Processing Facility

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83441.pdf>

**Motions (City Council)**

*1 - Motion to Amend Item (Additional) moved by Councillor Anthony Perruzza (Carried)*

That:

1. City Council direct the General Manager, Solid Waste Management Services to require any City and contracted vehicles travelling to and from the Dufferin Waste Management Facility, including the Dufferin Organics Processing Facility, to approach and exit from the south using only approved truck routes.
2. City Council direct the General Manager, Solid Waste Management Services to report back to the Public Works and Infrastructure Committee on future beneficial uses of the derived biogas from the Dufferin Organics Processing Facility, including but not limited to cogeneration, renewable natural gas and district heating opportunities for local businesses and institutions.

*Motion to Adopt Item as Amended (Carried)*

PW7.12	ACTION	Adopted		Ward: All
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**Increases to Parking Ticket Set Fines****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize that Fixed Fines for the "No Parking" Offences (Codes 5, 14, 16, 17, 18, 77) be increased from \$40.00 to \$50.00.
2. City Council authorize that Fixed Fines for offences related to Fail to Park/Stop Parallel to Curb (Codes 11, 48, 49, 50, 51, 52, 54, 55 and 56) be increased from \$15.00 to \$30.00.
3. City Council authorize that the Fixed Fine for "Stop on/over Sidewalk/Footpath" (Code 30) be increased from \$60.00 to \$150.00.
4. City Council authorize that the Fixed Fines for Bus and Transit Parking related offences (Codes 320, 192) be increased from \$40.00/\$60.00 to \$150.00.
5. City Council authorize that the Fixed Fine for Stop Roadside-(Stopped/Parked) Vehicle (Code 31) which deals with the double parking offence when a live lane of traffic is obstructed be increased from \$60.00 to \$150.00.
6. City Council authorize that the Fixed Fine for "Stop vehicle-reserved designated lane" (Code 423) be increased from \$60.00 to \$150.00.
7. City Council authorize the City Solicitor to amend the appropriate by-laws to revise the fixed fine amounts in accordance with Parts 1 to 6 above.
8. City Council authorize the City Solicitor to make the necessary application to the Regional Senior Justice of the Ontario Court of Justice to establish new/revised set fine amounts equal to the fixed fine amounts, respectively, identified in and in accordance with Parts 1 to 6 above.

**Background Information (Committee)**

(September 14, 2015) Report from the General Manager, Transportation Services and Treasurer, on Increases to Parking Ticket Set Fines

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83445.pdf>

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

PW7.19	ACTION	Adopted on Consent		Ward: All
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### **Authority to Appear Before the Environmental Review Tribunal in the Matter of Region of Peel v. Director, Ministry of Environment and Climate Change**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor to attend at the Environmental Review Tribunal proceedings of Region of Peel v Director, Ministry of Environment and Climate Change ("MOECC"), and any related court proceedings, to make submissions on the issue of the transfer of ownership of waste as provided in Section 42 of the Ontario Environmental Protection Act ("EPA").
2. City Council authorize the appropriate City staff to provide such support as may be required.

**Background Information (Committee)**

(August 31, 2015) Report from the City Solicitor requesting Authority to Appear Before the Environmental Review Tribunal in the Matter of Region of Peel v. Director, Ministry of Environment and Climate Change

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83228.pdf>

PW7.20	ACTION	Deferred		Ward: All
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### **Loan Program for Replacement of Residential Private-Side Lead Water Service Pipes**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, deferred consideration of Item PW7.20 until the November 3 and 4, 2015 meeting of City Council.

*Public Notice Given*

**Background Information (Committee)**

(August 17, 2015) Report from the Deputy City Manager & Chief Financial Officer and the General Manager, Toronto Water on a Loan Program for Replacement of Residential Private-Side Lead Water Service Pipes

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83235.pdf>

**Motions (City Council)**

*1 - Motion to Defer Item moved by Councillor Jaye Robinson (Carried)*

That consideration of the item be deferred until the November 3 and 4, 2015 meeting of City Council.

**Vote** (Defer Item)

Oct-02-2015 5:10 PM

<b>Result: Carried</b>	Majority Required - PW7.20 Robinson - motion 1 - Defer the item
Yes: 22	Paul Ainslie, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Justin J. Di Ciano, Frank Di Giorgio, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Jaye Robinson, Michael Thompson, John Tory
No: 11	Maria Augimeri, Ana Bailão, Janet Davis, Glenn De Baeremaeker, Sarah Doucette, Paula Fletcher, Pam McConnell, Mary-Margaret McMahon, Gord Perks, Anthony Perruzza, Kristyn Wong-Tam
Absent: 12	Christin Carmichael Greb, Gary Crawford, Joe Cressy, Vincent Crisanti, John Fillion, Rob Ford, Norman Kelly, Mike Layton, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner

<b>PW7.21</b>	<b>ACTION</b>	Adopted on Consent		Ward: All
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### **Amendment to Contract No. 47018444 for the Supply of Phosphoric Acid at all Four City of Toronto Water Treatment Plants**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Contract No. 47018444 with Anchem Sales for the supply and delivery of Phosphoric Acid, Request for Quotation 6628-14-7086, by an additional amount of \$650,000.00, net of all taxes (\$661,440.00 net of HST recoveries), revising the current total value from \$2,489,909.47 to \$3,139,909.47 net of all taxes (\$3,195,171.89 net of HST recoveries).
2. City Council amend the 2015 Operating Budget for Toronto Water with an increase to Phosphoric Acid of \$935,603.83 and a corresponding reduction to the 2015 budgeted contribution to the Toronto Water Capital Reserve.
3. City Council direct the General Manager, Toronto Water to include for consideration as part of the 2016 Budget Process, any additional funding required in 2016 and future years for Phosphoric Acid.

#### **Background Information (Committee)**

(August 19, 2015) Report from the General Manager, Toronto Water and the Director, Purchasing and Materials Management Division on an Amendment to Contract No. 47018444 for the Supply of Phosphoric Acid at all Four City of Toronto Water Treatment Plants (<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83234.pdf>)

#### **Striking Committee - Meeting 6**

<b>ST6.1</b>	<b>ACTION</b>	Adopted		Ward: All
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### **Council Member Appointments to the Canadian National Exhibition Association (CNEA) Municipal Section and Board of Directors**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council appoint the following Members to the Canadian National Exhibition Association, Municipal Section, for a term of office starting December 1, 2015 and ending on November 30, 2016 and until successors are appointed:

Councillor Paul Anslie  
 Councillor Maria Augimeri  
 Councillor Vincent Crisanti  
 Councillor Paula Fletcher  
 Councillor Stephen Holyday  
 Councillor Jim Karygiannis  
 Councillor Norman Kelly  
 Councillor Mike Layton  
 plus Mayor John Tory who is a member by right of office.

2. City Council appoint the following Members to the Canadian National Exhibition Association, Board of Directors, for a term of office starting December 1, 2015 and ending on November 30, 2016 and until successors are appointed:

Councillor Paul Ainslie  
 Councillor Maria Augimeri  
 Councillor Paula Fletcher  
 Councillor Norman Kelly  
 Councillor Mike Layton  
 plus Mayor John Tory who is a member by right of office.

## Background Information (Committee)

(September 9, 2015) Report from the City Clerk on Council Member Appointments to the Canadian National Exhibition Association (CNEA) Municipal Section and Board of Directors (<http://www.toronto.ca/legdocs/mmis/2015/st/bgrd/backgroundfile-83443.pdf>)  
 Attachment 1 - Members' preferences for appointment to the Canadian National Exhibition, Association Municipal Section and the Board of Directors (<http://www.toronto.ca/legdocs/mmis/2015/st/bgrd/backgroundfile-83444.pdf>)

## Motions (City Council)

*Motion to Adopt Item (Carried)*

ST6.2	ACTION	Adopted		Ward: All
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## 2016 Schedule of Meetings

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the 2016 meeting schedule dates in Attachment 1 to the report (September 9, 2015) from the City Clerk and that the published schedule serve as notice for these meetings.
2. City Council request the City Clerk to distribute the approved schedule to the City's agencies and special purpose bodies with a request that they:

- a. avoid scheduling meetings, whenever possible, that conflict with the approved schedule; and
- b. avoid scheduling public meetings, forums, public consultations and large scale meetings on days of cultural or religious significance as noted in the approved schedule.

### City Council Decision Advice and Other Information

The meeting schedules considered by the Striking Committee and City Council are on file in the office of the City Clerk.

As the adopted schedule changes frequently due to cancellations and rescheduling of meetings, the most up-to-date schedule of meetings can be found at [www.toronto.ca/council](http://www.toronto.ca/council).

### Background Information (Committee)

(September 9, 2015) Report from the City Clerk on the 2016 Schedule of Meetings

<http://www.toronto.ca/legdocs/mmis/2015/st/bgrd/backgroundfile-83634.pdf>

Attachment 1 - See [www.toronto.ca/council](http://www.toronto.ca/council) for the most up-to-date schedule of meetings.

Attachment 2 - Days of cultural or religious significance

<http://www.toronto.ca/legdocs/mmis/2015/st/bgrd/backgroundfile-83636.pdf>

## Etobicoke York Community Council - Meeting 8

EY8.1	ACTION	Adopted on Consent		Ward: 11
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### Final Report - 702 Weston Road and 11 Avon Avenue - Zoning By-law Amendment Application

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend former City of York Zoning By-law No. 1-83, for the lands at 11 Avon Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 6 to the report (April 22, 2015) from the Director, Community Planning, Etobicoke York District.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 11 Avon Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 7 to the report (April 22, 2015) from the Director, Community Planning, Etobicoke York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.
4. Prior to introducing the necessary Bills to City Council for enactment, City Council require the owner to receive provisional consent approval to sever the property as per the Draft R-Plan, attached as Attachment 2 to the report (April 22, 2015) from the Director, Community Planning, Etobicoke York District, along with requisite easements and/or right-of-ways, to the satisfaction of the City Solicitor, Director, Engineering and Construction Services, and the Director, Community Planning, Etobicoke York District.

*Public Notice Given*

*Statutory - Planning Act, RSO 1990***Background Information (Community Council)**

(April 22, 2015) Report from the Director, Community Planning, Etobicoke York District, regarding 702 Weston Road and 11 Avon Avenue - Zoning By-law Amendment Application (<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82547.pdf>)

**1a Supplementary Report - 702 Weston Road and 11 Avon Avenue - Zoning By-law Amendment Application****Background Information (Community Council)**

(August 19, 2015) Supplementary Report from the Director, Community Planning, Etobicoke York District regarding 702 Weston Road and 11 Avon Avenue - Zoning By-law Amendment Application (<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82705.pdf>)

EY8.2	ACTION	Adopted on Consent		Ward: 4
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**Final Report - 4, 6, 8, 10 and 12 Ashley Road - Draft Plan of Common Elements Condominium Application****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium for the lands known municipally as 4, 6, 8, 10 and 12 Ashley Road, as generally illustrated on Attachment 1 to the report (August 13, 2015) from the Director, Community Planning, Etobicoke York District, subject to:

- a. the conditions as generally listed in Attachment 2 to the report (August 13, 2015) from the Director, Community Planning, Etobicoke York District, which except as otherwise noted, must be fulfilled prior to the release of the Plan of Condominium for registration; and
- b. any such revisions to the proposed condominium plan or any such additional or modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

*Public Notice Given**Statutory - Planning Act, RSO 1990***Background Information (Community Council)**

(August 13, 2015) Report from the Director, Community Planning, Etobicoke York District regarding 4, 6, 8, 10 and 12 Ashley Road- Draft Plan of Common Elements Condominium Application- Final Report (<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82538.pdf>)

EY8.3	ACTION	Adopted on Consent		Ward: 11
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## Final Report - 2179 Weston Road - Draft Plan of Common Elements Condominium Application

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. In accordance with the delegated approval under By-law 229-2000, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the Draft Plan of Common Elements Condominium for the lands, as generally illustrated on Attachment 1 to the report (August 17, 2015) from the Director, Community Planning, Etobicoke York District, subject to:

a. the conditions as generally listed in Attachment 2 to the report (August 17, 2015) from the Director, Community Planning, Etobicoke York District, which except as otherwise noted, must be fulfilled prior to the release of the Plan of Condominium for registration; and

b. any such revisions to the proposed condominium plan or any such additional or modified conditions as the Chief Planner and Executive Director, City Planning Division may deem to be appropriate to address matters arising from the on-going technical review of this development.

*Public Notice Given*

*Statutory - Planning Act, RSO 1990*

### Background Information (Community Council)

(August 17, 2015) Report from the Director, Community Planning, Etobicoke York District, regarding 2179 Weston Road - Draft Plan of Common Elements Condominium Application - Final Report

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82646.pdf>

EY8.4	ACTION	Adopted on Consent		Ward: 13
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## Final Report - 108 Vine Avenue (Western Portion) and 162 Vine Avenue - Zoning By-law Amendment Application

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend former City of Toronto Zoning By-law No. 438-86, for the lands at 108 Vine Avenue (western portion) and 162 Vine Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to the report (August 18, 2015) from the Director, Community Planning, Etobicoke York District.

2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 108 Vine Avenue (western portion) and 162 Vine Avenue substantially in accordance with the draft

Zoning By-law Amendment attached as Attachment 5 to the report (August 18, 2015) from the Director, Community Planning, Etobicoke York District.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act for the proposed parking lot at 162 Vine Avenue and the grocery store at 108 Vine Avenue.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to submit a Stormwater Management Report for the property at 162 Vine Avenue to the satisfaction of the Director, Engineering and Construction Services.  
That Etobicoke York Community Council recommend that:
6. City Council request the Toronto Parking Authority, in consultation with Councillors Sarah Doucette and Giorgio Mammoliti, to investigate all possibilities to create a parking lot and further parking spots in this area of the City to help with area parking issues.

*Public Notice Given*

*Statutory - Planning Act, RSO 1990*

**Background Information (Community Council)**

(August 18, 2015) Report from the Director, Community Planning, Etobicoke York District regarding 108 Vine Avenue (Western Portion) and 162 Vine Avenue - Zoning By-law Amendment Application - Final Report  
<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83016.pdf>

**Communications (Community Council)**

- (August 27, 2015) E-mail from Barbi Lazarus (EY.New.EY8.4.1)
- (September 3, 2015) E-mail from Rachele Chevalier (EY.New.EY8.4.2)
- (September 4, 2015) Letter from Giorgio Osti (EY.New.EY8.4.3)
- (September 4, 2015) E-mail from Susanne, Curt, Sophia and Gwen Trothen (EY.New.EY8.4.4)
- (September 5, 2015) E-mail from Corinne Flitton (EY.New.EY8.4.5)
- (September 5, 2015) E-mail from Cindy Carroll (EY.New.EY8.4.6)
- (September 5, 2015) E-mail from Adrian Cabilio (EY.New.EY8.4.7)
- (September 5, 2015) E-mail from Lissa Bobrow (EY.New.EY8.4.8)
- (September 5, 2015) Letter from Richard Ramos (EY.New.EY8.4.9)
- (September 5, 2015) Submission from Mike Modeste (EY.New.EY8.4.10)
- (September 7, 2015) E-mail from Sean Bettam (EY.New.EY8.4.11)
- (September 8, 2015) E-mail from Meghan Savigny (EY.New.EY8.4.12)

EY8.5	ACTION	Adopted on Consent		Ward: 13
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**Final Report - 2978-2982 Dundas Street West and 406-408 Pacific Avenue - Zoning By-law Amendment Application**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend former City of Toronto Zoning By-law No. 438-86, for the lands at 2978-2982 Dundas Street West and 406-408 Pacific Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to the report (August 18, 2015) from the Director, Community Planning, Etobicoke York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 2978-2982 Dundas Street West and 406-408 Pacific Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to the report (August 18, 2015) from the Director, Community Planning, Etobicoke York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council request the Director, Community Planning, Etobicoke York District, to obtain and consider input from the West Toronto Junction Historical Society, the Junction Residents' Association, and the Junction Business Improvement Area on the future site plan control application for this development.

*Public Notice Given*

*Statutory - Planning Act, RSO 1990*

**Background Information (Community Council)**

(August 18, 2015) Report from the Director, Community Planning, Etobicoke York District regarding 2978-2982 Dundas Street West and 406-408 Pacific Avenue - Zoning By-law Amendment Application - Final Report

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82706.pdf>

**Communications (Community Council)**

(August 19, 2015) E-mail from Juli Daoust Baker and John Baker (EY.Main.EY8.5.1)

(September 4, 2015) Letter from Tina Leslie, Chair, The Junction Heritage Conservation District Committee (EY.New.EY8.5.2)

<http://www.toronto.ca/legdocs/mmis/2015/ey/comm/communicationfile-54742.pdf>

(September 7, 2015) E-mail from Corinne Flitton (EY.New.EY8.5.3)

EY8.6	ACTION	Amended		Ward: 7
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**Final Report - Lands Formerly Known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road - Proposed Zoning By-law Amendments**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend former City of North York Zoning By-law No. 7625, for the lands formerly known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 3 to the report (August 17, 2015) from the Director, Community Planning, Etobicoke York District.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. City Council refer Etobicoke York Community Council Recommendation 3 to the Chief Planner and Executive Director, City Planning and City Council direct the Chief Planner and Executive Director, City Planning to report to the Etobicoke York Community Council on the extenuating circumstances that might warrant the reimbursement of Committee of Adjustment fees.

Referred Recommendation:

3. City Council approve re-imburement of Committee of Adjustment fees charged to applicants whose minor variance application would not have been required had the proposed zoning by-law been in force and effect.

*Public Notice Given*

*Statutory - Planning Act, RSO 1990*

### **Background Information (Community Council)**

(August 17, 2015) Report from the Director, Community Planning, Etobicoke York District regarding Lands Formerly Known as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road - Proposed Zoning By-law Amendments - Final Report  
<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82597.pdf>

### **Motions (City Council)**

*1 - Motion to Amend Item moved by Councillor David Shiner (Carried)*

That City Council refer Etobicoke York Community Council Recommendation 3 to the Chief Planner and Executive Director, City Planning and City Council direct the Chief Planner and Executive Director, City Planning to report to the Etobicoke York Community Council on the extenuating circumstances that might warrant the reimbursement of Committee of Adjustment fees.

**Vote** (Amend Item)

Oct-02-2015 9:43 AM

<b>Result: Carried</b>	Majority Required - EY8.6 - Shiner - motion 1
Yes: 28	Paul Ainslie, Ana Bailão, Jon Burnside, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Stephen Holyday, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 17	Maria Augimeri, Michelle Berardinetti, John Campbell, Shelley Carroll, Vincent Crisanti, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Ron Moeser, Cesar Palacio, Anthony Perruzza

*Motion to Adopt Item (Carried)*

<b>EY8.26</b>	<b>ACTION</b>	Adopted		Ward: 5
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### **Application to Remove a Private Tree - 3 Dumbarton Road**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council deny the request for a permit to remove one (1) privately owned tree located at 3 Dumbarton Road.

### Background Information (Community Council)

(August 13, 2015) Report from the Director, Urban Forestry, Parks, Forestry and Recreation regarding 3 Dumbarton Road- Application to Remove a Private Tree  
<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82560.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:33 AM

<b>Result: Carried</b>	Majority Required - EY8.26 - Adopt the item
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 3	Christin Carmichael Greb, Stephen Holyday, Giorgio Mammoliti
Absent: 3	Rob Ford, Pam McConnell, Denzil Minnan-Wong

EY8.27	ACTION	Adopted		Ward: 5
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### Application to Remove Private Trees - 24 Monkton Avenue

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council deny the request for a permit to remove the two (2) private trees located at the rear of 24 Monkton Avenue.

### Background Information (Community Council)

(August 13, 2015) Report from the Director, Urban Forestry, Parks, Forestry and Recreation regarding 24 Monkton Avenue - Application to Remove Private Trees  
<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82561.pdf>

### Communications (Community Council)

(September 4, 2015) E-mail from Deborah Kuo (EY.New.EY8.27.1)

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:34 AM

<b>Result: Carried</b>	Majority Required - EY8.27 - Adopt the item
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin

	Lee, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 3	Christin Carmichael Greb, Stephen Holyday, Giorgio Mammoliti
Absent: 3	Rob Ford, Pam McConnell, Denzil Minnan-Wong

EY8.34	ACTION	Adopted on Consent		Ward: 17
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## City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards - Amendment for Properties within Ward 17

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, to provide that, despite any other provisions in Code Chapter 918:

a. Subsections 918-8 C(2) and 918-8 C(3) shall not apply to a front yard parking application for front yard parking and/or to an application for a licence to park on any portion of a boulevard where the application is for a residential property located within the area of the former City of Toronto in Ward 17 where:

- i. a. the application is for a front yard parking pad adjacent to an existing mutual driveway which has a width of less than 2.2 metres measured at the narrowest point; or
  - b. additional ramping is not required or, if any ramping or additional ramping is required, there is no loss of an on-street permit parking space; and

ii. the property meets all other requirements of Chapter 918.

b. Subsections 918-9D and 918-9E shall not apply to a front yard parking pad in the area of the former City of Toronto in Ward 17 where any ramping or additional ramping is not required.

2. City Council authorize and direct the appropriate staff to take the necessary steps to give effect to Council's decision, including the introduction in Council of any bills that may be necessary to give effect to Council's decision.

### Background Information (Community Council)

(August 20, 2015) Report from the Manager, Right of Way Management, Transportation Services - City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards - Amendment for Properties within Ward 17

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82994.pdf>

EY8.35	ACTION	Adopted on Consent		Ward: 5
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## Highway Alteration - The Queensway east of Dorchester Avenue and

## west of Parker Avenue

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the alterations and modifications to install centre median islands on The Queensway east of Dorchester Avenue, and on The Queensway west of Parker Avenue, as indicated in Appendix A and generally shown on Attachment 1 and 2 to the report (July 31, 2015) from the Director, Transportation Service, Etobicoke York District.

### Background Information (Community Council)

(July 31, 2015) Report from the Director, Transportation Services, Etobicoke York District regarding Highway Alteration - The Queensway east of Dorchester Avenue and west of Parker Avenue

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82723.pdf>

Attachments 1 and 2 - Drawings

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82724.pdf>

EY8.38	ACTION	Adopted on Consent		Ward: 11
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## Permanent Closure of a Portion of Monarch Road, Extending Westerly, then Southerly from Old Weston Road and South of Junction Road

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council, permanently close the portion of public highway, designated as Part 17 on Plan 66R-24300 (the "Highway"), attached to the report (August 19, 2015) from the Director, Transportation Services, Etobicoke-York District.
2. City Council enact a by-law substantially in the form of the draft by-law attached as Appendix A to the report (August 19, 2015) from the Director, Transportation Services, Etobicoke-York District.

*Public Notice Given*

### Background Information (Community Council)

(August 19, 2015) Report from the Director, Transportation Services, Etobicoke-York District regarding a Permanent Closure of a Portion of Monarch Road

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82981.pdf>

Appendix 'A' - Draft By-law

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82983.pdf>

EY8.40	ACTION	Adopted on Consent		Ward: 6
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## Lane Designation Amendments - Park Lawn Road at Lake Shore Boulevard West

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council rescind all movements permitted designation for the westerly southbound lane on Park Lawn Road, between Lake Shore Boulevard West and a point 30.5 metres north.
2. City Council rescind the left-turn only designation for the easterly southbound lane on Park Lawn Road, between Lake Shore Boulevard West and a point 30.5 metres north.
3. City Council designate right-turn only, buses exempted, for the westerly southbound lane on Park Lawn Road, between Lake Shore Boulevard West and a point 30.5 metres north.
4. City Council designate left-turn only for the two easterly southbound lanes on Park Lawn Road, between Lake Shore Boulevard West and point 30.5 metres north.

### Background Information (Community Council)

(July 28, 2015) Report from the Director, Transportation Services - Etobicoke York District regarding Lane Designation Amendments - Park Lawn Road at Lake Shore Boulevard West

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82554.pdf>

Attachment 1 - Map

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82555.pdf>

EY8.61	ACTION	Amended		Ward: 7
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### Parking Regulation Amendments - Milvan Drive and Millwick Drive

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the amendments to parking regulations on Milvan Drive and Millwick Drive, as outlined in the revised Appendices A and B attached to the supplementary report (September 23, 2015) from the General Manager, Transportation Services.

### Background Information (Community Council)

(July 20, 2015) Report from the Director, Transportation Services - Etobicoke York District regarding Parking Regulation Amendments - Milvan Drive and Millwick Drive

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82936.pdf>

Attachment 1: Map

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82937.pdf>

### Background Information (City Council)

(September 23, 2015) Supplementary report from the General Manager, Transportation Services, on parking regulation amendments for Milvan Drive and Millwick Drive, with Appendices A and B (EY8.61a)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84274.pdf>

### Motions (City Council)

*1 - Motion to Amend Item moved by Councillor Mark Grimes (Carried)*

That City Council adopt the following recommendations contained in the supplementary report (September 23, 2015) from the General Manager, Transportation Services [EY8.61a]:

1. City Council replace Appendices "A" and "B" to Etobicoke York Community Council Item EY8.61 and to the report (July 20, 2015) from the Director, Transportation Services - Etobicoke

York District, with the revised Appendices "A" and "B" attached to the report dated September 23, 2015 from the General Manager, Transportation Services.

**Vote** (Amend Item)

Oct-01-2015 2:11 PM

<b>Result: Carried</b>	Majority Required - EY8.61 - Grimes - motion 1
Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Michael Thompson, Kristyn Wong-Tam
No: 1	Giorgio Mammoliti
Absent: 8	Michelle Berardinetti, Vincent Crisanti, John Fillion, Rob Ford, Denzil Minnan-Wong, Jaye Robinson, David Shiner, John Tory

*Motion to Adopt Item as Amended (Carried)*

<b>EY8.62</b>	ACTION	Adopted on Consent		Ward: 7
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### **Parking Regulation Amendments - Toryork Drive**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend parking regulations on Toryork Drive, between Weston Road and Milvan Drive, as outlined in Appendix A and Appendix B attached to the report (July 20, 2015) from the Director, Transportation Services - Etobicoke York District.

#### **Background Information (Community Council)**

(July 20, 2015) Report from the Director, Transportation Services - Etobicoke York District regarding Parking Regulation Amendments - Toryork Drive

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83008.pdf>

Attachment: Maps - Existing and Proposed Parking Regulations

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83009.pdf>

<b>EY8.64</b>	ACTION	Adopted on Consent		Ward: 5
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### **Accessible Parking Spaces - Bloor Street West, in the area of Cosmo Road and Elsfield Road**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council rescind the existing "Pay-and-Display" parking from 8:00 a.m. to 9:00 p.m., Monday to Saturday; 1:00 p.m. to 9:00 p.m., Sunday, for a maximum period of 3 hours, at a rate of \$2.25 per hour, on the south side of Bloor Street West between Gardenvale Road and Thompson Avenue.
2. City Council rescind the existing "Pay-and-Display" parking from 9:00 a.m. to 9:00 p.m., Monday to Saturday; 1:00 p.m. to 9:00 p.m., Sunday, for a maximum period of 3 hours, at a

rate of \$2.25 per hour, on the south side of Bloor Street West between a point 68.6 metres west of Prince Edward Drive and Humbervale Boulevard.

3. City Council enact "Pay-and-Display" parking from 8:00 a.m. to 9:00 p.m., Monday to Saturday; 1:00 p.m. to 9:00 p.m., Sunday, for a maximum period of 3 hours, at a rate of \$2.25 per hour, on the south side of Bloor Street West between Gardenvale Road and Cosmo Road.

4. City Council approve the installation of an on-street accessible parking space on the south side of Bloor Street West between a point a point 15 metres east of Cosmo Road and a point 7 metres further east.

5. City Council enact "Pay-and-Display" parking from 8:00 a.m. to 9:00 p.m., Monday to Saturday; 1:00 p.m. to 9:00 p.m., Sunday, for a maximum period of 3 hours, at a rate of \$2.25 per hour, on the south side of Bloor Street West between a point 22 metres east of Cosmo Road and Thompson Avenue.

6. City Council enact "Pay-and-Display" parking from 9:00 a.m. to 9:00 p.m., Monday to Saturday; 1:00 p.m. to 9:00 p.m., Sunday, for a maximum period of 3 hours, at a rate of \$2.25 per hour, on the south side of Bloor Street West between Humbervale Boulevard and a point 17 metres west of Elsfeld Road.

7. City Council approve the installation of an on-street accessible parking space on the south side of Bloor Street West between a point 10 metres west of Elsfeld Road and a point 7 metres further west.

8. City Council enact "Pay-and-Display" parking from 9:00 a.m. to 9:00 p.m., Monday to Saturday; 1:00 p.m. to 9:00 p.m., Sunday, for a maximum period of 3 hours, at a rate of \$2.25 per hour, on the south side of Bloor Street West between point Elsfeld Road and a point 68.6 metres west of Prince Edward Drive.

### **Background Information (Community Council)**

(July 30, 2015) Report from the Director, Transportation Services, Etobicoke York District regarding Accessible Parking Spaces - Bloor Street West, in the area of Cosmo Road and Elsfeld Road

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82508.pdf>

Attachment 1: Map - Bloor Street West, east of Cosmo Road; Attachment 2: Map - Bloor Street West, west of Elsfeld Road

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82509.pdf>

EY8.66	ACTION	Adopted on Consent		Ward: 17
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### **Accessible Parking Spaces - Etobicoke York District - August 2015 (Non-Delegated)**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the removal of the on-street accessible parking space at the location identified in Appendix A attached to the report (August 10, 2015) from the Director, Transportation Services, Etobicoke York District.

### **Background Information (Community Council)**

(August 10, 2015) Report from the Director, Transportation Services - Etobicoke York District, regarding Accessible Parking Spaces - Etobicoke York District  
<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82602.pdf>

EY8.73	ACTION	Adopted on Consent		Ward: 2
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**Assumption of Services, Registered Plan 66M-2490 (known as Westowanis Drive) at 720 Humberwood Boulevard 720 Humberwood Boulevard G.P. Inc.**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council formally assume the services and road, known as Westowanis Drive, within the Registered Plan of Subdivision 66M-2490.
2. City Council authorize the Director, Engineering Review to release the performance guarantee held with respect to the municipal services in accordance with the Subdivision Agreement.
3. City Council direct that an assumption By-law be prepared to assume the public highways and municipal services within the Registered Subdivision Plan 66M-2490.
4. City Council authorize and direct the City Solicitor to register the assumption By-law in the Land Registry Office, at the expense of the Owner.
5. City Council authorize and direct the appropriate City officials to transfer ownership of the street lighting system constructed within the Plan of Subdivision 66M-2490 to Toronto Hydro.
6. City Council authorize the appropriate City officials to take necessary action to give effect to Council's decision.

**Background Information (Community Council)**

(August 5, 2015) Report from the Director, Development Engineering regarding Assumption of Services, Registered Plan 66M-2490 (known as Westowanis Drive) at 720 Humberwood Boulevard

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82441.pdf>

Attachment 1 - Plan 66M-2490

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82442.pdf>

EY8.76	ACTION	Referred		Ward: 6
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**Ontario Municipal Board Appeal - Minor Variance Approval 170 and 194 Evans Avenue**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, referred the Item EY8.76 to the Chief Planner and Executive Director, City Planning and directed the Chief Planner and Executive Director, City Planning to report to the January 2016 meeting of Planning and Growth Management Committee on this matter.

## Background Information (Community Council)

(August 6, 2015) Letter from Councillor Mark Grimes, Ward 6 - Etobicoke-Lakeshore, regarding an Appeal to the Ontario Municipal Board - 170 and 194 Evans Avenue Minor Variance Approval

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82415.pdf>

Attachment: June 4, 2015 Notice of Decision by the Committee of Adjustment - Etobicoke York Panel - Approval of Minor Variance at 170 and 194 Evans Avenue

<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-82416.pdf>

## Communications (Community Council)

(September 3, 2015) Letter from David A. McKay, Vice President & Partner, MHBC (EY.New.EY8.76.1)

<http://www.toronto.ca/legdocs/mmis/2015/ey/comm/communicationfile-54725.pdf>

## Motions (City Council)

*1 - Motion to Defer Item moved by Councillor David Shiner (Carried)*

That City Council defer consideration of the item to the November 3 and 4, 2015 meeting of City Council and request the Chief Planner and Executive Director, City Planning and the City Solicitor to report on the merits of the Committee of Adjustment appeal.

**Vote** (Defer Item)

Oct-02-2015 9:44 AM

<b>Result: Carried</b>	Majority Required - EY8.76 - Shiner - motion 1 - Defer the item
Yes: 30	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Stephen Holyday, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 15	Maria Augimeri, John Campbell, Vincent Crisanti, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Ron Moeser, Cesar Palacio, Anthony Perruzza

*Motion to Reconsider Item moved by Deputy Mayor Denzil Minnan-Wong (Carried)*

That in accordance with Chapter 27, Council Procedures, City Council reconsider Item EY8.76.

**Vote** (Reconsider Item)

Oct-02-2015 9:55 AM

<b>Result: Carried</b>	Two-Thirds Required - EY8.76 - Minnan-Wong - Reconsider the item
Yes: 26	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mark Grimes, Stephen Holyday, Jim Karygiannis, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Jaye Robinson, John Tory, Kristyn Wong-Tam
No: 6	Christin Carmichael Greb, Shelley Carroll, James Pasternak, Gord Perks, David Shiner, Michael Thompson
Absent: 13	Maria Augimeri, John Campbell, Vincent Crisanti, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Norman Kelly, Mike Layton, Chin Lee, Ron Moeser, Cesar Palacio, Anthony Perruzza

*2 - Motion to Refer Item moved by Councillor Mark Grimes (Carried)*

That City Council refer the item to the Chief Planner and Executive Director, City Planning and direct the Chief Planner and Executive Director, City Planning to report to the January 2016 meeting of Planning and Growth Management Committee on this matter.

EY8.83	ACTION	Adopted on Consent		Ward: 5
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## Ontario Municipal Board Appeal - 36 Clissold Road

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board in support of the Committee of Adjustment decision to refuse the requested Consent to Sever and Minor Variances for 36 Clissold Road.

### Background Information (Community Council)

(September 8, 2015) Letter from Councillor Justin Di Ciano, Ward 5, Etobicoke-Lakeshore, regarding an Appeal to the Ontario Municipal Board - 36 Clissold Road - Minor Variance Approval

(<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83165.pdf>)

Attachment - July 2, 2015 Notice of Decision by the Committee of Adjustment - Etobicoke York Panel - 36 Clissold Road (A67/14EYK)

(<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83167.pdf>)

Attachment - July 2, 2015 Notice of Decision by the Committee of Adjustment - Etobicoke York Panel - 36 Clissold Road (A68/14EYK)

(<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83168.pdf>)

Attachment - July 2, 2015 Notice of Decision by the Committee of Adjustment - Etobicoke York Panel - 36 Clissold Road (B8/14EYK)

(<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83166.pdf>)

EY8.84	ACTION	Adopted on Consent		Ward: 11
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## Request for Attendance at Ontario Municipal Board - 84 Portage Avenue

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor to appear at the Ontario Municipal Board hearing in the matter of 84 Portage Avenue and oppose the appeal of the decision dated July 16, 2015 of the Committee of Adjustment- Etobicoke York Panel.
2. City Council authorize the City Solicitor to take all necessary action to give effect to Council's decision.

### Background Information (Community Council)

(August 25, 2015) Letter from Councillor Frances Nunziata, Ward 11, York South-Weston, regarding Attendance at the Ontario Municipal Board - 84 Portage Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83169.pdf>)

Attachment - July 16, 2015 Notice of Decision by the Committee of Adjustment - Etobicoke York Panel - 84 Portage Avenue (A108/15EYK)

(<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83172.pdf>)

Attachment - July 16, 2015 Notice of Decision by the Committee of Adjustment - Etobicoke York Panel - 84 Portage Avenue (A109/15EYK)

(<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83171.pdf>)

Attachment - July 16, 2015 Notice of Decision by the Committee of Adjustment - Etobicoke York Panel - 84 Portage Avenue (B12/15EYL)  
<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83170.pdf>

EY8.92	ACTION	Withdrawn		Ward: 12
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## Integrity of the Planning Process - 2522 Keele Street

### City Council Decision

Item EY8.92 was withdrawn at City Council on September 30, October 1 and 2, 2015.

### City Council Decision Advice and Other Information

During the review of the Order Paper on September 30, 2015, Speaker Nunziata ruled Item EY8.92 out of order.

### Background Information (Community Council)

(September 8, 2015) Letter from Councillor Frank Di Giorgio, Ward 12, York South-Weston regarding 2522 Keele Street - Integrity of the Planning Process  
<http://www.toronto.ca/legdocs/mmis/2015/ey/bgrd/backgroundfile-83476.pdf>

### Rulings (City Council)

*Ruling by Speaker Frances Nunziata (Upheld)*

Speaker Nunziata made the following ruling on Item EY8.92:

I have reviewed this item with the City Solicitor.

The Community Council is recommending that the City not proceed with a site specific Official Plan Amendment for this property.

Such a motion is not necessary and will have no effect since the Ontario Municipal Board has taken jurisdiction for this matter and issued a final order, approved a site plan in principle and established conditions before the final order is enforced.

Nothing further requires an official plan amendment.

As a result, the Community Council's recommendations are of no effect and therefore not in order.

That is my ruling.

Challenged by Councillor Frank Di Giorgio

### Vote

Sep-30-2015 10:18 AM

<b>Result: Carried</b>	Majority Required - Uphold the chair on Di Giorgio challenge
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 9	Shelley Carroll, Vincent Crisanti, Justin J. Di Ciano, Frank Di Giorgio, Rob Ford, Stephen Holyday, Jim Karygiannis, Cesar Palacio, Anthony Perruzza

Absent: 2	Pam McConnell, Denzil Minnan-Wong
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## North York Community Council - Meeting 8

NY8.6	ACTION	Not Adopted		Ward: 16
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### Application to Remove a Private Tree - 76 Kimbark Boulevard

#### City Council Decision

Item NY8.6 was not adopted at City Council on September 30, October 1 and 2, 2015.

#### Background Information (Community Council)

(August 13, 2015) Report from the Director, Urban Forestry, Parks, Forestry and Recreation on an Application to Remove a Private Tree at 76 Kimbark Boulevard

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82627.pdf>

Attachment 1 - Photograph of the 33.5 cm diameter honey locust tree in the rear yard of 76 Kimbark Boulevard

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82628.pdf>

#### Communications (Community Council)

(August 31, 2015) E-mail from Michael Langer with a copy of the Arborist Report from Andrew Thuro, Advanced Tree Care (NY.New.NY8.6.1)

#### Motions (City Council)

*Motion to Adopt Item (Lost)*

**Vote** (Adopt Item)

Oct-02-2015 4:12 PM

<b>Result: Lost</b>	Majority Required - NY8.6 - Adopt the item
Yes: 11	Ana Bailão, Josh Colle, Gary Crawford, Justin J. Di Ciano, Frank Di Giorgio, Mark Grimes, Stephen Holyday, Jim Karygiannis, Pam McConnell, Frances Nunziata (Chair), John Tory
No: 18	Paul Ainslie, Maria Augimeri, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Joe Cressy, Janet Davis, Sarah Doucette, Mike Layton, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson
Absent: 16	Christin Carmichael Greb, Vincent Crisanti, Glenn De Baeremaeker, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Denzil Minnan-Wong, Ron Moeser, Cesar Palacio, James Pasternak, David Shiner, Kristyn Wong-Tam

NY8.7	ACTION	Adopted on Consent		Ward: 10
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### Payment-In-Lieu of Parking - 3795 Bathurst Street

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council exempt the applicant at 3795 Bathurst Street from former City of North York Zoning By-law No. 7625 parking requirements of twenty-four (24) spaces and City-wide Zoning By-law 569-2013 parking requirement of seven (7) parking spaces, subject to a \$17,500.00 payment-in-lieu of parking, providing the applicant signs a Payment-In-Lieu of Parking Agreement with the City, to the satisfaction of the City Solicitor.

### Background Information (Community Council)

(August 7, 2015) Report from the Director, Transportation Services, North York District on Payment-In-Lieu of Parking for 3795 Bathurst Street

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82456.pdf>)

Attachment 1 - Context/Site Plan

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82458.pdf>)

NY8.18	ACTION	Adopted on Consent		Ward: 15
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### Through Restriction - Northcliffe Boulevard at Eglinton Avenue West

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council prohibit straight-through movements (bicycles excepted) from northbound Northcliffe Boulevard at Eglinton Avenue West into the driveway of 1736 Eglinton Avenue West.

### Background Information (Community Council)

(August 5, 2015) Report from the Director, Transportation Services, North York District on Through Restriction on Northcliffe Boulevard at Eglinton Avenue West

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82487.pdf>)

Attachment 1 - Map - Straight Through Prohibition - Northcliffe Boulevard at Eglinton Avenue West

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82488.pdf>)

NY8.19	ACTION	Adopted		Ward: 16
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### Road Alteration - Yonge Street at Lawrence Avenue

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the narrowing of the west side of Yonge Street, between Lawrence Avenue West and a point 68.8 metres north, generally as shown on Drawing No. NYRD15-0051, attached to the report (August 12, 2015) from the Director, Transportation Services, North York District.

### Background Information (Community Council)

(August 12, 2015) Report from the Director, Transportation Services, North York District on a Road Alteration on Yonge Street at Lawrence Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82595.pdf>)

Attachment 1 - Alteration Drawing No. NYRD15-0051 - Yonge Street at Lawrence Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82596.pdf>)

### Communications (City Council)

(September 29, 2015) E-mail from Eileen Denny, President, Teddington Park Residents Association Inc. (CC.New.NY8.19.1)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56490.pdf>)

**Motions (City Council)***Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-01-2015 10:04 AM

<b>Result: Carried</b>	Majority Required - NY8.19 - Adopt the item
Yes: 37	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	David Shiner
Absent: 7	Maria Augimeri, Vincent Crisanti, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

<b>NY8.25</b>	<b>ACTION</b>	Adopted on Consent		Ward: 34
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**Designation of Fire Routes and amendment to Chapter 880 - Fire Routes - 1704 Victoria Park Avenue****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council designate part or those parts of the private road or roads shown on the site plan filed with the Fire Chief and General Manager, Fire Services in respect of the municipal address set out below, as a fire route pursuant to City of Toronto Municipal Code Chapter 880 - Fire Routes:

a. 1704 Victoria Park Avenue

2. City Council authorize the Fire Chief and General Manager, Fire Services and City Solicitor to take the appropriate action to make a designated Fire Route.

**Background Information (Community Council)**

(July 22, 2015) Report from the Fire Chief and General Manager, Toronto Fire Services on the Designation of Fire Routes and amendment to Chapter 880 - Fire Routes - 1704 Victoria Park Avenue

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82296.pdf>

Attachment 1 - Amendment of Chapter 880 Fire Routes

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82297.pdf>

<b>NY8.26</b>	<b>ACTION</b>	Adopted on Consent		Ward: 8, 9, 24
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**Endorsement of Events for Liquor Licensing Purposes****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council advise the Alcohol and Gaming Commission of Ontario that it has no objection, for liquor licensing purposes, to the following request, noting that applicants are required to

comply with other applicable by-laws and obtain the necessary permits for any patio areas extending into the City's right of way:

- a. A temporary liquor licence extension from the York University Student Centre, Underground Campus Kitchen, for the proposed outdoor beer garden for YorkFest, hosted by The Underground Restaurant at York University, to be held at Catalpa Court, located on the north east side on campus, 4700 Keele Street, on September 17, 2015, from 11:00 a.m. to 6:00 p.m.

### Communications (Community Council)

(June 29, 2015) E-mail from Stev Baycetch requesting that Food Truck Festival Ontario, to be held on Sunday, September 27, 2015, from 11:00 a.m. to 7:00 p.m., at Downsview Park, 35 Carl Hall Road, be declared an Event of Municipal Significance. (NY.Main.NY8.26.1)

<http://www.toronto.ca/legdocs/mmis/2015/ny/comm/communicationfile-54565.pdf>

(July 16, 2015) E-mail from Amanda Usher, Project Manager, TVA Group, requesting that the Canadian Living VIP Reader Shopping and Fashion Event presented by Olsen Europe, to be held on Thursday, October 22, 2015 from 7:00 p.m. to 9:00 p.m. at Olsen Europe Retail Store, Bayview Village Mall, 2901 Bayview Avenue, be declared an Event of Municipal Significance. (NY.Main.NY8.26.2)

<http://www.toronto.ca/legdocs/mmis/2015/ny/comm/communicationfile-54563.pdf>

(September 3, 2015) Fax from Scott Jarvis, Executive Director, York University Student Centre, Underground Campus Kitchen, requesting an extension of their existing liquor licence for an outdoor beer garden for YorkFest at Catalpa Court located on the north east side on the York University campus, 4700 Keele Street, to be held on September 30, 2015, from 11:00 a.m. to 6:00 p.m. (NY.New.NY8.26.3)

<http://www.toronto.ca/legdocs/mmis/2015/ny/comm/communicationfile-54838.pdf>

NY8.28	ACTION	Adopted		Ward: 25
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### Request for Attendance at an Ontario Municipal Board Hearing - 67 St. Edmund's Drive

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's decision related to 67 St. Edmund's Drive (A0112/15NY) and authorize the City Solicitor to retain outside planners and consultants, if necessary.

#### Background Information (Community Council)

(August 19, 2015) Memo from Councillor Jaye Robinson, Ward 25 Don Valley West, on Request for Attendance at an Ontario Municipal Board Hearing for 67 St. Edmund's Drive

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82874.pdf>

Attachment 1 - Committee of Adjustment Notice of Decision - Minor Variance Applications for 67 St. Edmund's Drive

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-83021.pdf>

Attachment 2 - Report from the Director, Community Planning, North York District to the Committee of Adjustment, North York Panel on Committee of Adjustment Application for 67 St. Edmund's Drive

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-83022.pdf>

**Motions (City Council)***Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-02-2015 11:20 AM

<b>Result: Carried</b>	Majority Required - NY8.28 - Adopt the item
Yes: 35	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 4	John Campbell, Rob Ford, Stephen Holyday, Anthony Perruzza
Absent: 6	Paul Ainslie, Raymond Cho, Janet Davis, Mary Fragedakis, Giorgio Mammoliti, Michael Thompson

<b>NY8.39</b>	<b>ACTION</b>	Adopted		Ward: 15
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**Lawrence Heights - Phase 1 - District Public Art Plan****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the Lawrence Heights, Phase 1 District Public Art Plan, attached as Attachment 1 to the report (July 21, 2015) from the Director, Urban Design.

**Background Information (Community Council)**

(July 21, 2015) Report from the Director, Urban Design, City Planning Division on the Lawrence Heights, Phase 1 - District Public Art Plan

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82342.pdf>

Attachment 1 - Lawrence Heights, Phase 1, District Public Art Plan

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82343.pdf>

Attachment 2 - Public Art Consultant Retention Letter

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82344.pdf>

**Motions (City Council)***Motion to Adopt Item (Carried)***Declared Interests (City Council)**

The following member(s) declared an interest:

Councillor David Shiner - as a member of his family lives in close proximity to the Lawrence Heights area in this Project.

<b>NY8.40</b>	<b>ACTION</b>	Adopted on Consent		Ward: 23
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**Request for Direction Report - Official Plan and Zoning By-law Amendment Applications - 36, 38, and 40 Churchill Avenue****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor, City Planning staff and other appropriate City staff to attend the Ontario Municipal Board to oppose the appeal of the Official Plan Amendment and Zoning By-law Amendment applications (Application Number 14 260003 NNY 23 OZ).
2. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve an Official Plan or Zoning By-law Amendment for the subject lands until such time as:
  - a. the Board has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law amendments are in a form satisfactory to the City; and
  - b. the site plan control application is finalized to the satisfaction of the Director, Community Planning, North York District.

### **Background Information (Community Council)**

(August 19, 2015) Request for Direction Report and Attachments 1-6 from the Director, Community Planning, North York District on Official Plan and Zoning By-law Amendment Applications for 36, 38, and 40 Churchill Avenue  
<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82929.pdf>

### **Communications (Community Council)**

(September 4, 2015) E-mail from Christopher J. Tanzola, Partner, Overland LLP (NY.New.NY8.40.1)  
<http://www.toronto.ca/legdocs/mmis/2015/ny/comm/communicationfile-54862.pdf>

NY8.41	ACTION	Adopted on Consent		Ward: 25
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### **Request for Direction Report - Zoning Amendment and Site Plan Control Applications - 2 Wilket Road**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Solicitor, together with City Planning staff and any other appropriate staff, to attend the Ontario Municipal Board hearing to oppose the zoning by-law amendment and Site Plan Control applications in their current form.
2. Should the Ontario Municipal Board approve the applications, City Council authorize the City Solicitor to request that the Ontario Municipal Board withhold its Order(s) approving the applications until such time as:
  - a. the Board has been advised by the City Solicitor that the proposed zoning by-law amendment is in a form satisfactory to the City; and
  - b. all pre-approval conditions have been met for the Site Plan Control application.
3. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in the report (August 18, 2015) from the Director, Community Planning, North York District.

### **Background Information (Community Council)**

(August 18, 2015) Request for Direction Report and Attachments 1-4 from the Director, Community Planning, North York District on Zoning Amendment and Site Plan Control Applications for 2 Wilket Road  
<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82891.pdf>

NY8.42	ACTION	Adopted on Consent		Ward: 26
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## **Request for Direction Report - Zoning By-law Amendment Application - 146-150 Laird Drive**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Solicitor, together with City Planning and other appropriate staff, to attend the Ontario Municipal Board proceedings for the appeal to oppose the Zoning By-law Amendment application in its current form.
2. Should the Ontario Municipal Board approve the application, City Council authorize the City Solicitor to request that the Board withholds its Order(s) approving the application until such time as:
  - a. the Board has been advised by the City Solicitor that the proposed zoning by-law amendments are in a form satisfactory to the City; and
  - b. a Site Plan Control application has been filed and all pre-approval conditions have been met.
3. Should the Ontario Municipal Board approve the application, City Council direct the City Solicitor to advise the Board that the zoning by-laws should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner and Executive Director, City Planning, in consultation with the applicant and the Ward Councillor.
4. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as the City and the owner have presented a draft by-law to the Board that secures appropriate community benefits and a Section 37 Agreement has been entered into.
5. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in the report (August 18, 2015) from the Director, Community Planning, North York District, and to report back to City Council on the outcome, including proposed Section 37 contributions relating to any revised proposal, as appropriate.

### **Background Information (Community Council)**

(August 18, 2015) Request for Direction Report and Attachments 1-4 from the Director, Community Planning, North York District on Zoning By-law Amendment Application for 146-150 Laird Drive  
<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82965.pdf>

### **Communications (Community Council)**

(August 31, 2015) E-mail from Paul Magowan (NY.New.NY8.42.1)

(September 4, 2015) Letter from Dan Buckley, M.D., North Leasiders' Association (NY.New.NY8.42.2)

(September 4, 2015) E-mail from Eileen P.K. Costello, Aird & Berlis LLP (NY.New.NY42.3)  
<http://www.toronto.ca/legdocs/mmis/2015/ny/comm/communicationfile-54865.pdf>

(September 4, 2015) E-mail from Geoff Kettel for Geoff Kettel and Carol Burtin Fripp, Leaside Property Owners' Association Incorporated (NY.New.NY8.42.4)  
<http://www.toronto.ca/legdocs/mmis/2015/ny/comm/communicationfile-54875.pdf>

NY8.43	ACTION	Amended		Ward: 9
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## Request for Direction Report - Zoning By-law Amendment Application - 195 Exbury Road

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing for the lands at 195 Exbury Road to support the proposal before the Ontario Municipal Board.
2. City Council direct the City Solicitor to request that the Ontario Municipal Board withhold any Order to approve a Zoning By-law Amendment for the subject lands until such time as a Section 37 Agreement under the Planning Act be entered into between the City and the Owner to secure as a legal convenience to support the development the following matters to the satisfaction of the Chief Planner without pass-through of such costs to tenants:
  - a. securing of the rental tenure of the existing 158 unit building municipally known as 195 Exbury Road for a minimum of 20 years, commencing from the date that the Zoning By-law Amendment comes into full force and effect, as a 158 unit building, with no applications for demolition or conversion from residential rental use;
  - b. the Owner shall provide a new laundry payment system in the existing laundry room, converting all existing laundry machines from coin operated to card operated;
  - c. the Owner shall improve and expand the existing walkways throughout the site, connecting outdoor amenity areas and other site features to all existing building entrances;
  - d. the Owner shall upgrade landscaping throughout the site;
  - e. the Owner shall install outdoor seating at key locations throughout the site;
  - f. the Owner shall provide an active recreation area primarily for the use of young children residing at 195 Exbury Road;
  - g. the Owner shall construct a new garbage and recycling enclosure for use by the tenants of the residential tower;
  - h. the Owner shall upgrade existing outdoor lighting through the site, with lighting to be located along the proposed walking path and at all entrances;

- i. the Owner shall provide loading spaces and an enclosed refuse area of appropriate size for the tower site;
  - j. the Owner shall provide appropriate outdoor residential amenity space for the existing residential tenants and pedestrian pathway linkages on the site toward the southeast corner of the site at Exbury Road and Monclova Road;
  - k. the Owner shall plant trees within the municipal boulevard to the satisfaction of Urban Forestry Services;
  - l. the Owner shall, prior to the execution of the Section 37 agreement by the City, provide the appropriate landscaping plans and drawings to the satisfaction of the Chief Planner and Executive Director, City Planning to illustrate the location and materials of all improvements listed in Parts b. to k. above;
  - m. the Owner shall, prior to execution of the Section 37 Agreement by the City, provide financial security in a form and amount acceptable to the Chief Planner and Executive Director, City Planning, to construct all improvements listed in Parts b. to k. above;
  - n. the Owner shall complete construction of all improvements listed in Parts b. to j. above in accordance with the plans and drawings provided pursuant to Part l. above prior to receiving any Site Plan Approval for the Site;
  - o. the design and materials of all improvements listed in Parts b. to k. above will be to the satisfaction of the Chief Planner and Executive Director, City Planning and the costs of any such improvements as well as the costs of the development shall not be passed on in any form, including increases to the rents, to tenants of the existing rental building, such site plan approval being obtained prior to the applicant making application to sever the subject site;
  - p. prior to the issuance of the first building permit for the development, the owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning a construction mitigation plan and tenant communication strategy for the development, and agrees to implement same;
  - q. the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009; and
  - r. the Owner shall, prior to site plan approval for the proposed townhouse development, provide a revised Functional Servicing Report, Basement Flooding Study and Stormwater Management report to the satisfaction of the Director, Engineering and Construction Services.
3. City Council direct the City Solicitor to request the Ontario Municipal Board, before introducing any order to approve a Zoning By-law, to require the Owner to:
- a. retain a consultant archaeologist, licensed by the Ministry of Culture, Tourism and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 2 archaeological resource assessment of the subject property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Director, Heritage Preservation Services;

- b. submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk;
- c. incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, a commemorative plaque; and
- d. ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

### **Background Information (Community Council)**

(August 28, 2015) Request for Direction Report and Attachments 1-6 from the Director, Community Planning, North York District on Zoning By-law Amendment Application for 195 Exbury Road

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-83244.pdf>

(August 18, 2015) Notice of Pending Report from the Director, Community Planning, North York District on Zoning By-law Amendment for 195 Exbury Road

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82961.pdf>

### **Motions (City Council)**

*1 - Motion to Adopt Item as Amended moved by Councillor Maria Augimeri (Carried)*

That City Council delete the North York Community Council recommendations and adopt instead the following new recommendations:

1. City Council direct the City Solicitor, together with appropriate staff to attend the Ontario Municipal Board hearing for the lands at 195 Exbury Road to support the proposal before the Ontario Municipal Board.
2. City Council direct the City Solicitor to request that the Ontario Municipal Board withhold any Order to approve a Zoning By-law Amendment for the subject lands until such time as a Section 37 Agreement under the Planning Act be entered into between the City and the Owner to secure as a legal convenience to support the development the following matters to the satisfaction of the Chief Planner without pass-through of such costs to tenants:
  - a. securing of the rental tenure of the existing 158 unit building municipally known as 195 Exbury Road for a minimum of 20 years, commencing from the date that the Zoning By-law Amendment comes into full force and effect, as a 158 unit building, with no applications for demolition or conversion from residential rental use;
  - b. the Owner shall provide a new laundry payment system in the existing laundry room, converting all existing laundry machines from coin operated to card operated;
  - c. the Owner shall improve and expand the existing walkways throughout the site, connecting outdoor amenity areas and other site features to all existing building entrances;
  - d. the Owner shall upgrade landscaping throughout the site;
  - e. the Owner shall install outdoor seating at key locations throughout the site;

- f. the Owner shall provide an active recreation area primarily for the use of young children residing at 195 Exbury Road;
- g. the Owner shall construct a new garbage and recycling enclosure for use by the tenants of the residential tower;
- h. the Owner shall upgrade existing outdoor lighting through the site, with lighting to be located along the proposed walking path and at all entrances;
- i. the Owner shall provide loading spaces and an enclosed refuse area of appropriate size for the tower site;
- j. the Owner shall provide appropriate outdoor residential amenity space for the existing residential tenants and pedestrian pathway linkages on the site toward the southeast corner of the site at Exbury Road and Monclova Road;
- k. the Owner shall plant trees within the municipal boulevard to the satisfaction of Urban Forestry Services;
- l. the Owner shall, prior to the execution of the Section 37 agreement by the City, provide the appropriate landscaping plans and drawings to the satisfaction of the Chief Planner and Executive Director, City Planning to illustrate the location and materials of all improvements listed in Parts b. to k. above;
- m. the Owner shall, prior to execution of the Section 37 Agreement by the City, provide financial security in a form and amount acceptable to the Chief Planner and Executive Director, City Planning, to construct all improvements listed in Parts b. to k. above;
- n. the Owner shall complete construction of all improvements listed in Parts b. to j. above in accordance with the plans and drawings provided pursuant to Part l. above prior to receiving any Site Plan Approval for the Site;
- o. the design and materials of all improvements listed in Parts b. to k. above will be to the satisfaction of the Chief Planner and Executive Director, City Planning and the costs of any such improvements as well as the costs of the development shall not be passed on in any form, including increases to the rents, to tenants of the existing rental building, such site plan approval being obtained prior to the applicant making application to sever the subject site;
- p. prior to the issuance of the first building permit for the development, the owner shall provide, at its expense and to the satisfaction of the Chief Planner and Executive Director, City Planning a construction mitigation plan and tenant communication strategy for the development, and agrees to implement same;
- q. the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009; and
- r. the Owner shall, prior to site plan approval for the proposed townhouse development, provide a revised Functional Servicing Report, Basement Flooding Study and Stormwater Management report to the satisfaction of the Director, Engineering and Construction Services.

3. City Council direct the City Solicitor to request the Ontario Municipal Board, before introducing any order to approve a Zoning By-law, to require the Owner to:

- a. retain a consultant archaeologist, licensed by the Ministry of Culture, Tourism and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 2 archaeological resource assessment of the subject property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Director, Heritage Preservation Services;
- b. submit a copy of the relevant assessment report(s) to the Heritage Preservation Services Unit in both hard copy format and as an Acrobat PDF file on compact disk;
- c. incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorate and interpret the resources through exhibition development on site including, but not limited to, a commemorative plaque; and
- d. ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture and Tourism (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied.

NY8.44	ACTION	Adopted on Consent		Ward: 16
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## **Final Report - Zoning By-law Amendment and Rental Housing Demolition Applications - 515 and 525 Chaplin Crescent**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend former City of Toronto Zoning By-law 438-86, for the lands at 515-525 Chaplin Crescent substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6 to the report (August 20, 2015) from the Director, Community Planning, North York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 515-525 Chaplin Crescent substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 7 to the report (August 20, 2015) from the Director, Community Planning, North York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-laws as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

- i. Prior to the issuance of the first building permit, including excavation or demolition permits, the owner shall provide a financial contribution in the amount of \$80,000.00 to be used for capital improvements to the Kay Gardner Beltline Park in the vicinity of the site. Improvements to the Park include, but are not limited to: improvement to the pedestrian crossing area at the Beltline intersection at Bathurst Street, trails and benches, added landscaping, and general park improvements.
  - ii. The financial contribution referred to in Part 4.a.i. above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential or Apartment Building-Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - iii. The owner shall agree to secure the tenure of all (87) new dwelling units, inclusive of the rental replacement units, within the building to be constructed at 515 Chaplin Crescent as well as the existing units on the site for a total of 290 secured rental units for not less than 20 years.
  - iv. The owner shall provide at least 50 percent plus 2 of the net new dwelling units, and not including a rental replacement dwelling unit for a total of thirty-seven (37) of the new dwelling units to be constructed at 515 Chaplin Crescent at rents no higher than mid-range rents for ten (10) years from the date of first occupancy with rent increases not to exceed the Provincial rent guideline increases and, for tenants who remain after the tenth year the restriction on rent increases shall continue until the tenth year of their tenancy with provisions thereafter for a three year phase-out of the rent restrictions.
- b. The following matters are also recommended to be secured in the Section 37 Agreement to be registered on title as a legal convenience to support development:
- i. Provision and maintenance of not less than eighteen (18) rental replacement dwelling units on the lot, comprising of at least nine (9) affordable rental dwelling units and at least nine (9) mid-range rental dwelling units with rents no higher than mid-range rents, which units must be of similar size to the units existing on the site at the date of this By-law, to the satisfaction of the Chief Planner and Executive Director, City Planning, subject to the following:
    - a. the rental replacement dwelling units shall comprise eighteen (18) one-bedroom units;
    - b. and the combined floor area of the 18 rental replacement dwelling units shall be not less than 1,161 square metres; and
    - c. each of the units shall be larger than 60.4 square metres, with eight (8) units not less than 69.5 square metres.
  - ii. The owner shall provide and maintain affordable rents charged to the tenants who rent each of the nine (9) designated affordable rental replacement dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type inclusive of basic utility costs, and upon turnover, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of

Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial Rent Guideline and, if applicable, permitted above-Guideline increases.

iii. The owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated nine (9) new mid-range rental replacement dwelling units with mid-range rents during the first 10 years of occupancy, with mid-range rents on the same basis as Part 4.b.ii. above except that maximum mid-range rent shall not exceed an amount that is 1.5 times the average market rent by unit type inclusive of basic utility costs.

iv. Rents charged to tenants occupying a new rental replacement dwelling unit at the end of the 10-year period set forth in Parts 4.b.ii. and iii. above shall be subject only to increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in Part 4.a.iii above with a phase-in period of at least three years to unrestricted rents.

v. Rents charged to tenants newly occupying a new replacement rental dwelling unit after the completion of the 10-year period set forth in Parts 4.b.ii. and iii. above will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.

vi. The owner shall provide and maintain at least 250 square metres of indoor amenity space for the tenants of the new and existing units, and at least 1,440 square metres of outdoor amenity space, without cost pass-through to tenants at the time of construction, the appointment and furnishing of all to be to the satisfaction of the Chief Planner and Executive Director, City Planning.

vii. The owner shall provide a Tenant Relocation and Assistance Plan, and a Construction Mitigation and Tenant Communication Plan that requires the owner to provide for each tenant of a unit to be demolished, the right to return to a replacement rental unit, assistance that includes at least a moving allowance and other financial assistance, with provisions for tenants in adjacent units, including a 10 percent rent abatement, and special consideration for special needs tenants all to the satisfaction of the Chief Planner and Executive Director, City Planning.

viii. Prior to issuance of the first building permit, including excavation or demolition permits, the owner shall submit and implement a Construction Management Plan and Neighbourhood Communication Strategy, to the satisfaction of the Executive Director, Engineering and Construction Services, in consultation with the Chief Planner and Executive Director, City Planning.

5. City Council approve the application to demolish the 18 existing residential rental units (109, 111, 115, 117, 215, 217, 315, 317, 415, 417, 515, 517, 615, 617, 715, 717, 815, 817) located in 515 Chaplin Crescent pursuant to Municipal Code Chapters 667 subject to the following conditions which provide for the replacement of rental housing as outlined in the report (August 18, 2015) from the Director, Community Planning, North York District:

a. the owner shall provide and maintain eighteen (18) one-bedroom residential rental units on the subject site as rental housing for a period of at least 20 years, comprising, as shown on the plans submitted to the City Planning Division (August 20, 2014) with

any revisions to be to the satisfaction of the Chief Planner and Executive Director, City Planning, and of which at least 9 units shall have affordable rents and 9 units shall have rents no higher than mid-range rents;

b. the owner shall provide tenant relocation assistance including, an extended notice period, financial assistance beyond the minimums of the Residential Tenancies Act and the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning;

c. the owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined in Parts 5.a and b above and as described in the zoning by-law amendment in Attachment 6 and 7 to the report (August 20, 2015) from the Director, Community Planning, North York District, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and

d. the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act, to the satisfaction of the City Solicitor agreeing not to transfer or charge those parts of the lands, comprising the 18 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning or designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands until such time as the City Solicitor determines that its registration on title is no longer required to secure the provisions of the Section 111 Agreement.

6. City Council authorize the Chief Planner and Executive Director, City Planning to issue preliminary approval to the application under Municipal Code Chapter 667 after the latest of the following has occurred:

a. satisfaction or securing of the conditions in Parts 4 and 5 above;

b. after the Zoning By-law amendment included in Attachment 6 or 7 to the report (August 20, 2015) from the Director, Community Planning, North York District, has come into full force and effect; and

c. the issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or designate, pursuant to Section 114 of the City of Toronto Act, 2006.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning has given the preliminary approval referred to in Part 6 above.

8. City Council authorize the appropriate City officials to take such actions as are necessary to implement Council's decision, including execution of the Section 111 Agreements.

*Public Notice Given*

*Statutory - Planning Act, RSO 1990*

### **Background Information (Community Council)**

(August 20, 2015) Final Report and Attachments 1-7 from the Director, Community Planning, North York District on Zoning By-law Amendment and Rental Housing Demolition

Applications for 515 and 525 Chaplin Crescent

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82979.pdf>)

### Communications (Community Council)

(August 18, 2015) E-mail from Noreen Azoulay (NY.Main.NY8.44.1)

(August 25, 2015) E-mail from Nicolas C. Ramos (NY.New.NY8.44.2)

(August 24, 2015) Letter from Blake S. Medwed (NY.New.NY8.44.3)

(September 4, 2015) E-mail from Fatima Silva and Danny Silva (NY.New.NY8.44.4)

(September 7, 2015) E-mail from Melissa Keigher (NY.New.NY8.44.5)

NY8.45	ACTION	Amended		Ward: 8
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### Final Report - Zoning By-law Amendment and Subdivision Applications - 4700 Keele Street - South/East of The Pond Road and Sentinel Road

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Zoning By-law No. 7625, for the lands at 4700 Keele Street, southeast of The Pond Road and Sentinel Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 13 to the report (September 3, 2015) from the Director, Community Planning, North York District, subject to Section 5 of Schedule 5 Section 37 Conditions of the draft Zoning By-law Amendment being deleted and replaced with the following:

"5. The Hoover House will be addressed as follows:

i. On or before December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its expense shall provide a Stabilization and Protection Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of costs and complete the work as set out in the approved Stabilization and Protection Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Stabilization and Protection Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

ii. On or before the earlier of December 31, 2016 or such other date as the Manager, Heritage Preservation Services may agree to in writing, and prior to any residential use of any building permitted under the implementing zoning by-law amendment, the owner, at its expense, shall provide a Conservation and Maintenance Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of costs, and complete the work as set out in the approved Conservation and Maintenance Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Conservation and Maintenance Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

iii. On or before the earlier of the date the section 37 Agreement for the lands is entered into with the City and registered, and December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its

expense, shall enter into and register a Heritage Easement Agreement with the City for the property at 4700 Keele Street known as the Hoover House, subject to and in accordance with the approved Conservation and Maintenance Plan, all to the satisfaction of the Manager, Heritage Preservation Services, and the City Solicitor; and

iv. The Owner shall pay all costs associated with the implementation of the approved Stabilization and Protection Plan, and the approved Conservation and Maintenance Plan and any related heritage studies needed to determine a compatible future use for the Hoover House."

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. In accordance with the delegated approval under By-law No. 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve Phase 1 of the draft plan of subdivision as generally illustrated on Attachment 2 to the report (September 3, 2015) from the Director, Community Planning, North York District, subject to:

a. The conditions as generally listed in Attachment 14 to the report (September 3, 2015) from the Director, Community Planning, North York District, which except as otherwise noted must be fulfilled prior to final approval and the release of the plan of subdivision for registration;

b. Any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the ongoing technical review of this development; and

c. Draft plan approval not being issued until the necessary zoning is in full force and effect.

4. Before introducing the necessary Zoning Bill to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following:

a. That the applicant participate in the City's Public Art Program and provide a cash contribution in the amount of \$400,000 in accordance with a Public Art Plan submitted by the owner to the satisfaction of the City. The cash contribution shall be paid prior to the issuance of the first above grade building permit for buildings on lands identified in Schedule 1 of the draft by-law.

b. Prior to the issuance of the first above grade building permit for buildings on lands identified in Schedule 1 of the draft by-law, that the applicant be required to make a financial contribution paid to the City in the amount of \$250,000 to be used for streetscape improvements and local parks upgrades to be determined by staff in conjunction with the Ward Councillor.

c. Prior to the issuance of the first above grade building permit for buildings on lands identified in Schedule 1 of the draft by-law, the Owner shall make a cash contribution to the City in the amount of \$204,195 to be used for the provision of a local community recreational facility and \$147,491 for day care facilities. The financial contribution amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the

registration of the Section 37 Agreement to the date of payment for the local community recreational facilities and daycare facilities. The Section 37 agreement will set out the allocation of contributions for the local community recreational facilities and daycare facilities.

d. The owner shall provide affordable rental housing for 60 students as part of the private academic accommodations in Buildings C1 and C2 in accordance with the following provisions which shall be further set out in the Section 37 agreement with the City:

- i. The affordable rental housing will comprise 60 bedroom accommodations within a range of residence unit types comprising bachelor, 1, 2, 3 and 4 bedrooms.
- ii. The owner will maintain the private academic accommodations in Buildings C1 and C2 as rental housing, with no application for condominium registration or for conversion to non-rental housing purposes.
- iii. Affordable rents will be charged to the tenants who occupy one of the 60 bedroom accommodations for a period of 15 years following the initial occupancy of each of buildings C1 and C2, providing that the affordable rental bedroom accommodations commence occupancy at the same time, subject to the provisions in Parts 4.d.iv and v below.
- iv. The affordable rents will be based on an average rent level of approximately \$900 monthly derived from an average rent for comparable existing student residence accommodations on the York University campus set for the academic year commencing September 2016, adjusted further to reflect differences in lease terms and arrangements for television services in the private academic accommodations, and varied by residence unit type and to reflect single or shared bedroom accommodations.
- v. Rents may be increased annually by the provincial Rent Increase Guideline during the 15 year period.
- vi. After the expiry of the 15 year period, rents charged to tenants newly occupying one of the 60 affordable rental bedroom accommodations will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement entered into under this by-law.
- vii. Eligibility criteria for students who rent one of the 60 affordable rental bedroom accommodations will require that such student is receiving financial assistance under the Ontario Student Assistance Program.
- viii. The residence units which contain affordable rental bedroom accommodations shall be furnished and equipped with kitchen and bathroom facilities.

e. The Hoover House will be addressed as follows:

- i. On or before December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its expense shall provide a Stabilization and Protection Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of

costs and complete the work as set out in the approved Stabilization and Protection Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Stabilization and Protection Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

ii. On or before the earlier of December 31, 2016 or such other date as the Manager, Heritage Preservation Services may agree to in writing, and prior to any residential use of any building permitted under the implementing zoning by-law amendment, the owner, at its expense, shall provide a Conservation and Maintenance Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of costs, and complete the work as set out in the approved Conservation and Maintenance Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Conservation and Maintenance Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

iii. On or before the earlier of the date the Section 37 Agreement for the lands is entered into with the City and registered, and December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its expense, shall enter into and register a Heritage Easement Agreement with the City for the property at 4700 Keele Street known as the Hoover House, subject to and in accordance with the approved Conservation and Maintenance Plan, all to the satisfaction of the Manager, Heritage Preservation Services, and the City Solicitor; and

iv. The Owner shall pay all costs associated with the implementation of the approved Stabilization and Protection Plan, and the approved Conservation and Maintenance Plan and any related heritage studies needed to determine a compatible future use for the Hoover House.

f. A minimum of 110 square metres of gross floor area shall be provided on the ground floor of a building on Block 'A' (Building C1 or C2), as shown on Schedule 4 of the draft by-law, for the purpose of providing a community bike centre, which space shall be made available for a nominal rent for a period of not less than 5 years following occupancy of the building to a not-for-profit organization for the purpose of providing a community bike centre or other community-oriented use mutually agreed upon by the City and the owner.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

g. Parkland dedication

i. The Owner shall remediate, construct to base park condition, and convey a 1.24 hectare park as part of the development of the subdivision (Phase 1 and Phase 2 of the subdivision). The park remediation, construction and conveyance shall be phased as follows: a 0.6595 hectare portion of the park will be conveyed prior to the earlier of within three months of first residential occupancy of Phase 1 of the subdivision and December 30th, 2017, and the remaining 0.5805 hectare portion will be conveyed prior to the issuance of the first above grade building

permit for Phase 2 of the draft plan of subdivision identified in Attachment 2 to the report (September 3, 2015) from the Director, Community Planning, North York District.

ii. Prior to the issuance of the first above grade building permit for buildings on lands identified in Schedule 1 of the draft by-law (Phase 1), the Owner shall submit a reference plan identifying the boundaries of the 0.6595 hectare Phase 1 park, and the 0.5805 hectare Phase 2 park, generally located on the lands identified as Block B-2 on Schedule 4 of the draft by-law. Prior to the issuance of the first above grade building permit for buildings on lands identified in Schedule 1 of the draft by-law (Phase 1) the Owner agrees to enter into an escrow agreement with the City for the Phase 1 park conveyance and the Phase 2 park conveyance.

iii. Prior to the issuance of the first above grade building permit for buildings on lands identified in Schedule 1 of the draft by-law (Phase 1), the Owner shall submit a letter of credit for the value of the 0.6595 ha portion of the park (Phase 1 park) and for the value of base park improvements to the Phase 1 park to secure the conveyance and construction of the park.

h. The Owner agrees to construct Street A as generally shown on Schedule 4 of the draft by-law and as follows:

i. Street A will be constructed as a 18.5 metre wide public right-of-way extending north-south from The Pond Road to Assiniboine Road and conveyed to the City of Toronto prior to the issuance of the first above grade building permit for development (elementary school and/or community centre) on Block B-1 as generally shown on Schedule 4 of the draft by-law.

ii. Any remediation of the lands to be conveyed to the City will be borne by the Owner.

iii. The exact location of Street A will be identified in a Reference Plan to the City's satisfaction prior to the issuance of the first above grade building permit of development in Block A as shown on Schedule 4 of the draft by-law.

i. Street D (as generally shown on Schedule YDMU-3 (1) of the draft by-law)

i. The Owner shall construct, at no cost to the city, the proposed extension of Street D, from Assiniboine Road to The Pond Road, to the satisfaction of the Executive Director, Engineering and Construction Services.

ii. Prior to the issuance of the first above grade building permit for Blocks 1 and 2, the Owner shall post a Letter of Credit as security for the value of the lands and construction of the proposed extension of Haynes Avenue from Assiniboine Road to The Pond Road and related municipal servicing equal to 120 percent of the cost of all services to the satisfaction of the Executive Director, Engineering and Construction Services. The submitted Letter of Credit to guarantee the construction of the Haynes Avenue extension from Assiniboine Road to The Pond Road, will be released following construction of the road to the satisfaction of the Executive Director, Engineering and Construction Services, less 20 percent of the total value which will be retained for a two year period as a performance guarantee.

- iii. Prior to the issuance of the first above grade building permit for Buildings C1 or C2 the Owner shall provide a detailed pavement marking plan for proposed Street D and provide securities for these works, in an amount determined upon receipt of an acceptable pavement markings plan, to the satisfaction of Executive Director, Engineering and Construction Services.
- iv. The Owner shall conduct an environmental site assessment as per City Directive No. ENV-010-2013 for all streets to be conveyed to the City in accordance with the terms and conditions of the standard subdivision agreement including providing payment for a peer reviewer and the submission of a Record of Site Condition (RSC). These services shall be constructed concurrently as other on-site services or such other timing that is agreed to at the sole discretion of the Executive Director, Engineering and Construction Services.
- v. The Owner shall convey and dedicate all proposed public roads in Phase 1 (Street D - extension of Haynes Road) as generally shown on Schedule YDMU-3(1) of the draft by-law to the City of Toronto as a Public Highway, free and clear of any and all encumbrances in accordance with the Development Infrastructure Policy and Standards and draft Urban Guidelines for the Southwest Precinct, to the satisfaction of the Executive Director, Engineering and Construction Services and Director, City Planning, North York District.
- j. Prior to issuance of the first above grade building permit for Blocks 1 and 2, the Owner shall submit a financial guarantee of \$200,000 in the form of a letter of credit to Engineering and Construction Services for the traffic signal at the intersection of The Pond Road, Haynes Avenue extension and Seneca Lane.
- k. Prior to issuance of the first above grade building permit for Blocks 1 and 2, the Owner shall submit a certified cheque in the amount of \$30,000 for the future maintenance of The Pond Road, Haynes Avenue extension and Seneca Lane signalized intersection.
- l. Prior to the issuance of the first above grade building permit for buildings on Phase 1 of the subdivision lands (Attachment 2), excluding a permit for demolition or a rental/sales centre, the owner shall submit a draft Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof the lands to be conveyed to the City to the Executive Director of Engineering and Construction Services, for review and approval, prior to depositing it in the Land Registry Office, which identifies the following:
- i. Public Road, Haynes Avenue between Assiniboine Road and The Pond Road; and
  - ii. Public Road, Leitch Avenue/Ian MacDonald Boulevard extension, (between Assiniboine Road and The Pond Road).
- m. The Owner shall pay for all costs for preparation and registration of reference plan(s).
- n. Prior to the issuance of the first above grade building permit for Buildings C1 and C2 as identified on Schedule YDMU-3(1) of the draft by-law, the owner shall provide a security (TBD) for the proposed ultimate cross section of The Pond Road [five (5) lane cross section including two (2) bicycle lanes, and two (2) through lanes], between

Sentinel Road and Street D to the satisfaction of the Executive Director, Engineering and Construction Services.

o. Prior to the issuance of the first above grade building permit for Buildings C1 and C2 the owner shall submit a security (TBD) to the City for the future implementation of a westbound left-turn lane at the Street D and The Pond Road intersection should it be deemed necessary by the General Manager, Transportation Services. The payment shall be refunded back to the Owner two years after the occupancy of Phase 1 (two years from September 1, 2017) should the left turn lane be deemed unnecessary by the General Manager, Transportation Services.

p. Obligation to Re-naturalize the Priority Restoration Area

i. Prior to Site Plan approval of Buildings C1 or C2 in Schedule YDMU-3(1) of the draft by-law, the Owner shall prepare and submit a "Black Creek Valley Priority Restoration Area Stewardship Plan" for Block C as generally illustrated on Schedule 4, to the satisfaction of Urban Forestry Ravine and Natural Feature Protection. Once approved, the plan will guide restoration and stewardship activities in the Black Creek Valley Priority Restoration Area.

ii. Prior to Site Plan approval of Buildings C1 or C2 in Schedule YDMU-3(1) of the draft by-law, the exact location of the Phase 1 and Phase 2 priority restoration areas and the 10m buffer shall be identified in a Reference Plan to the satisfaction of Urban Forestry Ravine and Natural Feature Protection prior to registration of the Plan of Subdivision. Phase 1 generally includes the northern portion of the Priority Restoration Area (Block C on Schedule 4) and Phase 2 generally includes the southern portion of Block C currently occupied by the Maloca Community Garden.

iii. Prior to Site Plan approval of the first development within Phase 1 of Schedule YDMU-3(1) of the draft by-law, the Owner shall submit a security deposit to the satisfaction of Urban Forestry Ravine and Natural Feature Protection to secure the implementation of the "Black Creek Valley Priority Restoration Area Stewardship Plan".

iv. Within three months of Occupancy or no later than December 1, 2017 of Buildings C1 or C2 as identified on Schedule YDMU-3(1) of the draft by-law, the Owner will undertake the first phase of stewardship/restoration activities in the Black Creek Valley Priority Restoration Area identified as Block C as illustrated on Schedule 4 of the draft by-law (or as identified in the approved Reference Plan). Stewardship/restoration activities shall be implemented in accordance with the objectives and strategies outlined in the "Black Creek Valley Priority Restoration Area Stewardship Plan" to the satisfaction of Urban Forestry Ravine and Natural Feature Protection.

v. Prior to the issuance of the first above grade permit of development within Phase 2 as identified on the draft plan of subdivision (Attachment 2 of the report dated September 3, 2015), or as otherwise agreed to by Urban Forestry Ravine and Natural Feature Protection, the Owner will undertake the second phase of stewardship/restoration activities in the Black Creek Valley Priority Restoration Area identified as Block C as illustrated on Schedule 4 (or as identified in the reference plan). Stewardship/restoration activities shall be implemented in accordance with the objectives and strategies outlined in the "Black Creek

Valley Priority Restoration Area Stewardship Plan" to the satisfaction of Urban Forestry Ravine and Natural Feature Protection.

vi. Prior to undertaking re-naturalization within the Priority Restoration Area, the Owner shall submit to the satisfaction of City Planning a Stage 3 Archaeological Assessment to determine the boundaries of the archaeological site(s).

vii. The Owner pay all costs associated with the implementation of the "Black Creek Valley Priority Restoration Area Stewardship Plan".

q. School/Community Recreation Centre

i. An area not less than 1.79 hectares on Block B-1 as generally shown on Schedule 4 of the draft by-law will be reserved for a school and/or City of Toronto Community Recreation Facility. It is acknowledged that the City will initiate appropriate capital planning exercises and begin the design and construction of the community recreation centre, if necessary, at such time when a minimum of 4,000 residential units have received planning approvals in the Edge Precincts to ensure construction is completed in a timely manner for the full-build out of the Secondary Plan area, subject to City Council approval.

ii. The Owner may be required to convey to the Toronto District School Board, the Toronto Catholic District School Board and/or the City of Toronto a portion of Block B-1 to develop an elementary school and/or community recreation centre at fair market value.

r. The lands located to the west of Passy Crescent, identified as Blocks B-1 and B-2 on Schedule 4 of the draft by-law, are reserved for future community use and include a school and community centre and public park. These lands have not been subject to archaeological assessment. Should these lands be subject to any soil disturbance in the future a Stage 1-2 Archaeological Assessment would be required by Heritage Preservation Services.

s. Prior to undertaking re-naturalization within the lands known as Block C in Schedule 4 of the draft by-law, a Stage 3 Archaeological Assessment will be undertaken for the lands within the re-naturalization area (Block C).

t. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Planning and Growth Management Committee Item PG32.3.

u. The owner shall agree to the registration of a Section 118 Restriction pursuant to the Land Titles Act as the Chief Planner and Executive Director, City Planning determines is appropriate for each of the public streets identified on the Draft Plan of Subdivision on Attachment 2 as well as Street A, park lands (Block B-2) and potential school/community centre lands (Block B-1) identified on Schedule 4 of the draft by-law.

v. The Section 37 Agreement must:

i. secure such conditions of subdivision approval as the Chief Planner and Executive Director, City Planning determines are appropriate, and

ii. Require the Owner to enter into the City's standard Subdivision agreement for Phase 1 and satisfy the pre-registration conditions contained therein by September 1, 2017, or at a later date at the discretion of the Director, Development Engineering and Construction Services.

5. City Council authorize the installation of traffic control signals at the intersection of the Pond Road, Street D (Haynes Avenue extension) in co-ordination with the construction of Street D.

6. City Council determine that no further notice be required pursuant to the Planning Act.

7. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property at 4700 Keele Street, known as the Hoover House in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

8. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at the property at 4700 Keele Street, known as the Hoover House.

### *Public Notice Given*

### *Statutory - Planning Act, RSO 1990*

### **Background Information (Community Council)**

(September 3, 2015) Final Report and Attachments 1-14 from the Director, Community Planning, North York District on Zoning By-law Amendment and Subdivision Applications for 4700 Keele Street - South/East of The Pond Road and Sentinel Road

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-83378.pdf>)

(August 18, 2015) Notice of Pending Report from the Director, Community Planning, North York District on Zoning By-law Amendment and Subdivision Application for 4700 Keele Street

(<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-82962.pdf>)

### **Communications (Community Council)**

(August 24, 2015) E-mail from Dennis De Rango, Specialized Services Team Lead, Hydro One (NY.Main.NY8.45.1)

(<http://www.toronto.ca/legdocs/mmis/2015/ny/comm/communicationfile-54601.pdf>)

### **Motions (City Council)**

*Motion to Amend Item moved by Councillor Anthony Perruzza (Carried)*

That:

1. City Council delete Recommendation 1 of the North York Community Council and replace it with the following:

1. City Council amend Zoning By-law No. 7625, for the lands at 4700 Keele Street, southeast of The Pond Road and Sentinel Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 13 to the report (September 3, 2015) from the Director, Community Planning, North York District subject to Section 5 of Schedule 5 Section 37 Conditions of the draft Zoning By-law Amendment being deleted and replaced with the following:

"5. The Hoover House will be addressed as follows:

i. On or before December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its expense shall provide a Stabilization and Protection Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of costs and complete the work as set out in the approved Stabilization and Protection Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Stabilization and Protection Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

ii. On or before the earlier of December 31, 2016 or such other date as the Manager, Heritage Preservation Services may agree to in writing, and prior to any residential use of any building permitted under the implementing zoning by-law amendment, the owner, at its expense, shall provide a Conservation and Maintenance Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of costs, and complete the work as set out in the approved Conservation and Maintenance Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Conservation and Maintenance Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

iii. On or before the earlier of the date the section 37 Agreement for the lands is entered into with the City and registered, and December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its expense, shall enter into and register a Heritage Easement Agreement with the City for the property at 4700 Keele Street known as the Hoover House, subject to and in accordance with the approved Conservation and Maintenance Plan, all to the satisfaction of the Manager, Heritage Preservation Services, and the City Solicitor; and

iv. The Owner shall pay all costs associated with the implementation of the approved Stabilization and Protection Plan, and the approved Conservation and Maintenance Plan and any related heritage studies needed to determine a compatible future use for the Hoover House."

2. City Council amend Recommendation 4 of the North York Community Council by deleting part e. and replacing it with the following:

"e. The Hoover House will be addressed as follows:

i. On or before December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its expense shall provide a Stabilization and Protection Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of costs and complete the work as set out in the approved Stabilization and Protection Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Stabilization and Protection Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

ii. On or before the earlier of December 31, 2016 or such other date as the Manager, Heritage Preservation Services may agree to in writing, and prior to any residential use of any building permitted under the implementing zoning by-law amendment, the owner, at its expense, shall provide a Conservation and Maintenance Plan for the Hoover House prepared by a qualified heritage consultant, including a schedule of work and an estimate of costs, and complete the work as set out in the approved Conservation and Maintenance Plan, including providing a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the work has been completed in accordance with the approved Conservation and Maintenance Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Manager, Heritage Preservation Services;

iii. On or before the earlier of the date the Section 37 Agreement for the lands is entered into with the City and registered, and December 31, 2015 or such other date as the Manager, Heritage Preservation Services may agree to in writing, the owner, at its expense, shall enter into and register a Heritage Easement Agreement with the City for the property at 4700 Keele Street known as the Hoover House, subject to and in accordance with the approved Conservation and Maintenance Plan, all to the satisfaction of the Manager, Heritage Preservation Services, and the City Solicitor; and

iv. The Owner shall pay all costs associated with the implementation of the approved Stabilization and Protection Plan, and the approved Conservation and Maintenance Plan and any related heritage studies needed to determine a compatible future use for the Hoover House."

3. City Council determine that no further notice be required pursuant to the Planning Act.

4. City Council authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property at 4700 Keele Street, known as the Hoover House in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.

5. City Council authorize the City Solicitor to introduce the necessary bill in Council authorizing the entering into of a Heritage Easement Agreement for the property at the property at 4700 Keele Street, known as the Hoover House.

*Motion to Adopt Item as Amended (Carried)*

**Vote** (Adopt Item as Amended)

Oct-02-2015 11:31 AM

<b>Result: Carried</b>	Majority Required - NY8.45 - Adopt the item as amended
Yes: 40	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 5	Paul Ainslie, Vincent Crisanti, Glenn De Baeremaeker, Mary Fragedakis, Giorgio Mammoliti

## Scarborough Community Council - Meeting 8

SC8.5	ACTION	Adopted on Consent		Ward: 44
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### 922 Port Union Road - Assumption of Services - Registered Plan 66M-2467 - Democrat Adams Park Limited

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council assume the services installed at 922 Port Union Road and that the City formally assume the roads within the Plan of Subdivision.
2. City Council authorize the City Solicitor to release the portion of the performance guarantee held with respect to the Plan of Subdivision for 922 Port Union Road.
3. City Council direct that an assumption By-law be prepared to assume the public highway and municipal services within the Subdivision at 922 Port Union Road.
4. City Council authorize and direct the City Solicitor to register the assumption By-law in the Land Registry Office at the expense of the Owner.
5. City Council authorize the City Clerk and the Treasurer to sign any release or other documentation necessary to give effect to Council's decision.
6. City Council authorize the appropriate City officials to transfer ownership of the street lighting system constructed within the Plan of Subdivision at 922 Port Union Road to Toronto Hydro.

#### Background Information (Community Council)

(July 16, 2015) Report and Attachment 1 from the City Solicitor - 922 Port Union Road - Assumption of Services - Registered Plan 66M-2467 - Democrat Adams Park Limited  
<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82459.pdf>

SC8.12	ACTION	Adopted on Consent		Ward: 38
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### Parking Prohibition Review - Bellamy Road North

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council rescind the parking prohibition in effect at all times on both sides of Bellamy Road North, from Progress Avenue to Lynnbrook Drive/Amberjack Boulevard.
2. City Council prohibit parking from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday to Friday on the east side of Bellamy Road North, from a point 159 metres south of Progress Avenue to a point 60 metres further south.
3. City Council prohibit parking at all times on the west side of Bellamy Road North, from Progress Avenue to Lynnbrook Drive.

4. City Council prohibit parking at all times on the east side of Bellamy Road North, from Progress Avenue to a point 159 metres further south.
5. City Council prohibit parking at all times on the east side of Bellamy Road North, from a point 219 metres south of Progress Avenue to Amberjack Boulevard (north intersection).

### Background Information (Community Council)

(August 11, 2015) Report from the Director, Transportation Services, Scarborough District - Parking Prohibition Review - Bellamy Road North

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82680.pdf>

Location Plan - Bellamy Road North

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82681.pdf>

SC8.13	ACTION	Adopted on Consent		Ward: 39
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### Lane Designation - McNicoll Avenue and Victoria Park Avenue

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council designate the northerly westbound lane on McNicoll Avenue, between Victoria Park Avenue and a point 100 metres east, for westbound right turns only (buses excepted).

### Background Information (Community Council)

(August 10, 2015) Report from the Director, Transportation Services, Scarborough District - Lane Designation - McNicoll Avenue and Victoria Park Avenue

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82658.pdf>

Location Plan - McNicoll Avenue and Victoria Park Avenue

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82659.pdf>

#### Communications (City Council)

(September 8, 2015) E-mail from Sharon Yetman (CC.Main.SC8.13.1)

SC8.14	ACTION	Adopted on Consent		Ward: 39
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### Traffic Control Signals - Passmore Avenue and the Redlea Avenue Extension

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the installation of traffic control signals at the intersection of Passmore Avenue and Milliken Boulevard/Redlea Avenue.

### Background Information (Community Council)

(August 17, 2015) Report from the Director, Transportation Services, Scarborough District - Traffic Control Signals - Passmore Avenue and the Redlea Avenue Extension

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82670.pdf>

Location Plan - Passmore Avenue and the Redlea Avenue Extension

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82671.pdf>

**Communications (City Council)**

(September 8, 2015) E-mail from Sharon Yetman (CC.Main.SC8.14.1)

SC8.15	ACTION	Adopted on Consent		Ward: 42
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**Lane Designations - Old Finch Avenue at Morningside Avenue****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council designate the southerly westbound lane on Old Finch Avenue, between Morningside Avenue and a point 30.5 metres east, for westbound left turns only.
2. City Council designate the northerly westbound lane on Old Finch Avenue, between Morningside Avenue and a point 30.5 metres east, for westbound right turns only.

**Background Information (Community Council)**

(August 11, 2015) Report from the Director, Transportation Services, Scarborough District - Lane Designations - Old Finch Avenue at Morningside Avenue

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82654.pdf>

Location Plan - Old Finch Avenue at Morningside Avenue

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82655.pdf>

SC8.16	ACTION	Adopted on Consent		Ward: 42
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**Stopping Prohibitions - Staines Road****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council prohibit stopping at all times on the east and north side of Staines Road, from a point 10 metres north of a point opposite Rivendell Trail to a point 76 metres further north and west.
2. City Council prohibit stopping at all times on the west and south side of Staines Road, from a point 46 metres north of Rivendell Trail to a point 24 metres further north and west.

**Background Information (Community Council)**

(August 17, 2015) Report from the Director, Transportation Services, Scarborough District - Stopping Prohibitions - Staines Road

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82668.pdf>

Location Plan - Staines Road

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82669.pdf>

SC8.17	ACTION	Adopted on Consent		Ward: 42
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**Stopping Prohibitions - Milner Avenue****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council rescind the parking prohibition in effect from 2:00 a.m. to 6:00 a.m. from November 1 of one year to April 30 of the next following year on both sides of Milner Avenue, from McCowan Road to Markham Road.
2. City Council rescind the parking prohibition in effect at all times on the north side of Milner Avenue, from Markham Road to a point 70 metres southwest of Scunthorpe Road.
3. City Council rescind the parking prohibition in effect at all times on the south side of Milner Avenue, from a point 75 metres west of Markham Road to a point 135.5 metres further west.
4. City Council rescind the parking prohibition in effect from 3:00 p.m. to 8:00 a.m. on the south side of Milner Avenue, from a point 43 metres west of Markham Road to a point 32 metres further west.
5. City Council rescind the parking prohibition in effect at all times on the south side of Milner Avenue, from a point 30 metres east of Scunthorpe Road to a point 70 metres southwest of Scunthorpe Road.
6. City Council rescind the parking restriction of a maximum period of 30 minutes of parking in effect from 8:00 a.m. to 3:00 p.m. on the south side of Milner Avenue, from a point 43 metres west of Markham Road to a point 32 metres further west.
7. City Council prohibit stopping at all times on both sides of Milner Avenue, from Markham Road to a point 120 metres west of Scunthorpe Road.
8. City Council prohibit parking on both sides of Milner Avenue from 2:00 a.m. to 6:00 a.m. from November 1 of one year to April 30 of the next following year, from McCowan Road to a point 120 metres west of Scunthorpe Road.

### **Background Information (Community Council)**

(August 17, 2015) Report from the Director, Transportation Services, Scarborough District - Stopping Prohibitions - Milner Avenue

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82679.pdf>

Location Plan - Stopping Prohibitions - Milner Avenue

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82700.pdf>

<b>SC8.24</b>	<b>ACTION</b>	Adopted on Consent		Ward: 38
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### **1325 Danforth Road - Part Lot Control Exemption Application - Final Report**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council enact a Part Lot Control Exemption By-law with respect to the subject lands at 1325 Danforth Road as generally illustrated on Attachments 1, 2, 3, 4 and 5 to report (July 30, 2015) from the Director, Community Planning, Scarborough District, to be prepared to the satisfaction of the City Solicitor and to expire two years following enactment by City Council.
2. City Council require the owner to provide proof of payment of all current property taxes for

the subject lands to the satisfaction of the City Solicitor, prior to the enactment of the Part Lot Control Exemption By-law.

3. City Council authorize and direct the City Solicitor to register the Part Lot Control Exemption By-law on title.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Part Lot Control Exemption By-law as may be required.

### **Background Information (Community Council)**

(July 30, 2015) Report and Attachments 1-6 from the Director, Community Planning, Scarborough District - 1325 Danforth Road - Part Lot Control Exemption Application - Final Report

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82712.pdf>

SC8.25	ACTION	Amended		Ward: 36
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### **411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East - Official Plan Amendment, Zoning Amendment, Subdivision Applications, and City of Toronto Initiated Official Plan Amendment - Final Report**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend the Official Plan, for the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East substantially in accordance with the draft Official Plan Amendment No. 288 attached as Attachment 8 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District.
2. City Council amend the Official Plan to re-establish the former Blantyre Avenue road allowance north of Gerrard Street East as a future public street substantially in accordance with the draft Official Plan Amendment No. 324 attached as Attachment 9 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District.
3. City Council amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786 for the proposed commercial lands at 411 Victoria Park Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 10 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District.
4. City Council amend City of Toronto Zoning By-law 569-2013 for the proposed commercial lands at 411 Victoria Park Avenue, to incorporate the subject lands previously regulated under the former City of Scarborough Birchcliff Community Zoning By-law 8786 into Toronto Zoning By-law 569-2013, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 11 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District.
5. City Council amend the former City of Scarborough Birchcliff Community Zoning By-law No. 8786 for the balance of the lands at 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East, substantially in accordance with the revised draft Zoning By-law Amendment attached as Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning.

6. Before introducing the Bill attached as Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act to provide \$500,000.00 toward Above Base Park Improvements to the new public park, 30 units of affordable 'ownership' housing and to achieve Tier 2 of the Toronto Green Standard as further detailed in the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning and require the Owner to submit the Legal Services fee for preparation of the Section 37 agreement.

7. Before introducing the Bill attached as Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning to City Council for enactment, City Council direct the Chief Planner and Executive Director, City Planning, in consultation with the Director, Affordable Housing Office to report further on the implementation of the provisions for 30 affordable ownership units, including the partnership arrangements between Build Toronto and Habitat for Humanity, Greater Toronto Area ("Habitat"). In the event that refinements are required to the approach outlined in this Item and the related zoning by-law amendment in Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning, or in the event that Build Toronto and Habitat fail to enter an agreement or Habitat fails to enter into a Section 37 Agreement to secure the provision of the 30 affordable ownership units, the Chief Planner and Executive Director, City Planning in consultation with the Director, Affordable Housing Office, will report further with recommendations to achieve the affordable ownership requirements of the Official Plan Amendment in Attachment 8 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District and the Zoning By-law Amendment in Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning.

8. Before introducing the Bill attached as Attachment 1 to the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning to City Council for enactment:

a. Official Plan Amendment 288, as it pertains to policies authorizing the disposal of City owned lands in Parks and Open Space Areas - Parks, is to be in full force and effect; and

b. the conveyance of Runnymede Park at 2530 Gerrard Street East to Build Toronto for inclusion in the proposed development, in accordance with the City's land disposal practices and requirements, is to be completed to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the Director, Real Estate Services and Executive Director, Engineering and Construction Services.

9. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendments and/or draft Zoning By-law Amendments as may be required.

10. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 4 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District subject to:

a. The conditions as generally listed in Attachment 13 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District, which except as otherwise noted must be fulfilled prior to final approval and the release of the plan of subdivision for registration;

- b. Any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development; and
- c. Final Subdivision Approval not to be issued until all matters relating to the proposed Victoria Park Avenue Trunk Watermain (Gerrard Street East and Blantyre Avenue to the Eglinton Pumping Station) project discussed in the report (August 28, 2015) from the Director, Community Planning, Scarborough District have been fully resolved to the satisfaction of the General Manager, Toronto Water and the Executive Director, Engineering and Construction Services.

11. City Council authorize the City Solicitor to hold a deed in escrow from RioCan Holdings (GTA Marketplace) Inc. for the Street 'A1' block required to complete the proposed Musgrave Street extension and intersection at Victoria Park Avenue, and to register said deed in favour of the City of Toronto once the zoning by-law amendments attached as Attachments 10 and 11 to the report (August 28, 2015) from the Director, Community Planning, Scarborough District are both in full force and effect.

12. City Council authorize and direct the use of the Parks component of the residential and commercial Development Charges generated by this development toward the implementation of Above Base Park Improvements to the new public park to be created.

13. City Council authorize and direct the use of any cash-in-lieu of parkland dedications required for this development, above the first 5 percent, toward the implementation of Above Base Park Improvements to the new public park to be created.

14. City Council determine that no further public notice is required.

#### *Public Notice Given*

#### *Statutory - Planning Act, RSO 1990*

#### **Background Information (Community Council)**

(August 28, 2015) Report and Attachments 1-13 from the Director, Community Planning, Scarborough District - 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East - Official Plan Amendment, Zoning Amendment, Subdivision Applications, and City of Toronto Initiated Official Plan Amendment - Final Report

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-83146.pdf>

Notice of Public Meeting - 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East - Official Plan Amendment, Zoning Amendment, Subdivision Applications, and City of Toronto Initiated Official Plan Amendment - Final Report

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82766.pdf>

(August 19, 2015) Report from the Director, Community Planning, Scarborough District - 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East - Official Plan Amendment, Zoning Amendment, Subdivision Applications, and City of Toronto Initiated Official Plan Amendment Final Report - Notice of Pending Report

<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82740.pdf>

#### **Background Information (City Council)**

(September 28, 2015) Supplementary report from the Chief Planner and Executive Director, City Planning on 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East - Official Plan Amendment, Zoning Amendment and Subdivision Applications (SC8.25a with

recommendations)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84355.pdf>)

### Communications (Community Council)

(August 14, 2015) E-mail from Dennis De Rango, Specialized Services Team Lead, Hydro One (SC.Main.SC8.25.1)

(<http://www.toronto.ca/legdocs/mmis/2015/sc/comm/communicationfile-54559.pdf>)

(September 3, 2015) Petition from Bernadette Warren, signed by approximately 550 area residents (SC.New.SC8.25.2)

(September 3, 2015) Submission from Bernadette Warren (SC.New.SC8.25.3)

(September 3, 2015) Submission from Dr. Francis T. Manns, submitted by Bernadette Warren (SC.New.SC8.25.4)

(September 4, 2015) Letter from John M. Alati, Davies Howe Partners LLP (SC.New.SC8.25.5)

(<http://www.toronto.ca/legdocs/mmis/2015/sc/comm/communicationfile-54772.pdf>)

(September 8, 2015) Letter from Joel D. Farber, Fogler Rubinoff LLP (SC.New.SC8.25.6)

(<http://www.toronto.ca/legdocs/mmis/2015/sc/comm/communicationfile-54841.pdf>)

### Motions (City Council)

*1 - Motion to Amend Item moved by Councillor Gary Crawford (Carried)*

That City Council adopt the following recommendations contained in the supplementary report (September 28, 2015) from the Chief Planner and Executive Director, City Planning Division [SC8.25a]:

1. City Council delete the draft Zoning By-law amendment for the Birchcliff Community referenced as Attachment 12 in the report dated August 28, 2015, and replace it with the revised draft Zoning By-law amendment attached to the report dated September 28, 2015 from Chief Planner and Executive Director.
2. City Council further amend Recommendation 6. of the Final Report of the Director, Community Planning, Scarborough District dated August 28, 2015 to delete reference to achieving 'Tier 1 of the Toronto Green Standard' for the residential portions of the development under a Section 37 agreement, and replace it with the reference 'Tier 2 of the Toronto Green Standard'.
3. City Council direct that no further Public Notice is required in regard to these recommendations.

*Motion to Adopt Item as Amended (Carried)*

<b>SC8.26</b>	ACTION	Adopted on Consent		Ward: 41
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### **2301 Brimley Road, 2329-2361 Brimley Road, 0 and 175 Commander Boulevard - Zoning Amendment Application - Final Report**

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Agincourt North Community Zoning By-law No. 12797, for the lands at 2301 Brimley Road, 2329-2361 Brimley Road, 0 Commander Boulevard, and 175 Commander Boulevard substantially in accordance with the draft Zoning By-law Amendment

attached as Attachment 4 to report (August 21, 2015) from the Director, Community Planning, Scarborough District.

2. Before introducing the necessary bills to City Council, City Council require the applicant to make satisfactory arrangements with the Toronto Transit Commission and Transportation Services for the provision of pedestrian directional signage in the vicinity of the existing transit stop on the west side of Brimley Road south of Huntingwood Drive adjacent to the site.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary bills to City Council for enactment, City Council require the Owner to confirm capacity for municipal water and sanitary servicing to the satisfaction of the Director, Development Engineering, Scarborough District.

*Public Notice Given*

*Statutory - Planning Act, RSO 1990*

### **Background Information (Community Council)**

(August 21, 2015) Report and Attachments 1-4 from the Director, Community Planning, Scarborough District - 2301 Brimley Road, 2329-2361 Brimley Road, 0 and 175 Commander Boulevard - Zoning Amendment Application - Final Report  
<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82892.pdf>  
 Notice of Public Meeting - 2301 Brimley Road, 2329-2361 Brimley Road, 0 and 175 Commander Boulevard - Zoning Amendment Application - Final Report  
<http://www.toronto.ca/legdocs/mmis/2015/sc/bgrd/backgroundfile-82893.pdf>

### **Toronto and East York Community Council - Meeting 10**

TE10.7	ACTION	Adopted		Ward: 27
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### **Final Report - 270-288 Church Street, 101-105 and 111 Bond Street - Zoning Amendment Application**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Zoning By-law 438-86 for the lands at 270-288 Church Street substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment 8 to the report (August 20, 2015) from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 270-288 Church Street substantially in accordance with the draft Zoning By-law Amendment, attached as Attachment 9 to the report (August 20, 2015) from the Director, Community Planning, Toronto and East York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

i. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian clearway across private property abutting those portions of Church Street that do not contain adequate sidewalk widths to accommodate pedestrian activity and/or street trees or landscaping, with the specific location, configuration and design to be determined in the context of a site plan approval for the development pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City;

ii. the Owner shall maintain non-standard boulevard improvements in the portion of Church Street abutting the development, with the details secured in the context of site plan approval for the development pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City;

iii. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian walkway across private property at 111 Bond Street, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City, which may be relocated to the satisfaction of the Chief Planner and Executive Director, City Planning;

iv. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, improvements to the public laneway adjacent to the site including pavers and lighting with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City;

v. the Owner shall have completed construction of the publicly accessible walkway, clearway and laneway improvements referred to in Parts 4.a.i., ii., iii., and iv. above and shall convey the publicly accessible clearway easement referred to in Part 4.a.i. above to the City for nominal consideration, at no cost to the City and free and clear of encumbrances to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including rights of support as applicable, on such terms and conditions as set out in the Section 37 Agreement, including provision for deposit of reference plans, environmental obligations as well as insurance and indemnification associated with public access easements and the timing related to the completion of the various matters; and

vi. in support of development, the Owner shall pay for and construct any improvements to the existing municipal infrastructure determined to be

necessary as set out in a Functional Servicing Report accepted by the Executive Director, Engineering and Construction Services.

5. City Council authorize the appropriate City Officials to take such actions as are necessary to implement Council's decision, including the implementation of the Section 37 Agreement.
6. City Council direct that an encroachment for the connecting tunnel underneath the City-owned laneway, substantially in accordance with this rezoning application and as described in Site Plan Application No. 14 251448 STE 27 SA and Encroachment Application No. 663085 be approved, subject to revisions acceptable to the Chief Planner and Executive Director, City Planning, the City Solicitor, the General Manager, Transportation Services, and the Executive Director, Engineering and Construction Services, and subject to the owner entering into the appropriate Agreements with the City of Toronto, to be executed prior to the issuance of a building permit for the encroachment, with all application and fees as deemed appropriate.
7. City Council direct that site plan approval be submitted to the Toronto and East York Community Council for consideration.
8. City Council request the Director, Community Planning, Toronto and East York District to work with impacted stakeholders to develop a construction and traffic management working group.

*Statutory - Planning Act, RSO 1990*

### **Background Information (Community Council)**

(August 20, 2015) Report from the Director, Community Planning, Toronto and East York District - 270-288 Church Street, 101-105 and 111 Bond Street - Zoning Amendment Application - Final Report

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82899.pdf>

Attachment 8 - Draft Zoning By-law Amendment to By-law 438-86

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83416.pdf>

Attachment 9 - Draft Zoning By-law Amendment to By-law 569-2013

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83417.pdf>

### **Background Information (City Council)**

(September 28, 2015) Supplementary report from the Chief Planner and Executive Director, City Planning on 270 - 288 Church Street, 101-105 and 111 Bond Street - Zoning Amendment Application (TE10.7a)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84295.pdf>

### **Communications (Community Council)**

(September 4, 2015) Letter from Chris Tzekas, WeirFoulds LLP, on behalf of The Trustees of St. George's Greek Orthodox Church of Toronto (TE.Supp.TE10.7.1)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54774.pdf>

(September 8, 2015) Submission from Samuel B. Lapidus, Director and Secretary, M.T.C.C. 1369, and on behalf of M.T.C.C. 1247, 1314, 1369 and 1565, and over 1100 residents at 135 and 155 Dalhousie Street (TE.Supp.TE10.7.2)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54812.pdf>

(September 8, 2015) Letter from Dr. Usha George, Professor and Dean, Faculty of Community Services, Ryerson University (TE.Supp.TE10.7.3)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54814.pdf>

(September 8, 2015) Submission from Sean Hart, on behalf of St. George's Greek Orthodox Church (TE.Supp.TE10.7.4)

(September 3, 2015) Letter from Andrew Ferancik, Walker, Nott, Dragicovic Associates

Limited, planners retained by the Trustees of St. George's Greek Orthodox Church of Toronto (TE.Supp.TE10.7.5)

(<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54891.pdf>)

### Communications (City Council)

(September 29, 2015) Letter from Eric Davis, Miller Thomson LLP (CC.New.TE10.7.6)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56454.pdf>)

(September 29, 2015) Letter from C. J. Tzekas, Weirfoulds (CC.New.TE10.7.7)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56492.pdf>)

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 10:00 AM

<b>Result: Carried</b>	Majority Required - TE10.7 - Adopt the item
Yes: 39	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 6	Maria Augimeri, Vincent Crisanti, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

TE10.8	ACTION	Adopted		Ward: 27
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### Final Report - 387-403 Bloor Street East and 28 Selby Street - Residential Rental Demolition Application Under Municipal Code Chapter 667

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the application to demolish the 3 existing residential rental units located at 403 Bloor Street East pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the tenant relocation and assistance for all tenants affected by the proposed development:
  - a. the owner shall provide tenant relocation assistance for the residential tenants of the residential rental property to the satisfaction of the Chief Planner and Executive Director, City Planning Division, as set out in Appendix 1 of the report (August 11, 2015) from the Director, Community Planning, Toronto and East York District; and
  - b. the owner shall enter into and register one or more Agreements with the City to secure the conditions outlined in Part 1.a. above to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.
2. City Council authorize the Chief Planner and Executive Director, City Planning to issue the Preliminary Approval of the application under Municipal Code Chapter 667 for the demolition

of the 3 residential rental units after all of the following have occurred:

- a. satisfaction or securing of the conditions in Part 1 above;
- b. the Zoning By-law Amendments approved by the Ontario Municipal Board have come into full force and effect;
- c. the issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or designate, pursuant to Section 114 of the City of Toronto Act, 2006; and
- d. the issuance of excavation and shoring permits for the approved structures on the site.

3. City Council authorize the Chief Building Official and Executive Director, Toronto Building, to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning has given the preliminary approval referred to in Part 2 above for the existing residential rental units.

4. City Council authorize the Chief Building Official to issue a demolition permit under Section 33 of the Planning Act for the existing residential units no earlier than issuance of the first building permit for excavation and shoring of the development, and after the Chief Planner and Executive Director, City Planning has given the preliminary approval referred to in Part 2 above, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:

- a. the owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
- b. should the owner fail to complete the new building within the time specified in condition in Part 4.a. above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

5. City Council authorize the appropriate City officials to take such actions as are necessary to implement Council's decision, including execution of the Agreement(s) to secure conditions for tenant relocation and assistance.

*Statutory - City of Toronto Act, 2006*

### **Background Information (Community Council)**

(August 11, 2015) Report from the Director, Community Planning, Toronto and East York District - 387-403 Bloor Street East and 28 Selby Street - Residential Rental Demolition Application Under Municipal Code Chapter 667 - Final Report  
(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82603.pdf>)

### **Communications (Community Council)**

(September 8, 2015) Submission from Hamish Wilson (TE.Supp.TE10.8.1)

### **Motions (City Council)**

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:40 AM

<b>Result: Carried</b>	Majority Required - TE10.8 - Adopt the item
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	Pam McConnell, Denzil Minnan-Wong, David Shiner

<b>TE10.9</b>	<b>ACTION</b>	Adopted on Consent		Ward: 32
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**Final Report - 14 Trent Avenue - Zoning Amendment Application****City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend former City of Toronto Zoning By-law 438-86 as amended, for the lands municipally known as 14 Trent Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 8 to the report (August 12, 2015) from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Prior to introduction of Bills, City Council require the Owner to enter into one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor to secure the following at the owner's sole expense:
  - a. Prior to the issuance of above-grade permits, unless indicated otherwise, provide a cash contribution of \$400,000 which is to be used for the following:
    - i. \$300,000 for park improvements in the area near Trent Avenue, Kelvin Avenue and Luttrell Avenue;
    - ii. \$100,000 towards public realm improvements at Main Square Community Recreation Centre and in the vicinity of the intersection of Main Street and Danforth Avenue; and
    - iii. in the event the cash contributions referred to in Parts 3.a.i. and ii. above have not been used for the intended purpose within five years of this By-law coming into full force and effect, the cash contribution may be redirected for other public realm improvements in the vicinity of the development, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
  - b. Pay for and construct the improvements to the existing municipal infrastructure required to service the Owner's Lands, as determined by and to the satisfaction of the

Executive Director, Engineering and Construction Services.

4. Before the introduction of Bills, City Council require the owner to submit a revised Functional Servicing Report and Stormwater Management Report to the satisfaction of the Executive Director, Engineering and Construction Services.
5. City Council direct the applicant to post a 24-hour monitored construction hotline number on the hoarding board, which must be prominently placed and legible from 20 metres and on all elevations from the construction site.
6. City Council direct the applicant to provide and install public art, including mural artwork, onto every elevation of the hoarding board with adequate spotlighting for night-time illumination, at their sole cost, to the satisfaction of the Ward Councillor.

*Statutory - Planning Act, RSO 1990*

### **Background Information (Community Council)**

(August 12, 2015) Report from the Director, Community Planning, Toronto and East York District - Final Report - 14 Trent Avenue - Zoning Amendment Application  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82922.pdf>

TE10.10	ACTION	Adopted on Consent		Ward: 20
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### **Request for Direction Report - 170 Spadina Avenue and 3, 5 and 7 Cameron Street - Zoning Amendment Application**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the report (August 9, 2015) from the Director, Community Planning, Toronto and East York District, regarding the properties at 170 Spadina Avenue, and 3, 5 and 7 Cameron Street, and if negotiations are successful, that City Council direct the City Solicitor, together with City Planning staff and other City staff as appropriate to report back to City Council on the details of a settlement, including Section 37 matters.
2. In the event that negotiations with the applicant to resolve the outstanding issues detailed in the report (August 9, 2015) from the Director, Community Planning, Toronto and East York District, regarding the properties at 170 Spadina Avenue and 3, 5 and 7 Cameron Street, from the Director of Planning, Toronto and East York District, are unsuccessful, City Council direct the City Solicitor, together with City Planning staff and other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the Zoning By-law amendment application in its current form.
3. In the event that Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Board withhold its final Order to approve the Zoning By-law amendment for the subject lands until such time as the City Solicitor has advised the Board that City Council approval under Chapter 667 pursuant to Section 111 of the City of Toronto Act has been granted for the rental demolition and replacement of the existing rental housing, and the City and the Owner have presented to the Board a proposed Zoning By-law that:

- a. implements the decision of the Ontario Municipal Board to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor;
- b. secures the rental housing matters as outlined in Part 3 above; and
- c. a Section 37 Agreement, providing for community benefits as outlined in the report (August 9, 2015) from the Director, Community Planning, Toronto and East York District to the satisfaction of the Chief Planner and the City Solicitor has been executed by the applicant.

### **Background Information (Community Council)**

(August 19, 2015) Report from the Director, Community Planning, Toronto and East York District - 170 Spadina Avenue and 3, 5 and 7 Cameron Street - Zoning Amendment Application - Request for Direction Report

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82881.pdf>

### **Communications (Community Council)**

(September 7, 2015) E-mail from Ceta Ramkhalawansingh (TE.Supp.TE10.10.1)

TE10.11	ACTION	Adopted on Consent		Ward: 22
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## **Request for Direction Report - 200 St. Clair Avenue West - Official Plan Amendment, Zoning Amendment and Site Plan Applications**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Solicitor and the appropriate staff to attend the Ontario Municipal Board hearing to oppose the owner's Zoning By-law and Official Plan appeals respecting the lands at 200 St. Clair Avenue West.
2. City Council direct the City Solicitor to also advise the Ontario Municipal Board that City Council's position is that any redevelopment of the site, if approved by the Ontario Municipal Board, should:
  - a. secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner and Executive Director, City Planning; and
  - b. satisfy the Chief Planner and Executive Director, City Planning with respect to site plan matters, including the approval of plans and drawings and site plan conditions.
3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement Council's decision.

### **Background Information (Community Council)**

(August 12, 2015) Report from the Director, Community Planning, Toronto and East York District - 200 St. Clair Avenue West - Official Plan Amendment, Zoning Amendment and Site Plan Applications - Request for Direction Report

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82609.pdf>

### **Communications (Community Council)**

(September 3, 2015) E-mail from Dr. Lesley Goldenberg (TE.Supp.TE10.11.1)

(September 4, 2015) Letter from Jason Park, Devine Park LLP, on behalf of 200 St. Clair HoldCo Ltd. (TE.Supp.TE10.11.2)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54775.pdf>

(September 4, 2015) Letter from Mary Flynn-Guglietti, McMillan LLP (TE.Supp.TE10.11.3)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54802.pdf>

(September 7, 2015) Letter from Brian Maguire, Chair, Forest Hill Homeowners' Association (TE.Supp.TE10.11.4)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54803.pdf>

### Communications (City Council)

(September 22, 2015) Letter from Kenneth B. Rotman (CC.Main.TE10.11.5)

TE10.12	ACTION	Amended		Ward: 28
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### Request for Direction Report - 177, 183, and 197 Front Street East and 15-21 Lower Sherbourne Street and 200 The Esplanade - Zoning Amendment Application

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council instruct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the Ontario Municipal Board hearing in opposition to both the October 2013 proposal before the Ontario Municipal Board and the revised proposal submitted in July 2015 in its current form, concerning the Zoning Amendment application for the lands at 177, 183 and 197 Front Street East, 15-21 Lower Sherbourne Street and 200 The Esplanade.
2. City Council authorize City staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the report in order to reach a settlement if the final revisions to the July 2015 proposal address the outlined issues to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council direct that as part of the continued discussions respecting the July 2015 proposal, the issues set out in the supplementary report (September 29, 2015) from the Chief Planner and Executive Director, City Planning shall be addressed, to the satisfaction for the Chief Planner and Executive Director, City Planning, including:
  - a. the reduction of the height of the northern towers to below 30 storeys and 95 metres, excluding mechanical penthouse and the reduction of height of the southern towers to below 20 storeys and 65 metres, excluding mechanical penthouse;
  - b. the increase of tower setback from The Esplanade to a minimum of 24 metres;
  - c. the reconfiguration of massing to accommodate the 24 metre tower setback from The Esplanade;
  - d. the increase of tower separation distance to 25 metres in the north-south alignment through recession of balconies on the associated building faces;
  - e. the revision of the unit mix to provide a minimum of 15 percent 2 bedroom units and a minimum of 10 percent 3 bedroom units;

- f. the provision of two Type B loading spaces, one of which can be shared with a Type G loading space;
- g. the submission of a parking utilization study to determine whether there is capacity in four Toronto Parking Authority lots in the area to accommodate the residential visitor requirement for 101 visitor spaces;
- h. the provision and maintenance of a dedicated on-site "pet friendly" exercise and relief area with bag station and garbage disposal as well as a pet washing and grooming station, which is accessible to all future residents of the proposed development;
- i. the provision and maintenance of both an indoor and outdoor amenity space that is designed to cater to families with children which is accessible to all future residents of the proposed development;
- j. the requirement for an updated Pedestrian Wind Study in order to assess pedestrian level wind conditions with the proposed development, and determine what built form and other mitigative solution may be required; and
- k. the owner addressing the outstanding comments outlined in the memorandum dated August 9, 2015 from the Manager, Engineering and Construction Services, Toronto and East York District.

4. In the event that the Ontario Municipal Board allows the appeal on the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold its Order until such time as:

- a. an appropriate Zoning By-law amendment is prepared to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor; and
- b. the Owner has entered into and registered an agreement with the City to secure community benefits pursuant to Section 37 of the Planning Act to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor.

### **Background Information (Community Council)**

(August 14, 2015) Report from the Director, Community Planning, Toronto and East York District - 177, 183 and 197 Front Street East and 15-21 Lower Sherbourne Street and 200 The Esplanade - Zoning Amendment Application - Request for Direction Report  
(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82710.pdf>)

### **Background Information (City Council)**

(September 29, 2015) Supplementary report from the Chief Planner and Executive Director, City Planning on 177, 183 and 197 Front Street East and 15-21 Lower Sherbourne Street and 200 The Esplanade - Zoning Amendment Application - Request for Direction (TE10.12a)  
(<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84354.pdf>)

### **Communications (Community Council)**

(September 4, 2015) E-mail from John (Jack) Hills and Chris Jones (TE.Supp.TE10.12.1)  
(September 8, 2015) E-mail from Heather Gonsalves (TE.Supp.TE10.12.2)

### **Motions (City Council)**

*1 - Motion to Adopt Item as Amended moved by Councillor Pam McConnell (Carried)*

That City Council adopt the following recommendations contained in the supplementary report (September 29, 2015) from the Chief Planner and Executive Director, City Planning [TE10.12a]:

1. City Council instruct the City Solicitor, together with City Planning staff and any other City staff as appropriate, to attend the OMB hearing in opposition to both the October 2013 proposal before the OMB and the revised proposal submitted in July 2015 in its current form, concerning the Zoning Amendment application for the lands at 177, 183 & 197 Front Street East, 15-21 Lower Sherbourne Street and 200 The Esplanade.
2. City Council authorize City staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the report in order to reach a settlement if the final revisions to the July 2015 proposal address the outlined issues to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. As part of the continued discussions respecting the July 2015 proposal, the issues set out in this report shall be addressed, to the satisfaction for the Chief Planner and Executive Director, City Planning, including:
  - a. the reduction of the height of the northern towers to below 30 storeys and 95 metres, excluding mechanical penthouse and the reduction of height of the southern towers to below 20 storeys and 65 metres, excluding mechanical penthouse;
  - b. the increase of tower setback from The Esplanade to a minimum of 24 metres;
  - c. the reconfiguration of massing to accommodate the 24 metre tower setback from The Esplanade;
  - d. the increase of tower separation distance to 25 metres in the north-south alignment through recession of balconies on the associated building faces;
  - e. the revision of the unit mix to provide a minimum of 15% 2 bedroom units and a minimum of 10 percent 3 bedroom units;
  - f. the provision of two Type B loading spaces, one of which can be shared with a Type G loading space;
  - g. the submission of a parking utilization study to determine whether there is capacity in four Toronto Parking Authority lots in the area to accommodate the residential visitor requirement for 101 visitor spaces;
  - h. the provision and maintenance of a dedicated on-site "pet friendly" exercise and relief area with bag station and garbage disposal as well as a pet washing and grooming station, which is accessible to all future residents of the proposed development;
  - i. the provision and maintenance of both an indoor and outdoor amenity space that is designed to cater to families with children which is accessible to all future residents of the proposed development;
  - j. the requirement for an updated Pedestrian Wind Study in order to assess pedestrian level wind conditions with the proposed development, and determine what built form and other mitigative solution may be required; and

k. the owner addressing the outstanding comments outlined in the memorandum dated August 9, 2015 from the Manager, Engineering and Construction Services, Toronto and East York District.

4. In the event that the Ontario Municipal Board allows the appeal on the Zoning By-law Amendment application in whole or in part, City Council authorize the City Solicitor to request the Ontario Municipal Board to withhold its Order until such time as:

a. an appropriate Zoning By-law amendment is prepared to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor; and

b. the Owner has entered into and registered an agreement with the City to secure community benefits pursuant to Section 37 of the Planning Act to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor.

**Vote** (Adopt Item as Amended)

Oct-02-2015 11:21 AM

<b>Result: Carried</b>	Majority Required - TE10.12 - McConnell - motion 1 - Adopt the item as amended
Yes: 39	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 1	Rob Ford
Absent: 5	Paul Ainslie, Janet Davis, Mary Fragedakis, Giorgio Mammoliti, Michael Thompson

<b>TE10.13</b>	<b>ACTION</b>	Adopted on Consent	Ward: 20
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**Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. In accordance with Section 41 of the Ontario Heritage Act, City Council designate by by-law the area shown on Attachment 1 to the report (July 7, 2015) from the Director, Urban Design, City Planning, as the West Annex Phase 1 (Madison Avenue) Heritage Conservation District.
2. City Council adopt by by-law the West Annex Phase 1 (Madison Avenue) Heritage Conservation District Part II: Plan, dated May 2015, as the district plan for the Madison Avenue Heritage Conservation District, attached as Attachment 3 to the report (July 7, 2015) from the Director of Urban Design, City Planning.
3. If there are any objections to the by-law under Section 41 of the Ontario Heritage Act, City Council direct the City Solicitor to appear before the Ontario Municipal Board to defend the

by-law.

*Statutory - Ontario Heritage Act, RSO 1990*

### **Background Information (Community Council)**

(July 7, 2015) Report from the Director, Urban Design, City Planning - Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82426.pdf>

Revised Attachment 1 - Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82427.pdf>

Attachment 2 - Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82428.pdf>

Attachment 3 - Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82429.pdf>

Attachment 4 - Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82430.pdf>

### **Communications (Community Council)**

(August 31, 2015) Letter from Carlo Bonanni, Vice President, Land and Development Planning, Build Toronto Inc. (TE.Supp.TE10.13.1)

## **13a Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act**

### **Background Information (Community Council)**

(August 11, 2015) Revised letter from the Toronto Preservation Board - Intention to Designate the West Annex Phase 1 (Madison Avenue) Heritage Conservation District under Part V of the Ontario Heritage Act

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82505.pdf>

TE10.14	ACTION	Adopted on Consent		Ward: 20
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## **Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the alterations to the heritage property at 178 St. George Street, in accordance with Section 33 of the Ontario Heritage Act, substantially in accordance with plans and drawings dated July 27, 2015, prepared by ERA Architects Inc., date-stamped received by Heritage Preservation Services July 27, 2015, and on file with the Manager, Heritage Preservation Services; and the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc., dated June 30, 2015 and date-stamped received by Heritage Preservation Services July 2, 2015, and on file with the Manager, Heritage Preservation Services, subject to the following additional conditions:

a. That prior to the issuance of any heritage permit for the alterations as set out in the report (August 10, 2015) from the Director, Urban Design, City Planning at 178 St. George Street, including a heritage permit or building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Manager, Heritage Preservation Services, the owner shall:

- i. amend the existing Heritage Easement Agreement for the property at 178 St. George Street in accordance with plans and drawings dated July 27, 2015, prepared by ERA Architects Inc., date-stamped received by Heritage Preservation Services July 27, 2015, and on file with the Manager, Heritage Preservation Services; and with the Heritage Impact Assessment (HIA) prepared by ERA Architects Inc., dated June 30, 2015 and date-stamped received by Heritage Preservation Services July 2, 2015, and on file with the Manager, Heritage Preservation Services, to the satisfaction of the Manager, Heritage Preservation Services; and
- ii. provide full building permit drawings, including notes and specifications for the conservation and protective measures, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.

2. City Council require the owner to provide replacement Heritage Easement Agreement photographs for the amended Heritage Easement Agreement to the satisfaction of the Manager, Heritage Preservation Services within ninety (90) days of the completion of the alterations as set out in the report (August 10, 2015) from the Director, Urban Design, City Planning.

3. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement, registered on the title for the heritage property at 178 St. George Street, Instrument No. CT632346 dated November 23, 1983, and on file with the Manager, Heritage Preservation Services.

4. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement.

### **Background Information (Community Council)**

(August 10, 2015) Report from the Director, Urban Design, City Planning - Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82781.pdf>

Attachment 1 - Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82782.pdf>

Attachment 2 - Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82783.pdf>

Attachment 3 - Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82784.pdf>

Attachment 4 - Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82785.pdf>

Attachment 5 - Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83019.pdf>

## Background Information (City Council)

(September 25, 2015) Transmittal from the Toronto Preservation Board on Alterations to a Designated Heritage Property and Authority to Amend Existing Heritage Easement Agreement - 178 St. George Street (TE10.14a)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84213.pdf>

TE10.15	ACTION	Adopted on Consent		Ward: 22
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## Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council state its intention to amend the former City of Toronto By-law No. 10-77 to revise the Reasons for Designation as described in the Statement of Significance: 131 Farnham Avenue, Attachment 4 to the supplementary report (August 20, 2015) from the Director, Urban Design, City Planning to identify the cultural heritage value or interest and describe the heritage attributes.
2. City Council adopt Revised Attachment 2: Photographs and Revised Attachment 5: Heritage Property Research and Evaluation Report: Part 2, attached to the supplementary report (August 20, 2015) from the Director, Urban Design, City Planning Division, as it has been revised to reflect the change in the Revised Statement of Significance for 131 Farnham Avenue referred to in Part 1 above.
3. If there are no objections to the proposed amendment in accordance with the Ontario Heritage Act, City Council authorize the City Solicitor to introduce the necessary bill in Council amending designating By-law No.10-77.
4. If there are objections in accordance with the Ontario Heritage Act, City Council direct the City Clerk to refer the proposed amendment to the Conservation Review Board.
5. If the proposed amendment is referred to the Conservation Review Board, City Council authorize the City Solicitor and appropriate staff to attend any hearing held by the Conservation Review Board in support of Council's decision to amend the designating by-law.
6. City Council include the views identified in this report in an amendment to the Official Plan Public Realm Policy, Section 3.1.1., Schedule 4.
7. City Council authorize the City Solicitor to amend the existing Heritage Easement Agreement, registered on title for the heritage property at 131 Farnham Avenue, Instrument No. CA332829, dated 15 February, 1995, and on file with the Manager, Heritage Preservation Services.
8. City Council authorize the City Solicitor to introduce any necessary bill in Council to amend the Heritage Easement Agreement.

## Background Information (Community Council)

(July 16, 2015) Report from the Director, Urban Design, City Planning - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131

## Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82431.pdf>)

Attachment 1 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82432.pdf>)

Attachment 2 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82433.pdf>)

Attachment 3 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82434.pdf>)

Attachment 4 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82435.pdf>)

Attachment 5 Part 1 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82436.pdf>)

Attachment 5 Part 2 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82437.pdf>)

## Communications (Community Council)

(September 4, 2015) Letter from Michael J. McQuaid, WeirFoulds LLP, on behalf of The Brothers of the Christian Schools of Ontario (TE.Supp.TE10.15.1)

(<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54769.pdf>)

(September 7, 2015) E-mail from Craig Lockwood (TE.Supp.TE10.15.2)

(September 7, 2015) E-mail from Andrea Alexander, Past President, Cottingham Square Community Association (TE.Supp.TE10.15.3)

(September 8, 2015) E-mail from Brendan Dorney (TE.Supp.TE10.15.4)

(September 8, 2015) E-mail from Elaine Jacobsen and Patricia Dunlop (TE.Supp.TE10.15.5)

(September 8, 2015) E-mail from Peter Muldowney (TE.Supp.TE10.15.6)

(September 8, 2015) E-mail from Myron J. Wolfe (TE.Supp.TE10.15.7)

## Communications (City Council)

(September 23, 2015) E-mail from Carole Ann Nicholls (CC.Main.TE10.15.8)

(September 24, 2015) Letter from Michael B. Vaughan (CC.Supp.TE10.15.9)

(September 27, 2015) E-mail from Susan Latremaille (CC.Supp.TE10.15.10)

(September 27, 2015) E-mail from Dr. Bina John and Dr. Verghese John (CC.Supp.TE10.15.11)

(September 29, 2015) Letter from David Bronskill, Goodmans LLP, Barristers and Solicitors (CC.Supp.TE10.15.12)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56464.pdf>)

## 15a Supplementary Report - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

### Background Information (Community Council)

(August 20, 2015) Supplementary Report from the Director, Urban Design, City Planning - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82696.pdf>)

Attachment 2 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82697.pdf>)

Attachment 4 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82698.pdf>)

Attachment 5 - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82699.pdf>)

## **15b Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue**

### **Background Information (Community Council)**

(August 11, 2015) Letter from the Toronto Preservation Board - Amendment of Designating By-law and Authority to Amend Existing Heritage Easement Agreement - 131 Farnham Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82503.pdf>)

TE10.16	ACTION	Adopted		Ward: 27
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### **Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the application to demolish 36 Berryman Street in the Yorkville Hazelton Area Heritage Conservation District in accordance with Section 42 of the Ontario Heritage Act.
2. City Council approve the proposed replacement structure on the heritage property at 36 Berryman Street, in accordance with Section 42 of the Ontario Heritage Act, based on plans and drawings prepared by Julian Jacobs Architect, dated September 14, 2014, and on file with the Manager, Heritage Preservation Services.

### **Background Information (Community Council)**

(July 6, 2015) Report from the Director, Urban Design, City Planning - Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82439.pdf>)

Attachment 1 - Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82460.pdf>)

Attachment 2 - Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82461.pdf>)

Attachment 3 - Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82462.pdf>)

Attachment 4 - Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82463.pdf>)

### **Communications (Community Council)**

(September 3, 2015) Letter from John Caliendo and Ian Carmichael, ABC Residents

Association (TE.Supp.TE10.16.1)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54741.pdf>

(June 8, 2015) Submission from Peter Graham, Julian Jacobs Architects, submitting approximately 8 form letters in support of the application (TE.Supp.TE10.16.2)

(June 9, 2015) E-mail from Larry Hughsam (TE.Supp.TE10.16.3)

(February 18, 2015) E-mail from Barbara and Joost Captijn (TE.Supp.TE10.16.4)

(February 18, 2015) E-mail from Joel Edelson (TE.Supp.TE10.16.5)

(June 10, 2015) E-mail from Osman Sheikh, Iman Sheikh and John de Jong, The Curated Life (TE.Supp.TE10.16.6)

(February 18, 2015) E-mail from John Dalla Costa (TE.Supp.TE10.16.7)

(February 18, 2015) E-mail from Barbara Goldberg (TE.Supp.TE10.16.8)

(February 17, 2015) E-mail from Michael Penner (TE.Supp.TE10.16.9)

(September 4, 2015) E-mail from Peter Graham, Julian Jacobs Architects (TE.Supp.TE10.16.10)

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 10:07 AM

<b>Result: Carried</b>	Majority Required - TE10.16 - Adopt the item
Yes: 37	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 8	Maria Augimeri, Vincent Crisanti, Janet Davis, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

**16a Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street**

**Background Information (Community Council)**

(August 11, 2015) Letter from the Toronto Preservation Board - Erection of a Replacement Structure on a Designated Heritage Property - 36 Berryman Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82504.pdf>

<b>TE10.17</b>	<b>ACTION</b>	Adopted		Ward: 21
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**Alterations to a Designated Heritage Property - 41 Alcina Avenue (York Wilson House)**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the alterations to the heritage property at 41 Alcina Avenue, in accordance with Section 33 of the Ontario Heritage Act, substantially in accordance with plans and drawings dated August 19, 2015, prepared by Angela Tsementzis Architects, on file with

the Manager, Heritage Preservation Services, and the Conservation Strategy prepared by ERA Architects Inc., dated May 19, 2015, revised June 30, 2015, and on file with the Manager, Heritage Preservation Services, subject to the following additional conditions:

- a. That prior to the issuance of any heritage permit for the alterations as set out in the report (August 19, 2015) from the Director, Urban Design, City Planning at 41 Alcina Avenue, including a heritage permit or building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Manager, Heritage Preservation Services, the owner shall:
  - i. provide full building permit drawings, including notes and specifications for the conservation and protective measures, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Manager, Heritage Preservation Services.

### Background Information (Community Council)

(August 19, 2015) Report from the Director, Urban Design, City Planning - Alterations to a Designated Heritage Property - 41 Alcina Avenue (York Wilson Avenue)

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82950.pdf>)

Attachment 1 - Alterations to a Designated Heritage Property - 41 Alcina Avenue (York Wilson House)

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83103.pdf>)

Attachment 2 - Alterations to a Designated Heritage Property - 41 Alcina Avenue (York Wilson House)

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83104.pdf>)

Attachment 3 - Alterations to a Designated Heritage Property - 41 Alcina Avenue (York Wilson House)

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83105.pdf>)

Attachment 4 - Alterations to a Designated Heritage Property - 41 Alcina Avenue (York Wilson House)

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83106.pdf>)

### Background Information (City Council)

(September 25, 2015) Transmittal from the Toronto Preservation Board on Alterations to a Designated Heritage Property - 41 Alcina Avenue (York Wilson House) (TE10.17a)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84214.pdf>)

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 10:09 AM

<b>Result: Carried</b>	Majority Required - TE10.17 - Adopt the item
Yes: 37	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 8	Maria Augimeri, Vincent Crisanti, Janet Davis, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

TE10.36	ACTION	Adopted		Ward: 32
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## Application to Remove a Private Tree - 169 Wineva Avenue

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council deny the request for a permit to remove one (1) privately owned tree located at 169 Wineva Avenue.

### Background Information (Community Council)

(May 25, 2015) Report from the Director, Urban Forestry, Parks, Forestry and Recreation - 169 Wineva Avenue - Application to Remove a Private Tree

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-81720.pdf>)

### Communications (Community Council)

(June 8, 2015) E-mail from Melissa Da Silva requesting a deferral of the application until September 2015 (TE.Main.TE10.36.1)

(September 8, 2015) Submission from Melissa Da Silva (TE.Supp.TE10.36.2)

### Motions (City Council)

*Motion to Adopt Item (Carried)*

### Vote (Adopt Item)

Oct-02-2015 11:23 AM

<b>Result: Carried</b>	Majority Required - TE10.36 - Adopt the item
Yes: 34	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 6	Christin Carmichael Greb, Vincent Crisanti, Justin J. Di Ciano, Rob Ford, Mark Grimes, Stephen Holyday
Absent: 5	Paul Ainslie, Janet Davis, Mary Fragedakis, Giorgio Mammoliti, Michael Thompson

TE10.57	ACTION	Adopted on Consent		Ward: 20
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## Designation of Fire Routes and Amendment to Chapter 880 - Fire Routes - 75-85 Queens Wharf Road

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council designate part or those parts of the private road or roads shown on the site plan filed with the Fire Chief and General Manager, Fire Services in respect of the municipal address set out below as a fire route pursuant to Municipal Code Chapter 880 - Fire Routes:

- 75-85 Queens Wharf Road.

2. City Council authorize the Fire Chief and General Manager, Fire Services and the City Solicitor to take the appropriate action to make a designated Fire Route.

**Background Information (Community Council)**

(August 7, 2015) Report from the Fire Chief, Toronto Fire Services - Designation of Fire Routes and Amendment to Chapter 880 - Fire Routes - 75-85 Queens Wharf Road  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82455.pdf>  
 Attachment - Designation of Fire Routes and Amendment to Chapter 880 - Fire Routes - 75-85 Queens Wharf Road  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82457.pdf>

TE10.58	ACTION	Adopted on Consent		Ward: 14, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32
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**Recommended Candidates to the Toronto and East York Community Preservation Panel**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council appoint the following candidates to the Toronto and East York Community Preservation Panel listed in Attachment 1 to the report (June 25, 2015) from the Director, Urban Design, City Planning for a term ending November 30, 2018, or until successors are appointed:

- Megan Albinger
- Hallie Church
- Jeffrey Elkow
- Paul Farrelly
- Sarah Hill
- Evan Manning
- Lindi Jaclyn Masur
- Susana Miranda
- Christopher Pereira
- Barry Smith
- Laura Wickett

**Confidential Attachment - Personal matters about an identifiable individual, including municipal or local board employees**

**Background Information (Community Council)**

(June 25, 2015) Report from the Director, Urban Design, City Planning Division - Recommended Candidates to the Toronto and East York Community Preservation Panel  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82445.pdf>  
 Confidential 1 - Recommended Candidates to the Toronto and East York Community Preservation Panel

TE10.59	ACTION	Adopted		Ward: 27
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**43 Gerrard Street West Public Art Plan**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the 43 Gerrard Street West Public Art Plan, attached as Attachment 1 to the report (July 28, 2015) from the Director, Urban Design, City Planning.

## Background Information (Community Council)

(July 28, 2015) Report from the Director, Urban Design, City Planning Division - 43 Gerrard Street West Public Art Plan

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82446.pdf>

Attachment 1 - 43 Gerrard Street West Public Art Plan

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82447.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

TE10.67	ACTION	Adopted		Ward: 20
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## Kensington Market Study of Restaurant and Bar Uses - Preliminary Directions and Next Steps

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Director, Community Planning, Toronto and East York District, in consultation with Economic, Development and Culture, to report back on opportunities and tools to support small business enterprises in Kensington Market, including opportunities to work with the Kensington Market Business Improvement Association to develop marketing and promotion strategies to support small businesses in Kensington Market.

2. City Council request the Director, Community Planning, Toronto and East York to report on any further analysis and recommendations to protect the scale, mix of uses and character of Kensington Market in co-ordination with the timing of the results of the Kensington Market Heritage Conservation District Study in the second quarter of 2016.

## Background Information (Community Council)

(August 14, 2015) Report from the Director, Community Planning, Toronto and East York District - Kensington Market Study of Restaurant and Bar Uses - Preliminary Directions and Next Steps

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82900.pdf>

## Communications (Community Council)

(September 7, 2015) E-mail from Winnie W. Wong (TE.Supp.TE10.67.1)

(September 8, 2015) E-mail from Sylvia Lassam (TE.Supp.TE10.67.2)

## Motions (City Council)

*Motion to Adopt Item (Carried)*

TE10.68	ACTION	Adopted		Ward: 28
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# 45 Bay Street - Council Authority to Exercise Option for Construction of Future East Bayfront LRT Station Platform

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize City officials to sign the Section 45(9) Agreement and exercise the Structure Option, permitted as a condition of the January 28, 2015, Committee of Adjustment decision, to have the owner (Ivanhoe Cambridge) of 45 Bay Street construct a three-dimensional structure adjacent to the below-grade parking area for the potential future use as an LRT platform for the East Bayfront LRT station.
2. In the event the associated “Cost Differential” to the owner exceeds the \$2,000,000.00 stipulated in the Committee of Adjustment decision, City Council direct that City staff:
  - a. be authorized to pursue non-debt funding sources for any such excess; and
  - b. report back to City Council identifying any such excess Cost Differential and the source of required funds.
3. City Council direct the Director, Waterfront Secretariat and City Planning to monitor the cost during construction to determine if additional funding is required.

## Background Information (Community Council)

(August 27, 2015) Report from the Director, Community Planning, Toronto and East York District - 45 Bay Street - Council Authority to Exercise Option for Construction of Future East Bayfront LRT Station Platform

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83173.pdf>

(August 20, 2015) Report from the Director, Community Planning, Toronto and East York District - 45 Bay Street - Council Authority to Exercise Option for Construction of Future East Bayfront LRT Station Platform - Notice of Pending Report

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82799.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 11:24 AM

<b>Result: Carried</b>	Majority Required - TE10.68 - Adopt the item
Yes: 39	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, John Tory, Kristyn Wong-Tam
No: 1	Rob Ford
Absent: 5	Paul Ainslie, Janet Davis, Mary Fragedakis, Giorgio Mammoliti, Michael Thompson

<b>TE10.74</b>	<b>ACTION</b>	Adopted on Consent		Ward: 21
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## Accessible Parking Spaces - August 2015 (Non-Delegated)

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the installation of on-street accessible parking spaces at the locations identified in Appendix A attached to the report (August 10, 2015) from the Director, Transportation Services, Toronto and East York District.

### Background Information (Community Council)

(August 10, 2015) Report from the Director, Transportation Services, Toronto and East York District - Accessible Parking Spaces - August 2015 (Non-Delegated)  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82721.pdf>

TE10.88	ACTION	Adopted on Consent		Ward: 14, 19
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## Traffic Amendments - 1100 King Street West

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend the location of the traffic control signals at the intersection of King Street West and Atlantic Avenue to King Street West and Atlantic Avenue/Private Access.
2. City Council amend the westbound left-turn prohibition in effect from 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m., Monday to Friday, on King Street West at Atlantic Avenue to operate in the eastbound and westbound directions on King Street West at Atlantic Avenue/Private Access.
3. City Council enact an eastbound left-turn prohibition to be in effect from 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 7:00 p.m., Monday to Friday, on King Street West at Jefferson Avenue/Private Access.
4. City Council enact a southbound left-turn prohibition to be in effect at all times at King Street West and Jefferson Avenue/Private Access.
5. City Council enact a northbound and southbound straight-through prohibition to be in effect at all times at King Street West and Jefferson Avenue/Private Access.

### Background Information (Community Council)

(August 7, 2015) Report from the Director, Transportation Services, Toronto and East York District - Traffic Amendments - 1100 King Street West  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82992.pdf>  
 Drawing No. 421G-1845 - Traffic Amendments - 1100 King Street West  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82993.pdf>

TE10.89	ACTION	Adopted on Consent		Ward: 28
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## Turn Prohibitions - Lower Sherbourne Street and Lake Shore Boulevard East

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council prohibit southbound right-turns on a red signal from Lower Sherbourne Street to Lake Shore Boulevard East at all times.

## Background Information (Community Council)

(August 10, 2015) Report from the Director, Transportation Services, Toronto and East York District - Turn Prohibitions - Lower Sherbourne Street and Lake Shore Boulevard East

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82990.pdf>)

Drawing No. 421G-1865 - Turn Prohibitions - Lower Sherbourne Street and Lake Shore Boulevard East

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82991.pdf>)

TE10.90	ACTION	Adopted		Ward: 30
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## Traffic Control Signals - Greenwood Avenue at Felstead Avenue

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the installation of traffic control signals on Greenwood Avenue at Felstead Avenue.

## Background Information (Community Council)

(April 20, 2015) Report from the Director, Transportation Services, Toronto and East York District - Traffic Control Signals - Greenwood Avenue at Felstead Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-81741.pdf>)

Drawing No. 421G-1687 - Traffic Control Signals - Greenwood Avenue at Felstead Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-81742.pdf>)

## Communications (City Council)

(September 30, 2015) Petition from Councillor Paula Fletcher, Ward 30, Toronto-Danforth, headed "Support of Traffic Control Signals at Greenwood Avenue and Felstead Avenue", containing the signatures of approximately 131 person, filed during the Routine Matters portion of the meeting (CC.New)

## Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 2:14 PM

<b>Result: Carried</b>	Majority Required - TE10.90 - Adopt the item
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahan, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, Kristyn Wong-Tam
No: 1	Stephen Holyday
Absent: 5	Vincent Crisanti, Rob Ford, Denzil Minnan-Wong, David Shiner, John Tory

TE10.102	ACTION	Adopted on Consent		Ward: 18
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## Realignment of Permit Parking Area "3K" to Exclude 1093 Queen Street West

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Schedule B of the City of Toronto Municipal Code, Chapter 925, Permit Parking, to incorporate a revised map of permit parking area "3K", as attached in Appendix A of the report (August 10, 2015) from the Manager, Right of Way Management, Toronto and East York District, Transportation Services.

### Background Information (Community Council)

(August 10, 2015) Report from the Manager, Right of Way Management, Toronto and East York District - Realignment of Permit Parking Area "3K" to Exclude 1093 Queen Street West (<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82762.pdf>)

Drawing No. 421G-1796 - Realignment of Permit Parking Area "3K" to Exclude 1093 Queen Street West

(<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-82763.pdf>)

TE10.110	ACTION	Adopted		Ward: 27
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## Construction Staging Area - 55 Avenue Road

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the closure of the east side sidewalk and the northbound curb lane of Avenue Road, between Yorkville Avenue and a point 187 metres north, from October 1, 2015 to December 31, 2016, as shown on Drawing No. 421G-1873 attached to the revised report (August 17, 2015) from the Director, Transportation Services, Toronto and East York District.
2. City Council prohibit stopping at all times on the east side of Avenue Road, between Yorkville Avenue and a point 158 metres north from October 1, 2015 to December 31, 2016.
3. City Council direct that Avenue Road be returned to its pre-construction parking and traffic regulations when the project is completed.
4. City Council direct the applicant to post a 24-hour monitored construction hotline number on the hoarding board, which must be prominently placed and legible from 20 metres and on all elevations from the construction site.
5. City Council direct the applicant to provide and install public art, including mural artwork, onto every elevation of the hoarding board with adequate spotlighting for night-time illumination, at their sole cost, to the satisfaction of the Ward Councillor.

### Background Information (Community Council)

(August 17, 2015) Revised report from the Director, Transportation Services, Toronto and East York District - Construction Staging Area - 55 Avenue Road

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83072.pdf>

Drawing No. 421G 1873 - Construction Staging Area - 55 Avenue Road

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83073.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

TE10.111	ACTION	Adopted		Ward: 27
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### Construction Staging Area Time Extension - 21 Avenue Road

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the continuation of the closure of the sidewalk, curb lane and second lane on the east side of Avenue Road, between Cumberland Street and a point 68 metres north, from September 1, 2015 to June 30, 2016.
2. City Council approve the continuation of the "No Stopping Anytime" regulation on the east side of Avenue Road, between Cumberland Street and Yorkville Avenue, from September 1, 2015 to June 30, 2016.
3. City Council approve the continuation of the adjustment of the existing "No Parking Anytime" regulation on the east side of Avenue Road, from Bloor Street West to a point 293 metres north of Yorkville Avenue, to be in effect from Bloor Street West to Cumberland Street, and from a point 158 metres north of Yorkville Avenue to a point 293 metres further north, from September 1, 2015 to June 30, 2016.
4. City Council approve the continuation of the adjustment of the existing "No Stopping, 7:30 a.m. to 9:30 a.m. and 3:30 p.m. to 6:30 p.m., Monday to Friday, except Public Holidays" regulation on the east side of Avenue Road, from Bloor Street West to a point 158 metres north of Yorkville Avenue, to be in effect from Bloor Street West to Cumberland Street from September 1, 2015 to June 30, 2016.
5. City Council direct that Avenue Road be returned to its pre-construction traffic and parking regulations when the project is complete.

#### Background Information (Community Council)

(August 21, 2015) Revised report from the Director, Transportation Services, Toronto and East York District - Construction Staging Area Time Extension - 21 Avenue Road

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83074.pdf>

Drawing No. 421G-1880 - Construction Staging Area Time Extension - 21 Avenue Road

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83075.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

TE10.114	ACTION	Adopted		Ward: 27
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### Construction Staging Area - 197 Yonge Street

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the closure of the northbound curb lane fronting 197 Yonge Street for 51 months, from October 1, 2015, to December 31, 2019, as shown on Drawing No. 421G-1871 attached to the revised report (August 14, 2015) from the Director, Transportation Services, Toronto and East York District.
2. City Council approve a "No Stopping Anytime" regulation on the east side of Yonge Street, between a point 70 metres north of Queen Street East and a point 80 metres further north, from October 1, 2015 to December 31, 2019.
3. City Council adjust the existing "No Stopping, 3:30 p.m. to 6:30 p.m., Mon. to Fri., except Public Holidays" restriction on the east side of Yonge Street, between Queen Street East and a point 119 metres north to apply between Queen Street East and a point 70 metres north of Queen Street East from October 1, 2015 to December 31, 2019.
4. City Council direct that Yonge Street be returned to its pre-construction parking and traffic regulations when the project is completed.
5. City Council direct the applicant to post a 24-hour monitored construction hotline number on the hoarding board, which must be prominently placed and legible from 20 metres and on all elevations from the construction site.
6. City Council direct the applicant to provide and install public art, including mural artwork, onto every elevation of the hoarding board with adequate spotlighting for night-time illumination, at their sole cost, to the satisfaction of the Ward Councillor.

## Background Information (Community Council)

(August 14, 2015) Revised report from the Director, Transportation Services, Toronto and East York District - Construction Staging Area - 197 Yonge Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83080.pdf>

Drawing No. 421G-1871 - Construction Staging Area - 197 Yonge Street

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83081.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

TE10.115	ACTION	Adopted	Ward: 14, 18, 19, 20, 27, 28
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## Downtown Streetcar Routes - Extended Peak Period Regulations

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council enact the traffic and parking by-law amendments as set out in Appendix B.
2. City Council authorize and direct the appropriate City officials to take the necessary action to give effect to Council's decision, including the introduction in Council of any and all bills that may be required.

3. City Council request the General Manager, Transportation Service and the Chief Executive Officer of the Toronto Transit Commission (TTC) to monitor the results of the planned peak hour extensions on Queen Street, Dundas Street, and College/Carlton Streets in select segments between Roncesvalles Avenue and Parliament Street, and should the new data indicate, after the implementation of these changes and adjustments to traffic and transit operations, that there is a further opportunity to improve segment travel times through a similar extension of "No Stopping" hours on other sections of the streetcar network, the General Manager, Transportation Services be requested to report by March 2016 with a plan to complete the detailed analysis on the remaining mixed-traffic streetcar routes throughout the Toronto and East York District.

**Background Information (Community Council)**

(August 27, 2015) Report from the General Manager, Transportation Services - Downtown Streetcar Routes - Extended Peak Period Regulations

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83174.pdf>

Appendix A - Downtown Streetcar Routes - Extended Peak Period Regulations

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83175.pdf>

Appendix B - Downtown Streetcar Routes - Extended Peak Period Regulations

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83176.pdf>

(August 24, 2015) Report from the General Manager, Transportation Services - Downtown Streetcar Routes - Extended Peak Period Regulations - Notice of Pending Report

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83102.pdf>

**Communications (Community Council)**

(September 8, 2015) Submission from Hamish Wilson (TE.Supp.TE10.115.1)

**Communications (City Council)**

(September 29, 2015) E-mail from Sharon Yetman (CC.New.TE10.115.2)

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

TE10.118	ACTION	Amended		
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**Endorsement of Events for Liquor Licensing Purposes**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

A. City Council advise the Alcohol and Gaming Commission of Ontario that it has no objection, for liquor licensing purposes, to the following requests, noting that applicants are required to comply with other applicable By-laws and to obtain the necessary permits for any patio area extending into the City's right of way:

1. Temporary liquor licence/patio extension for The Toronto Fringe Next Stage Theatre Festival at The Factory Theatre, 125 Bathurst Street, to be held from January 6-17, 2016, from:

3:30 p.m. to 12:00 a.m., Monday to Thursday; and  
1:00 p.m. to 12:00 a.m., Friday to Sunday.

2. Temporary liquor licence/patio extension for an outdoor wine lounge at 10 Scrivener Square from 2:00 p.m. to 6:00 p.m., during the 10th Annual Rosedale Cavalcade of Lights Festival to be held on November 28, 2015, on Yonge Street from Woodlawn Avenue to Crescent Road.

3. Temporary liquor licence/patio extension for the Toronto Christmas Market to be held on the following dates from 11:00 a.m. to 1:00 a.m., within the boundaries of Mill Street, Parliament Street, Cherry Street and the south parking lot inside The Distillery Historic District:

Fridays, November 20, 27, December 4, 11 and 18, 2015;  
Saturdays, November 21, 28, December 5, 12 and 19, 2015; and  
Sundays, November 22, 29, December 6, 13, and 20, 2015.

4. Temporary liquor licence/patio extension for the parking lot area of the The York Club at 135 St. George Street on Saturday, May 14, 2016, from 2:00 p.m. to 2:00 a.m. on Sunday, May 15, 2016, for a wedding reception.

5. Temporary liquor licence/patio extension from 11:00 a.m. to 11:59 p.m. during the World MasterCard Fashion Week, to be held from October 19 to October 24, 2015 at David Pecaut Square, 55 John Street, with a temporary road closure in the north curb lane of Wellington Street west from John Street to Simcoe Street for load in, event dates and load out.

6. Temporary liquor licence/patio extension for the Toronto Raptors (NBA) 2015-2016 Season Home Opener to be held in Maple Leaf Square on October 28, 2015, from 4:00 p.m. to 11:00 p.m., for the Real Sports Bar & Grill, 15 York Street; with road closures on Bremner Boulevard during this event.

7. Temporary liquor licence extension for the following venues during the Queen Street West BIA's "Halloween on Queen" event to be held from October 29 to October 31, 2015:

Queen Mother Café, 208 Queen Street West  
The Rivoli, 334 Queen Street West  
The Horseshoe Tavern, 370 Queen Street West  
The Cameron House, 408 Queen Street West  
Barchef, 472 Queen Street West  
The Hideout, 484 Queen Street West  
Rock Lobster, 538 Queen Street West  
Bovine Club, 542 Queen Street West  
Nocturne, 550 Queen Street West  
Arepa Café, 490 Queen Street West  
Tortilla Flats, 458 Queen Street West  
Wild Wing, 225 Queen Street West

8. Temporary liquor licence extension until 3:00 a.m. for Rumba Fest Music Festival to be held from 2:00 p.m. on October 10, 2015, to 3:00 a.m. on October 11, 2015, at 1305 Dundas Street West.

9. Temporary liquor licence/patio extension for The Design Exchange's Annual Fundraising Gala in the pedestrian areas within the boundaries of the TD Link inside the Toronto-Dominion Centre, on Saturday, November 7, 2015 from 4:00 p.m. to 2:00 a.m.

B. City Council concur in the action taken by the Toronto and East York Community Council in approving temporary liquor licence/patio extensions for the following events, due to the timing of such events:

1. Temporary liquor licence/patio extension for a series of Beer Gardens to be held in the outdoor parkette located at the north end of the Renaissance Toronto Downtown Hotel at 1 Blue Jays Way, adjacent to the Hotel's driveway, preceding Toronto Blue Jays Games at the Rogers Centre from 12:00 noon to 9:00 p.m. each day from September 21-27, 2015, and October 6, 11 and 12, 2015.
2. Temporary liquor licence/patio extension for the NHL Toronto Maple Leafs 2015-2016 Season Home Opener to be held in Maple Leaf Square on October 7, 2015, from 4:00 p.m. to 11:00 p.m., for the Real Sports Bar & Grill, 15 York Street; with road closures on Bremner Boulevard during this event.
3. Temporary liquor licence/patio extension for the Save A Childs Heart Charity Event to be held on September 30, 2015, at Montecito Restaurant, 299 Adelaide Street West in the Cinema Tower Condominium Complex, and to continue west of their leased lands abutting up to the Ireland Park Foundations yet to be completed "Dr. George Robert Grasset Park", with alcohol service from 6:00 p.m. to 11:00 p.m.
4. Temporary liquor licence/patio extension until 4:00 a.m. for the Drake Hotel, 1150 Queen Street West, during Nuit Blanche to be held from 7:00 p.m. on Saturday, October 3, 2015 to 7:00 a.m. on Sunday, October 4, 2015.
5. Temporary liquor licence/patio extensions to take place on Rogers Centre property as well as Canada Lands outside of the Gates 10 and 11 area for potential Toronto Blue Jays Playoff events from October 6, 2015 to November 4, 2015, to be determined:

Tuesday October 6  
 Thursday October 8  
 Friday October 9  
 Sunday October 11  
 Monday October 12  
 Wednesday October 14  
 Friday October 16  
 Saturday October 17  
 Monday October 19  
 Tuesday October 20  
 Wednesday October 21  
 Friday October 23  
 Saturday October 24  
 Tuesday October 27  
 Wednesday October 28  
 Friday October 30  
 Saturday October 31  
 Sunday November 1  
 Tuesday November 3  
 Wednesday November 4

6. Temporary liquor licence extension until 4:00 a.m. for the following venues during the Queen Street West BIA's "Out of Site" 7th Annual All-Night Art Exhibition event to be held on October 3, 2015:

Queen Mother Café, 208 Queen Street West  
 The Rivoli, 334 Queen Street West  
 The Horseshoe Tavern, 370 Queen Street West  
 The Cameron House, 408 Queen Street West  
 Barchef, 472 Queen Street West  
 The Hideout, 484 Queen Street West  
 Tequila Bookworm, 512 Queen Street West  
 Rock Lobster, 538 Queen Street West  
 Bovine Club, 542 Queen Street West  
 Nocturne, 550 Queen Street West  
 Arepa Café, 490 Queen Street West

### **Communications (Community Council)**

(June 15, 2015) Letter from Lucy Eveleigh, General Manager, requesting that The Toronto Fringe Next Stage Theatre Festival to be held from January 6-17, 2016 be declared an event of municipal significance; requesting approval of temporary liquor licence/patio extensions at The Factory Theatre, 125 Bathurst Street from 3:30 p.m. to 12:00 a.m., Monday to Thursday and 1:00 p.m. to 12:00 a.m., Friday to Sunday. (TE.Main.TE10.118.1)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54061.pdf>

(July 3, 2015) Letter from Katia Montesano requesting that INDIE Week Canada 2015 to be held from October 13 to October 18, 2015, be declared an event of municipal significance.

(Note: City Council on July 7, 8 and 9, 2015 under Item TE7.111) approved the various 4:00 a.m. temporary liquor licence extensions for this event.) (TE.Main.TE10.118.2)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54050.pdf>

(August 6, 2015) E-mail from Clorraine Dennie, Rosedale Main Street BIA, requesting that the 10th Annual Rosedale Cavalcade of Lights Festival to be held on November 28, 2015, on Yonge Street from Woodlawn Avenue to Crescent Road, from 2:00 p.m. to 6:00 p.m., be declared an event of municipal significance; and requesting approval of a temporary liquor licence/patio extension for the outdoor wine lounge at 10 Scrivener Square, from 2:00 p.m. to 6:00 p.m. during this event. (TE.Main.TE10.118.3)

(August 5, 2015) E-mail from Candace Shaw, The Distillery Historic District, requesting that the Toronto Christmas Market to be held in the Distillery Historic District, 55 Mill Street from 11:00 a.m. to 1:00 a.m. on Fridays, November 21, 27, December 4, 11 and 18, 2015, Saturdays, November 22, 28, December 5, 12 and 19, 2015, and Sundays, November 23, 29, December 6, 13, and 20, 2015, be declared an event of municipal significance. (TE.Main.TE10.118.4)

(August 3, 2015) E-mail from AnneMarie Catalano, Jam Productions, requesting that the Yonge Dundas Square Christmas Festival to be held at Yonge Dundas Square from December 12 to 21, 2015, from 11:00 a.m. to 11:00 p.m. each day, be declared an event of municipal significance. (TE.Main.TE10.118.5)

(August 13, 2015) Letter from Nancy Wright, Club Services Manager, The York Club, requesting approval of a temporary patio extension for the parking lot area of the Club's property at 135 St. George Street on Saturday, May 14, 2016, from 2:00 p.m. to 2:00 a.m. on Sunday, May 15, 2016, for a wedding reception. (TE.Main.TE10.118.6)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54504.pdf>

(August 17, 2015) Letter from Carolyn Quinn, Director, IMG Fashion Events and Properties Canada, requesting that the World MasterCard Fashion Week event to be held at David Pecaut Square, 55 John Street from October 19 to October 24, 2015, from 11:00 a.m. to 11:59 p.m. each day be declared an event of municipal significance; and requesting approval of the temporary closure of the north curb lane of Wellington Street West from John to Simcoe Streets for load in and out on the event dates. (TE.Main.TE10.118.7)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54505.pdf>

(August 19, 2015) E-mail from Matthew Tracey, on behalf of the Industrial Workers of the World, Toronto Branch, requesting that the after-party for the Working For Each Other,

Working For Ourselves Conference to be held at Bike Pirates, 1416 Queen Street West on October 3, 2015, from 8:30 p.m. to 12:30 a.m., be declared an event of municipal significance (TE.Main.TE10.118.8)

(August 21, 2015) E-mail from Jonah Letovsky, Westbank Corp., requesting that the launch party for Markham House, to be held both in the house and the backyard at 610 Markham Street, on September 19, 2015, from 7:00 to 9:00 p.m., be declared an event of municipal significance (TE.Main.TE10.118.9)

(August 20, 2015) Letter from Steve Froemmel, Renaissance Toronto Downtown Hotel, requesting that a series of Beer Gardens to be held in the outdoor parkette located at the north end of the Hotel's property at 1 Blue Jays Way, adjacent to the Hotel's driveway, preceding Toronto Blue Jays Games at the Rogers Centre from 12:00 noon to 9:00 p.m. each day on September 21-27, 2015, October 6, 11 and 12, 2015, be declared events of municipal significance; and requesting a temporary liquor licence extension for these events. (TE.Main.TE10.118.10)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54606.pdf>

(August 24, 2015) Letter from Fatima Scagnol, Exhibition Place, requesting that the Toronto International Boat Show to held within areas of the Enercare Centre, 100 Princes' Blvd. and the Ricoh Coliseum, 45 Manitoba Dr., on January 8, 2016 (Preview Day) from 2:00 p.m. to 8:00 p.m., Saturdays, January 9 and 16, 2016 from 10:00 a.m. to 7:00 p.m., Sundays, January 10 and 17, 2016 from 10:00 am. to 6:00 p.m. and Monday to Friday, January 11 to 15, 2016, from 11:00 a.m. to 8:00 p.m., be declared an event of municipal significance (TE.Main.TE10.118.11)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54607.pdf>

(August 24, 2015) Letter from Lia Mannella, Maple Leaf Sports & Entertainment Ltd., requesting that the NHL Toronto Maple Leafs 2015-2016 Season Home Opener on October 7, 2015, from 4:00 p.m. to 11:00 p.m., be declared an event of municipal significance; requesting a temporary liquor licence/patio extension on this date for the Real Sports Bar & Grill; and road closures on Bremner Boulevard. (TE.Main.TE10.118.12)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54590.pdf>

(August 24, 2015) Letter from Lia Mannella, Maple Leaf Sports & Entertainment Ltd., requesting that the Toronto Raptors (NBA) 2015-2016 Season Home Opener on October 28, 2015, from 4:00 p.m. to 11:00 p.m., be declared an event of municipal significance; requesting a temporary liquor licence/patio extension on this date for the Real Sports Bar & Grill; and road closures on Bremner Boulevard. (TE.Main.TE10.118.13)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54591.pdf>

(August 21, 2015) Letter from Michael Young, Director of Operations, Innov8 Hospitality, requesting that the Save A Childs Heart Charity Event to be held on September 30, 2015, at Montecito Restaurant, 299 Adelaide Street West in the Cinema Tower Condominium Complex, with alcohol service from 6:00 p.m. to 11:00 p.m., be declared an event of municipal significance; and requesting a temporary liquor licence/patio extension during this event. (TE.Main.TE10.118.14)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54592.pdf>

(August 21, 2015) Letter from Shivani Marx, General Manager, Drake Hotel, requesting that Nuit Blanche to be held from 7:00 p.m. on Saturday, October 3, 2015 to 7:00 a.m. on Sunday, October 4, 2015, be declared an event of municipal significance; and requesting a temporary liquor licence extension for the Drake Hotel, 1150 Queen Street West, until 4:00 a.m. during the event. (TE.Main.TE10.118.15)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54593.pdf>

(August 26, 2015) Letter from Jimmy Peat, President, Longslice Brewery Inc., requesting that "The Craft Beer R.I.P. Roaring Halloween Kegger" to be held from 8:00 p.m. on October 31, 2015 to 2:00 a.m. on November 1, 2015, at the Sketch Lower Level, Artscape Youngplace, 180 Shaw Street, be declared an event of municipal significance. (TE.Supp.TE10.118.16)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54649.pdf>

(August 28, 2015) Letter from Janine Heath requesting that the Eatable Film Festival to be held at The Royal Cinema at 608 College Street on October 4, 2015 from 3:00 p.m. to 11:00 p.m.

and October 5, 2015, from 5:00 p.m. to 10:00 p.m., be declared an event of municipal significance. (TE.Supp.TE10.118.17)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54687.pdf>

(September 1, 2015) Letter from Jaime Dobbs, The Society of Beer Drinking Ladies, requesting that Bevy0021 from 8:00 p.m. to 2:00 a.m., on October 30, 2015 at 180 Shaw Street, Industry Bevy from 8:00 p.m. to 2:00 a.m. on November 15, 2015 at Lithuanian House, 1573 Bloor Street West, and Bevy 0023 from 8:00 p.m. to 2:00 a.m. on January 29, 2016 at Lithuanian House, 1573 Bloor Street West, be declared events of municipal significance (TE.Supp.TE10.118.18)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54680.pdf>

(September 2, 2015) Letter from Kristin Hansen, Smoke's Poutinerie Inc., requesting that the 6th Annual Smoke's Poutinerie World Poutine Eating Championship to be held at Yonge-Dundas Square on Saturday, October 3, 2015, from 10:00 a.m. to 4:00 p.m., be declared an event of municipal significance. (TE.Supp.TE10.118.19)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54701.pdf>

(September 2, 2015) Letter from Kristy-Leigh Boone, Toronto Blue Jays, requesting approval of temporary liquor licence/patio extensions to take place on Rogers Centre property as well as Canada Lands outside of the Gates 10 and 11 area for potential Toronto Blue Jays Playoff events from October 6, 2015 to November 4, 2015. (TE.Supp.TE10.118.20)

(September 2, 2015) E-mail from Scott Mullen requesting that an education and civic engagement event respecting the Federal Election, to be held at Patagonia, 500 King Street West, Toronto on October 1, 2015 from 12:00 noon to 9:00 p.m., be declared an event of municipal significance. (TE.Supp.TE10.118.21)

(August 31, 2015) Letter from Weslie Guca, Coordinator, Bloor by the Park BIA, requesting that the Bloor by the Park BIA 5th Annual Fall Festival, Toast to Autumn, to be held on Sunday, October 25, 2015, at Lithuanian House, Hall A, from 12:00 noon to 7:00 p.m., be declared an event of municipal significance. (TE.Supp.TE10.118.22)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54707.pdf>

(September 8, 2015) E-mail from Spencer Sutherland, Queen Street West BIA, requesting that the "Out of Site" 7th Annual All-night Art Exhibition on October 3, 2015, and the "Halloween on Queen" event to be held from October 29 to October 31, 2015, be declared events of municipal significance; and requesting temporary liquor licence extensions until 4:00 a.m. for the venues outlined in the letter during these events. (TE.New.TE10.118.23)

(September 8, 2015) E-mail from Abdoul Diallo, General Manager requesting that the Rumba Fest Music Festival to be held from 2:00 p.m. on October 10, 2015, to 3:00 a.m. on October 11, 2015, at 1305 Dundas Street West, be declared an event of municipal significance; and requesting a temporary liquor licence extension until 3:00 a.m. for this event. (TE.New.TE10.118.24)

<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54832.pdf>

## **Communications (City Council)**

(September 1, 2015) Letter from Monique Bynoe, Administration and Accounting Coordinator, Design Exchange, requesting a temporary liquor licence extension for the Design Exchange Intersection 2015 event to be held on Saturday, November 7, 2015, from 4:00 p.m. to 2:00 a.m. (CC.Main.TE10.118.25)

<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-55632.pdf>

(September 28, 2015) E-mail from Candace Shaw, The Distillery Historic District, regarding the Toronto Christmas Market to be held in the Distillery Historic District, 55 Mill Street from 11:00 a.m. to 1:00 a.m. on Fridays, November 20, 27, December 4, 11 and 18, 2015, Saturdays, November 21, 28, December 5, 12 and 19, 2015, and Sundays, November 22, 29, December 6, 13, and 20, 2015. (CC.Supp.TE10.118.26)

## **Motions (City Council)**

*1 - Motion to Amend Item moved by Councillor Mike Layton (Carried)*

That City Council amend Toronto and East York Community Council Recommendation A by:

a. amending Recommendation A.3 respecting the Toronto Christmas Market by deleting the dates "November 21, November 22 and November 23, 2015", and replacing them with the dates "November 20, November 21 and November 22, 2015".

b. amending Recommendation A.7 respecting the Halloween on Queen event by deleting "Tequila Bookwork, 512 Queen Street West", and adding the following two venues:

Tortilla Flats, 458 Queen Street West  
Wild Wing, 225 Queen Street West.

c. adding the following:

9. Temporary liquor licence/patio extension for The Design Exchange's Annual Fundraising Gala in the pedestrian areas within the boundaries of the TD Link inside the Toronto-Dominion Centre, on Saturday, November 7, 2015 from 4:00 p.m. to 2:00 a.m.

**Vote** (Amend Item)

Oct-02-2015 11:29 AM

<b>Result: Carried</b>	Majority Required - TE10.118 - Layton - motion 1
Yes: 40	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Rob Ford, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, Kristyn Wong-Tam
No: 0	
Absent: 5	Paul Ainslie, Vincent Crisanti, Mary Fragedakis, Giorgio Mammoliti, John Tory

*Motion to Adopt Item as Amended (Carried)*

### Declared Interests (City Council)

The following member(s) declared an interest:

Mayor John Tory - as some of the events are in respect of the Toronto Blue Jays and/or the Rogers Centre, both of which are 100% owned by the Rogers organization.

<b>TE10.119</b>	<b>ACTION</b>	Adopted on Consent		Ward: 18
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### Manufacturer's Limited Liquor Sales Licence - Henderson Brewing Co. - By the Glass Limited Licence

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council advise the Alcohol and Gaming Commission of Ontario of its support of the application from Henderson Brewing Co., 128A Sterling Road, for a Manufacturer's Limited Liquor Sales Licence for sales by the glass from 11:00 a.m. to 9:00 p.m.

#### Background Information (Community Council)

(September 8, 2015) Letter from Councillor Ana Bailão - Manufacturer's Limited Liquor Sales Licence - Henderson Brewing Co. - By the Glass Limited Licence  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83322.pdf>

TE10.120	ACTION	Adopted on Consent		Ward: 18
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### **Liquor Licence Expansion Application - 1375 Dundas Street West - Solita - File No. 802151**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for Solita, 1375 Dundas Street West ("Premises"), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal ("LAT") to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the Licence Appeal Tribunal in this matter and to take all necessary action so as to give effect to Council's decision, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

#### **Background Information (Community Council)**

(September 8, 2015) Letter from Councillor Ana Bailão - Liquor Licence Expansion Application - 1375 Dundas Street West - Solita - File No. 802151  
<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83324.pdf>

TE10.121	ACTION	Adopted		Ward: 19
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### **Review of Liquor Licence - Muzik Clubs Inc. o/a Muzik, 15 Saskatchewan Road - Licence No. 811574**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Solicitor to request the Alcohol and Gaming Commission of Ontario to issue a Notice of Proposal to suspend or revoke the liquor licence for 15 Saskatchewan Road - Muzik (the "Premises") on the grounds that the past and present conduct of the Licensee affords reasonable grounds that the business will not be operating in accordance with the law, the Licensee is carrying on activities that are in contravention of the Liquor Licence Act or its regulations, and the operation of the business is not in the public interest with regards to the needs and wishes of the residents in which the Premises is located.
2. City Council request the Alcohol and Gaming Commission of Ontario and the Licence Appeal Tribunal ("LAT") to provide the City with an opportunity to participate in any proceedings with respect to a Notice of Proposal to suspend or revoke the licence for the

Premises.

3. City Council authorize the City Solicitor to attend all proceedings before the Alcohol and Gaming Commission of Ontario or the Licence Appeal Tribunal in this matter and to take all necessary actions so as to give effect to Council's decision.

### **Background Information (Community Council)**

(September 3, 2015) Letter from Councillor Mike Layton and Councillor Gord Perks - Review of Liquor Licence - Muzik Clubs Inc. o/a Muzik, 15 Saskatchewan Road - Licence No. 811574 (<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83370.pdf>)

### **Communications (Community Council)**

(September 4, 2015) Letter from Councillor Mark Grimes, Chair, The Board of Governors of Exhibition Place (TE.Supp.TE10.121.1)

(<http://www.toronto.ca/legdocs/mmis/2015/te/comm/communicationfile-54811.pdf>)

### **Communications (City Council)**

(September 29, 2015) Letter from Zlatko Starkovski, Muzik Event Centre (CC.New.TE10.121.2)

(<http://www.toronto.ca/legdocs/mmis/2015/cc/comm/communicationfile-56476.pdf>)

(September 30, 2015) Petition from Councillor Gord Perks, Ward 14, Parkdale-High Park, headed "Close Muzik", containing the signatures of approximately 203 persons, filed during the Routine Matters portion of the meeting (CC.New)

### **Motions (City Council)**

*Motion to Adopt Item (Carried)*

TE10.126	ACTION	Adopted on Consent		Ward: 20
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## **Direction to City Planning Staff to Amend Section 37 Provisions for 328-340 Adelaide Street West Respecting Approximately 500 Square Feet of Community Space on Site**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Director, Community Planning, Toronto and East York District, to bring forward a zoning by-law amendment to the November 2015 Toronto and East York Community Council meeting pertaining to 328-340 Adelaide Street West, to amend the Section 37 provisions of By-law 890-2011 (OMB) and authorize that:

a. a cash payment of \$100,000 be allocated to the Toronto Arts Council for the purpose of capital improvements to existing Toronto Arts Council space(s) in Ward 20; and

b. a cash payment of \$235,000 be issued to the City for the purpose of community services and facilities within Ward 20, in lieu of approximately 500 square feet of community space located on site being conveyed to Toronto Arts Council.

2. City Council direct that a community meeting be held in the affected area and that notice for the statutory public meeting under the Planning Act be given according to the regulations under the Planning Act.

3. City Council request the City Solicitor to prepare an amending Section 37 agreement to secure the amended Section 37 community benefits resulting from Parts 1 and 2 above, and that the amending agreement be executed prior to introduction of the Bill in Council.

### Background Information (Community Council)

(September 4, 2015) Letter from Councillor Joe Cressy - Direction to City Planning Staff to Amend Section 37 Provisions for 328-340 Adelaide Street West Respecting Approximately 500 Square Feet of Community Space on Site

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83415.pdf>

TE10.128	ACTION	Adopted on Consent		Ward: 19
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### Liquor Licence - 214 Ossington Avenue - La Porte Resto & Bar - File No. 813842

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for 214 Ossington Avenue, operating under the name La Porte Resto & Bar (“Premises”), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal (“LAT”) to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the Licence Appeal Tribunal in this matter and to take all necessary action so as to give effect to Council's decision, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

### Background Information (Community Council)

(September 8, 2015) Letter from Councillor Mike Layton - Liquor Licence - 214 Ossington Avenue - La Porte Resto & Bar - File No. 813842

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83477.pdf>

TE10.129	ACTION	Adopted on Consent		Ward: 19
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### Car Share Spaces Approved Versus Built

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct Municipal Licensing and Standards staff to work with City Planning and Toronto Building staff to audit recently completed developments in Ward 19 to ensure that certain site specific By-law requirements, such as the required provision of car share spaces, are being implemented in accordance with applicable Zoning By-laws.

2. City Council direct the Executive Director, Municipal Licensing and Standards to report to Toronto and East York Community Council in the second quarter of 2016 with a summary of the audits of recently completed developments in Ward 19 and with recommendations to increase compliance in these and future developments.

### Background Information (Community Council)

(September 8, 2015) Letter from Councillor Mike Layton - Car Share Spaces Approved Versus Built

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83478.pdf>

TE10.131	ACTION	Adopted		Ward: 18
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### Liquor Licence Application - 1009 Dufferin Street - La Tortilleria - File No. 817507

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for La Tortilleria, 1009 Dufferin Street (“Premises”), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal (“LAT”) to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the Licence Appeal Tribunal in this matter and to take all necessary action so as to give effect to Council's decision, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

### Background Information (Community Council)

(September 8, 2015) Letter from Councillor Ana Bailão - Liquor Licence Application - 1009 Dufferin Street - La Tortilleria - File No. 817507

<http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-83493.pdf>

#### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:42 AM

<b>Result: Carried</b>	Majority Required - TE10.131 - Adopt the item
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam

No: 0	
Absent: 3	Pam McConnell, Denzil Minnan-Wong, David Shiner

### New Business - Meeting 9

CC9.1	ACTION	Deferred		Ward: All
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#### City's Contract with IBM Canada Ltd.

##### City Council Decision

City Council on September 30, October 1 and 2, 2015, deferred consideration of Item CC9.1 until the November 3 and 4, 2015 City Council meeting.

##### Background Information (City Council)

(June 1, 2015) Report from the City Solicitor on the City's Contract with IBM Canada Ltd. - Notice of Pending Report (CC9.1)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-83752.pdf>

##### Motions (City Council)

*1 - Motion to Defer Item moved by Councillor Paul Ainslie (Carried)*

That consideration of the item be deferred until the November 3 and 4, 2015 meeting of City Council.

CC9.2	ACTION	Adopted		Ward: All
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#### Appointment of Member to the Sign Variance Committee to Fill a Vacancy

##### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council appoint the following candidate to the Sign Variance Committee, at pleasure of Council, for a term of office ending on November 30, 2018 and until a successor is appointed:

- Brian Huskins.

Confidential Attachments 1 and 2 to the report (September 1, 2015) from the City Clerk remain confidential in their entirety in accordance with the provisions of the City of Toronto Act, 2006, as they relate to personal matters about identifiable individuals being considered for appointment to the Sign Variance Committee.

##### City Council Decision Advice and Other Information

Appointee's biography:

Brian Huskins has an Associate's Degree in Communications and is currently studying for his Project Management Certification at the University of Toronto. He is a successful entrepreneur who focuses on communications, stakeholder engagement, strategic planning, and project management. Brian has served on many boards and committees, including as chair of the board of directors for the Canadian AIDS Society. He has received a Queen Elizabeth II Diamond Jubilee Medal for his contributions to the community.

## Confidential Attachment - Personal matters about identifiable individuals who are being considered for appointment to the Sign Variance Committee

### Background Information (City Council)

(September 9, 2015) Decision Letter from the Tribunals Nominating Panel (CC9.2)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-83754.htm>

(September 1, 2015) Report from the City Clerk on Appointment of Member to the Sign Variance Committee to Fill a Vacancy

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-83755.pdf>

Confidential Attachment 1 - List of Candidates and Qualifications Summary, and Applications for Appointment to the Sign Variance Committee (previously distributed with item NQ1.3)

Confidential Attachment 2 - Confidential Voluntary Diversity Information Summary

(previously distributed with Item NQ1.3)

Attachment 1 - Resignation letter dated July 10, 2015 from Nicole Treksler

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-83758.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:44 AM

<b>Result: Carried</b>	Majority Required - CC9.2 - Adopt the item
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	Pam McConnell, Denzil Minnan-Wong, David Shiner

CC9.3	ACTION	Amended		Ward: All
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## Review and Analysis of Service and Working Conditions within Toronto Paramedic Services

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Chief, Toronto Paramedic Services and the Acting Executive Director, Human Resources to engage in consultation with authorized representatives of TCEU, Local 416 (CUPE), including communication with and engagement of front-line staff, including paramedics, on the Toronto Paramedic Services' Five-year Plan and the ongoing collective efforts within Toronto Paramedic Services to improve employee engagement and morale and to report back to the June 7 and 8, 2016 meeting of City Council with respect to employee engagement and morale.

### Background Information (City Council)

(September 23, 2015) Report from the City Manager and the Deputy City Manager, Cluster A on a Review and Analysis of Service and Working Conditions within Toronto Paramedic

Services and Appendix A, Summary of Third Party Reviews (CC9.3)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84175.pdf>

Attachment 1 - Toronto Paramedic Services: Crisis in the Workplace

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84226.pdf>

**Motions (City Council)**

*1 - Motion to Amend Item moved by Councillor Jim Karygiannis (Carried)*

That City Council amend CC9.3 Recommendation 1 by adding the words "including communication and engagement of front-line staff, including paramedics" and "and to report back to the proposed June 7 and 8, 2016 meeting of City Council with respect to employee engagement and morale" so that the recommendation now reads:

1. City Council request the Chief, Toronto Paramedic Services and the Acting Executive Director, Human Resources to engage in consultation with authorized representatives of TCEU, Local 416 (CUPE), including communication with and engagement of front-line staff, including paramedics, on the Toronto Paramedic Services' Five-year Plan and the ongoing collective efforts within Toronto Paramedic Services to improve employee engagement and morale and to report back to the proposed June 7 and 8, 2016 meeting of City Council with respect to employee engagement and morale.

**Vote** (Amend Item)

Oct-02-2015 1:40 PM

<b>Result: Carried</b>	Majority Required - CC9.3 - Karygiannis - motion 1
Yes: 29	Paul Ainslie, Maria Augimeri, Jon Burnside, John Campbell, Shelley Carroll, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory
No: 0	
Absent: 16	Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Raymond Cho, Josh Colle, Justin J. Di Ciano, Rob Ford, Norman Kelly, Mike Layton, Giorgio Mammoliti, Pam McConnell, Denzil Minnan-Wong, Ron Moeser, James Pasternak, David Shiner, Kristyn Wong-Tam

*Motion to Adopt Item as Amended (Carried)*

<b>CC9.4</b>	<b>ACTION</b>	Adopted		Ward: All
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**Integrity Commissioner Report on Violation of Code of Conduct: then-Mayor Rob Ford**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt a finding that Councillor Rob Ford contravened Articles XI (Conduct at Meetings) and XIV (Discreditable Conduct) for his actions on November 18, 2013 and the harm he caused to Councillor McConnell.
2. City Council adopt a finding that no further action be taken in consideration of the apologies previously provided by Councillor Rob Ford and Councillor Rob Ford's decision to make a payment to a good cause of Councillor McConnell's choice to further express regret for his actions.

3. City Council authorize the Integrity Commissioner to transmit the cheque provided by Councillor Rob Ford to the appropriate city division and to provide all instructions necessary to ensure that the funds provided are used in the manner proposed by Councillor McConnell.

### Background Information (City Council)

(September 22, 2015) Covering Report from the Integrity Commissioner on Violation of Code of Conduct: then-Mayor Rob Ford (CC9.4)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84166.pdf>

(September 22, 2015) Report from the Integrity Commissioner on Violation of Code of Conduct: then-Mayor Rob Ford

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84167.pdf>

### Motions (City Council)

*Motion to Adopt Item (Carried)*

### Declared Interests (City Council)

The following member(s) declared an interest:

Councillor Rob Ford - as the item is about him.

CC9.5	ACTION	Adopted		Ward: All
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## Report on the Recent Court Decision Dealing with the City's Holiday Shopping By-law

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the Executive Director, Municipal Licensing and Standards, in consultation with the General Manager, Economic Development and Culture and the City Solicitor, to undertake a review and to report to the Licensing and Standards Committee outlining the options available to address the concerns raised in the court ruling dealing with the City's Holiday Shopping By-law.

### Background Information (City Council)

(September 15, 2015) Report from the City Solicitor on the Recent Court Decision Dealing with the City's Holiday Shopping By-law (CC9.5)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84165.pdf>

### Communications (City Council)

(September 28, 2015) Letter from Kim Mullin, WeirFoulds LLP, Barristers and Solicitors (CC.Supp.CC9.5.1)

### Motions (City Council)

*Motion to Adopt Item (Carried)*

### Vote (Adopt Item)

Oct-01-2015 2:13 PM

<b>Result: Carried</b>	Majority Required - CC9.5 - Adopt the item
Yes: 38	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark

	Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, Kristyn Wong-Tam
No: 0	
Absent: 7	Michelle Berardinetti, Vincent Crisanti, John Filion, Rob Ford, Denzil Minnan-Wong, David Shiner, John Tory

CC9.6	ACTION	Adopted		Ward: 28
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## **75-91 King Street East - Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act - King Street East Properties (Leader Lane to Church Street) - Request for Directions**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations and Appendix B in Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor and City Council direct that the balance of Confidential Attachment 1 and Attachment A to the report (September 23, 2015) from the City Solicitor remain confidential at the discretion of the City Solicitor.

The following confidential recommendations in Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor were adopted by City Council and are now public:

1. City Council adopt the revised reasons for designation in Appendix B to the report (September 23, 2015) from the City Solicitor for 75, 79 and 91 King Street East with no changes proposed for reasons for designation for the other properties proposed to be designated between 71 - 95 King Street East.
2. City Council authorize the City Solicitor and other appropriate City Officials take the necessary steps to implement Council's decision.

Appendix B to Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor is now public and can be accessed under Background Information (City Council).

The balance of Confidential Attachment 1 and Attachment A to the report (September 23, 2015) from the City Solicitor remain confidential at the discretion of the City Solicitor in accordance with the provisions of the City of Toronto Act, 2006, as they pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality of local board and they contain advice or communications that are subject to solicitor-client privilege.

**Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice or communications that are subject to solicitor client privilege**

## Background Information (City Council)

(September 23, 2015) Report from the City Solicitor on 75-91 King Street East - Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act - King Street East Properties (Leader Lane to Church Street) - Request for Directions (CC9.6)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84117.pdf>

Confidential Attachment 1

Confidential Appendix B - made public on October 13, 2015

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84670.pdf>

## Motions (City Council)

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Sep-30-2015 10:52 AM

<b>Result: Carried</b>	Majority Required - CC9.6 - Adopt the item
Yes: 36	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson, Michael Thompson, Kristyn Wong-Tam
No: 2	Josh Colle, Gord Perks
Absent: 7	Christin Carmichael Greb, Rob Ford, Pam McConnell, Denzil Minnan-Wong, Ron Moeser, David Shiner, John Tory

## Declared Interests (City Council)

The following member(s) declared an interest:

Councillor Christin Carmichael Greb - as she is a member of the Albany Club.

Mayor John Tory - as 91 King Street East is the Albany Club and he is a member of the Club.

CC9.7	ACTION	Adopted		Ward: 27
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**By-law No. 277-2015, a By-law designating a specific area as a heritage conservation study area for a period of one year while the City completes a heritage conservation district study - Further Direction Required**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendations contained in Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor and City Council direct that the balance of Confidential Attachment 1 remain confidential at the discretion of the City Solicitor.

The following confidential recommendations in Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor were adopted by City Council and are now

public:

1. City Council direct the City Solicitor to advise the Ontario Municipal Board (the ‘OMB’) that the City agrees to exempt 2 Bloor Street West from By-law 277-2015 to the extent that permits applied for are in accordance with a City-supported OMB site specific by-law approval, provided that such by-law amendments are in full force and effect or will be in full force and effect at the time the limited exemption applies and provided that the permits applied for are in accordance and furtherance of the approved by-law and City authorized site plan approvals.
  
2. City Council authorize the City Solicitor and other appropriate City Officials take the necessary steps to implement Council's decision.

The balance of Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor remains confidential at the discretion of the City Solicitor in accordance with the provisions of the City of Toronto Act, 2006, as it pertains to litigation or potential litigation including matters before administrative tribunals, that affects the City or one of its agencies and commissions and it contains advice or communications that are subject to solicitor-client privilege.

**Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice or communications that are subject to solicitor client privilege**

**Background Information (City Council)**

(September 23, 2015) Report from the City Solicitor on By-law No. 277-2015, a By-law designating a specific area as a heritage conservation study area for a period of one year while the City completes a heritage conservation district study - Further Direction Required (CC9.7) (<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84160.pdf>)  
 Confidential Attachment 1

**Motions (City Council)**

*Motion to Adopt Item (Carried)*

CC9.8	ACTION	Amended		Ward: All
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**Court Decision regarding Uber Transportation Service**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor as amended by City Council's decision on LS6.1.
  
2. City Council direct that Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor remain confidential as it contains advice that is subject to solicitor-client privilege, and it pertains to litigation or potential litigation and City Council authorize the public release of all or a portion of the confidential instructions adopted by City Council at the discretion of the City Solicitor.

Confidential Attachment 1 to the report (September 23, 2015) from the City Solicitor remains confidential in its entirety at this time in accordance with the provisions of the City of Toronto Act, 2006, as it contains advice that is subject to solicitor-client privilege and it pertains to litigation or potential litigation. All or a portion of the confidential instructions adopted by City Council will be made public at the discretion of the City Solicitor.

### City Council Decision Advice and Other Information

City Council considered Items LS5.3, LS6.1 and CC9.8 together.

### Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice or communications that are subject to solicitor client privilege

### Background Information (City Council)

(September 23, 2015) Report from the City Solicitor on Court Decision regarding Uber Transportation Service (CC9.8)

<http://www.toronto.ca/legdocs/mmis/2015/cc/bgrd/backgroundfile-84163.pdf>

Confidential Attachment 1

### Motions (City Council)

*Motion to Adopt Item as Amended (Carried)*

### Vote (Adopt Item as Amended)

Sep-30-2015 7:47 PM

<b>Result: Carried</b>	Majority Required - CC9.8 - Adopt the item as amended by Item LS6.1
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory
No: 4	Glenn De Baeremaeker, Rob Ford, Giorgio Mammoliti, James Pasternak
Absent: 2	Denzil Minnan-Wong, Kristyn Wong-Tam

### Member Motions - Meeting 9

MM9.1	ACTION	Deferred		Ward: 7
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### Request to Protect a 250 Year Old Red Oak Tree, Thought to be the Largest and Oldest Red Oak in Toronto - by Councillor Giorgio Mammoliti, seconded by Councillor Sarah Doucette

### City Council Decision

City Council on September 30, October 1 and 2, 2015, deferred consideration of Motion MM9.1 until the November 3 and 4, 2015 City Council meeting and requested the General Manager, Parks, Forestry and Recreation to report directly to City Council on the protection afforded by the Private Tree by-law to heritage trees, including the red oak tree at 76 Coral Gable Drive.

### Background Information (City Council)

Member Motion MM9.1

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-83746.pdf>

Attachment 1 - Photographs of the Red Oak Tree

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-83747.pdf>

(April 14, 2015) Attachment 2 - Letter from David Grant, Founder and Director, Cabbagetown ReLeaf, Rob Keen, RPF, CEO, Forests Ontario and Peter Wynnyczuk, Executive Director, Ontario Urban Forest Council

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-83748.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84397.pdf>

## **Communications (City Council)**

(June 2, 2015) Submission from Councillor Giorgio Mammoliti, Ward 7, York West - North York Mirror Article on the 250-year old Red Oak Tree and photographs of the tree (MM.Main.MM9.1.1)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55071.pdf>

(June 8, 2015) Letter from Eileen Denny, Vice Chair, Confederation of Resident and Ratepayer Associations in Toronto (MM.Main.MM9.1.2)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55072.pdf>

(June 9, 2015) E-mail from Michael Brothers (MM.Main.MM9.1.3)

(June 8, 2015) Letter from David Fleming, Executive Secretary, Swansea Area Ratepayer's Association / Swansea Area Ratepayer's Group (MM.Main.MM9.1.4)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55070.pdf>

(June 10, 2015) E-mail from Michael Low (MM.Main.MM9.1.5)

(June 9, 2015) Letter from Hilde Reis-Smart, Secretary, Teddington Park Residents Association Inc. (MM.Main.MM9.1.6)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55069.pdf>

(July 4, 2015) Letter from Edith George (MM.Main.MM9.1.7)

(July 4, 2015) E-mail from Dr. John Bacher (MM.Main.MM9.1.8)

(July 4, 2015) E-mail from Mary Kelly, Land O'Lakes Garden Club (MM.Main.MM9.1.9)

(July 6, 2015) E-mail from Peter Dmytrasz, Advisor, Ontario Urban Forest Council (MM.Main.MM9.1.10)

(July 6, 2015) Letter from Melissa Williams, Program Manager, Local Enhancement and Appreciation of Forests (MM.Main.MM9.1.11)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55075.pdf>

(July 6, 2015) Letter from Giulio Villani (MM.Main.MM9.1.12)

(July 6, 2015) Letter from Rita Bijons on behalf of Green 13 (MM.Main.MM9.1.13)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55084.pdf>

(July 5, 2015) Letter from Esther Collier (MM.Main.MM9.1.14)

(July 7, 2015) Letter from Vivian Broersma (MM.Main.MM9.1.15)

(July 7, 2015) E-mail from Paula Davies (MM.Main.MM9.1.16)

(July 7, 2015) Letter from Andrew St Ledger, PRO, The Woodland League (MM.Main.MM9.1.17)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55081.pdf>

(July 7, 2015) E-mail from Rev. Wayne J. Wardell, St. Stephen's Presbyterian Church (MM.Main.MM9.1.18)

(June 7, 2015) Letter from Mike Sullivan, MP, York South-Weston (MM.Main.MM9.1.19)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55083.pdf>

(September 10, 2015) Letter from Robert Leverty, Executive Director, Ontario Historical Society (MM.Main.MM9.1.20)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55149.pdf>

(September 14, 2015) E-mail from Mary C. Korda (MM.Main.MM9.1.21)

(September 14, 2015) E-mail from Dorothy Dobbie (MM.Main.MM9.1.22)

(September 15, 2015) E-mail from Eric Davies (MM.Main.MM9.1.23)

(September 15, 2015) Letter from Rolande Smith, Vice-présidente, Société d'histoire de Toronto (MM.Main.MM9.1.24)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55153.pdf>

(September 17, 2015) E-mail from Sonia Day (MM.Main.MM9.1.25)

(September 14, 2015) E-mail from Joe Felix and Marie Felix (MM.Main.MM9.1.26)

(September 21, 2015) Letter from Pancheta Barnett, Acting Chair, Toronto-East York Community Preservation Panel (MM.Main.MM9.1.27)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55874.pdf>

(September 21, 2015) Letter from Peter Wynnyczuk, Executive Director, Ontario Urban Forest Council (MM.Main.MM9.1.28)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-55877.pdf>

(September 24, 2015) Letter from Mary Louise Ashbourne, President, Weston Historical Society (MM.Supp.MM9.1.29)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-56441.pdf>

(September 24, 2015) Letter from Alice Casselman, Founding President, Association for Canadian Educational Resources (MM.Supp.MM9.1.30)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-56445.pdf>

(September 24, 2015) Letter from Jack Radecki, Consulting Arborist (MM.Supp.MM9.1.31)

(September 24, 2015) Letter from Mario Sergio, MPP, York West (MM.Supp.MM9.1.32)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-56446.pdf>

(September 28, 2015) Letter from Janet S. Cobb, Executive Officer, California Wildlife Foundation (MM.Supp.MM9.1.33)

<http://www.toronto.ca/legdocs/mmis/2015/mm/comm/communicationfile-56463.pdf>

(September 30, 2015) E-mail from Marjorie McLeod (MM.New.MM9.1.34)

## Motions (City Council)

### 1 - Motion to Defer Item moved by Councillor Giorgio Mammoliti (*Amended*)

That consideration of the item be deferred until the November 3 and 4, 2015 meeting of City Council.

Amended by motion 1 by Councillor Doucette

### 2 - Motion to Amend Motion moved by Councillor Sarah Doucette (*Carried*)

To amend motion 1 by Councillor Giorgio Mammoliti by adding the words:

and that City Council request that the General Manager, Parks, Forestry and Recreation to report directly to City Council on the protection afforded by the Private Tree by-law to heritage trees, including the red oak tree at 76 Coral Gable Drive.

So that the motion now reads:

That consideration of the item be deferred until the November 3 and 4, 2015 meeting of City Council, and that City Council request that the General Manager, Parks, Forestry and Recreation to report directly to City Council on the protection afforded by the Private Tree by-law to heritage trees, including the red oak tree at 76 Coral Gable Drive.

MM9.2	ACTION	Adopted		Ward: 27
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**Authorization to Release Section 45 Funds for Community Benefits Projects in Ward 27 for the replacement of two metal heritage plaques in the Yorkville Neighbourhood - by Councillor Kristyn Wong-Tam, seconded by Councillor Mary Fragedakis**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the 2015 Operating Budget for Heritage Toronto by \$11,000.00 gross, \$0 net, fully funded by Section 45 Community Benefits from the Committee of Adjustment decision for 1 Bloor Street East (source account XR3028-4500124) for the replacement, installation and maintenance, two heritage plaques in the Yorkville community (cost centre #HG0001 4995).

## Background Information (City Council)

Member Motion MM9.2

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84042.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84398.pdf>

## Motions (City Council)

### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.2 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

### *Motion to Adopt Item (Carried)*

MM9.3	ACTION	Referred		Ward: All
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## Transparency and Fairness in the Constituency Services and Office Budget Policy - by Councillor Rob Ford, seconded by Councillor Stephen Holyday

## City Council Decision

City Council on September 30, October 1 and 2, 2015, referred Motion MM9.3 to the Executive Committee.

## Background Information (City Council)

Member Motion MM9.3

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84043.pdf>

## Motions (City Council)

### *Motion to Waive Referral (Lost)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.3 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

## Vote (Waive Referral)

Oct-01-2015 2:27 PM

<b>Result: Lost</b>	Two-Thirds Required - MM9.3 - Waive referral
Yes: 14	Paul Ainslie, Michelle Berardinetti, Gary Crawford, Vincent Crisanti, Justin J. Di Ciano, Rob Ford, Mark Grimes, Stephen Holyday, Mary-Margaret McMahon, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Jaye Robinson
No: 27	Maria Augimeri, Ana Bailão, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Joe Cressy, Janet Davis,

	Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Joe Mihevc, Ron Moeser, Gord Perks, Michael Thompson, John Tory, Kristyn Wong-Tam
Absent: 4	John Fillion, Giorgio Mammoliti, Denzil Minnan-Wong, David Shiner

MM9.4	ACTION	Adopted		Ward: 5
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**Zoning By-law Amendment for Reallocation of Section 37 Funds from the Development at 2 Fieldway Road for Capital Improvements in Ward 5 - by Councillor Justin J. Di Ciano, seconded by Councillor Vincent Crisanti**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Director, Community Planning, Etobicoke York District to bring forward a zoning by-law amendment to the Etobicoke York Community Council pertaining to 2 Fieldway Road, to amend the Section 37 provisions of By-law 963-2006 to authorize additional capital streetscape improvements with respect to the funds previously secured specifically for streetscape improvements along Bloor Street West.
2. City Council direct that a community meeting be held in the affected area and that notice for the statutory public meeting under the Planning Act be given according to the regulations under the Planning Act.
3. City Council request the City Solicitor to prepare an amending Section 37 agreement to secure the amended Section 37 community benefits resulting from Parts 1 and 2, above, and that the amending agreement be executed prior to introduction of the Bill in City Council.

**Background Information (City Council)**

Member Motion MM9.4

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84044.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.4 be referred to the Etobicoke York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

**Vote (Waive Referral)**

Oct-01-2015 2:29 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.4 - Waive referral
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 2	John Campbell, Glenn De Baeremaeker
Absent: 4	John Fillion, Giorgio Mammoliti, Denzil Minnan-Wong, David Shiner

*Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-01-2015 2:30 PM

<b>Result: Carried</b>	Majority Required - MM9.4 - Adopt the item
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 5	John Fillion, Giorgio Mammoliti, Denzil Minnan-Wong, Jaye Robinson, David Shiner

<b>MM9.5</b>	ACTION	Adopted		Ward: 5
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**Release of Section 37 Funds for Local Streetscape Improvements on The Queensway - by Councillor Justin J. Di Ciano, seconded by Councillor Jon Burnside**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the 2015 approved Capital Budget for Transportation Services on a one-time basis by \$203,702.20 gross, \$0 net, (CTP415-02 Neighbourhood Improvements) in order to install landscaped medians on The Queensway (Parker Avenue and Dorchester) fully funded by Section 37 (Planning Act Reserve Funds) community benefits from the following developments:

- a. 35 Fieldway Road, secured for local traffic calming measures with any balance for local park improvements, in the amount of \$ \$25,579.54 (source account XR3026-3700446);
- b. 1050 The Queensway, secured for public art and/or streetscape improvements, in the amount of \$2,200.29 (source account XR3026-3700014); and
- c. 7-11, 13-15, 19-25, 33-35 Zorra Street and part of 45 Zorra Street, secured For local park improvements, streetscape improvements, public art or affordable housing, in the amount of \$175,912.37 (source account XR3026- 3700582).

**Background Information (City Council)**

Member Motion MM9.5

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84045.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84399.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.5 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

**Vote** (Waive Referral)

Oct-01-2015 2:31 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.5 - Waive referral
Yes: 41	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	John Campbell
Absent: 3	John Fillion, Denzil Minnan-Wong, David Shiner

*Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-01-2015 2:32 PM

<b>Result: Carried</b>	Majority Required - MM9.5 - Adopt the item
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	John Fillion, Giorgio Mammoliti, David Shiner

<b>MM9.6</b>	<b>ACTION</b>	Adopted		Ward: All
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### **Honouring the Contribution of Canadian Women - by Councillor Mary Fragedakis, seconded by Councillor Sarah Doucette**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Bank of Canada to feature Canadian women on our bank notes in order to proudly reflect the important and valued contributions of Canadian women in our society.

**Background Information (City Council)**

Member Motion MM9.6

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84047.pdf>

**Motions (City Council)***Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.6 be referred to the Executive Committee. A two-thirds vote of the

Council Members present is required to waive referral.

**Vote** (Waive Referral)

Oct-01-2015 2:33 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.6 - Waive referral
Yes: 34	Paul Ainslie, Maria Augimeri, Michelle Berardinetti, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Pam McConnell, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, Kristyn Wong-Tam
No: 8	Ana Bailão, Jon Burnside, John Campbell, Josh Colle, Frank Di Giorgio, Josh Matlow, Mary-Margaret McMahan, John Tory
Absent: 3	John Fillion, Giorgio Mammoliti, David Shiner

*Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-01-2015 2:34 PM

<b>Result: Carried</b>	Majority Required - MM9.6 - Adopt the item
Yes: 38	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Pam McConnell, Mary-Margaret McMahan, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 3	John Campbell, Shelley Carroll, Josh Matlow
Absent: 4	John Fillion, Rob Ford, Giorgio Mammoliti, David Shiner

<b>MM9.7</b>	<b>ACTION</b>	Adopted		Ward: 32
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**Permission for the Installation and Maintenance of a Basketball Net Fronting 7 Brookside Drive - by Councillor Mary-Margaret McMahan, seconded by Councillor Stephen Holyday**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the General Manager, Transportation Services to grant permission for the installation and maintenance of the basketball net fronting 7 Brookside Drive located behind the public sidewalk.
2. City Council authorize the General Manager, Transportation Services to enter into an encroachment agreement with the owners of 7 Brookside Drive, agreeing to but not limited to the following:
  - a. indemnify the City from and against all actions, suits, claims or demands and from all loss, costs, damages, and expenses that may result from such permission and providing of an insurance policy for such liability for the lifetime of the agreement;
  - b. maintain the encroachment at their own expense in good repair and a condition satisfactory to the General Manager, Transportation Services without any additions

and/or modifications and if deemed necessary, the General Manager, Transportation Services;

c. remove the encroachment upon receiving 90 days written notice to do so; and

d. waive any fees associated with cost of preparing the Agreement and the registration of the Agreement on title.

3. City Council direct the City Solicitor to prepare and execute the Encroachment Agreement.

### Background Information (City Council)

Member Motion MM9.7

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84057.pdf>

### Motions (City Council)

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.7 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

MM9.8	ACTION	Referred		Ward: All
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### Support for Condo Dwellers through the creation of Condo Clinics - by Councillor Shelley Carroll, seconded by Councillor Kristyn Wong-Tam

### City Council Decision

City Council on September 30, October 1 and 2, 2015, referred Motion MM9.8 to the Executive Committee.

### Background Information (City Council)

Member Motion MM9.8

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84010.pdf>

### Motions (City Council)

#### *Motion to Waive Referral (Lost)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.8 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

### Vote (Waive Referral)

Oct-01-2015 2:37 PM

<b>Result: Lost</b>	Two-Thirds Required - MM9.8 - Waive referral
Yes: 27	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Cesar Palacio, Gord Perks, Anthony Perruzza, Kristyn Wong-Tam
No: 16	Paul Ainslie, John Campbell, Josh Colle, Gary Crawford, Justin J. Di Ciano, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Giorgio Mammoliti, Ron Moeser, Frances Nunziata (Chair), James Pasternak, Jaye Robinson, Michael Thompson, John Tory

Absent: 2

Rob Ford, David Shiner

MM9.9	ACTION	Adopted		Ward: All
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## Making a Splash: Public Access to Private Pools - by Councillor Shelley Carroll, seconded by Councillor Justin J. Di Ciano

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the General Manager, Parks, Forestry and Recreation and the City Solicitor to report to the Community Development and Recreation Committee on what would be required to manage the risk and legal concerns if an agreement was struck between the City of Toronto and a condo board for public use of its swimming facilities.
2. City Council request the General Manager, Parks, Forestry and Recreation to report on staff's ability to provide swimming instruction programs if such an agreement as outlined in Part 1 above were negotiated.

### Background Information (City Council)

Member Motion MM9.9

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84058.pdf>

### Motions (City Council)

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.9 be referred to the Community Development and Recreation Committee. A two-thirds vote of the Council Members present is required to waive referral.

### Vote (Waive Referral)

Oct-01-2015 2:38 PM

Result: Carried	Two-Thirds Required - MM9.9 - Waive referral
Yes: 31	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Cesar Palacio, Gord Perks, Anthony Perruzza, Michael Thompson, Kristyn Wong-Tam
No: 11	John Campbell, Josh Colle, Gary Crawford, Frank Di Giorgio, Mark Grimes, Giorgio Mammoliti, Mary-Margaret McMahan, Frances Nunziata (Chair), James Pasternak, Jaye Robinson, John Tory
Absent: 3	John Fillion, Rob Ford, David Shiner

#### *Motion to Adopt Item (Carried)*

MM9.10	ACTION	Adopted		Ward: All
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## Endorsing the Urban Food Policy Pact from Expo Milan 2015 - by Councillor Mary Fragedakis, seconded by Councillor Mary-Margaret McMahan

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council endorse the Milan Urban Food Policy Pact in Attachment 1 to Motion MM9.10.

### Background Information (City Council)

Member Motion MM9.10

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84075.pdf>

Attachment 1 - Milan Urban Food Policy Pact

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84227.pdf>

### Motions (City Council)

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.10 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

#### Vote (Waive Referral)

Oct-01-2015 2:40 PM

Result: Carried	Two-Thirds Required - MM9.10 - Waive referral
Yes: 37	Paul Ainslie, Maria Augimeri, Ana Bailão, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 5	Michelle Berardinetti, John Campbell, Norman Kelly, Giorgio Mammoliti, Denzil Minnan-Wong
Absent: 3	John Fillion, Rob Ford, David Shiner

#### *Motion to Adopt Item (Carried)*

MM9.11	ACTION	Adopted		Ward: 38
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### **Zoning By-law Amendment for Reallocation of Section 37 Funds, from Various Developments, for Capital Improvements in Ward 38 - by Councillor Glenn De Baeremaeker, seconded by Councillor Josh Matlow**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Director, Community Planning, Scarborough District, to bring forward zoning by-law amendments to the Scarborough Community Council pertaining to 1, 8, 10 and 18 Lee Centre Drive, 83 Borough Drive, and 50 and 60 Brian Harrison Way (Borough Drive) to amend the Section 37 provisions to authorize additional capital improvements with respect to the funds previously secured but no longer needed for the original purposes.
2. City Council request the Director, Community Planning, Scarborough District, in consultation with other affected Divisions and program staff, to consider the allocation of

uncommitted funds pertaining to the Section 37 provisions for additional community benefits which will benefit the community in the vicinity of the developments, including:

- a. local park and community facilities improvements;
- b. Scarborough Civic Centre streetscape improvements;
- c. public library improvements;
- d. community gardens;
- e. pedestrian and cycling facilities; and
- f. animal shelters.

with the intent to recommend any amendments to the by-laws to reflect current community needs and to co-ordinate these community benefits effectively with the community benefits that have been secured through other Section 37 Agreements which affect the local area.

3. City Council direct that a community meeting be held in the affected area and that notice for the statutory public meeting under the Planning Act be given according to the regulations under the Planning Act.

4. City Council request the City Solicitor to prepare agreements amending the respective Section 37 agreements to secure the amended Section 37 community benefits resulting from Parts 1, 2 and 3 above, and that the amending agreement be executed prior to introduction of the Bill in Council.

### **Background Information (City Council)**

Member Motion MM9.11

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84089.pdf>

### **Motions (City Council)**

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.11 be referred to the Scarborough Community Council. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

<b>MM9.12</b>	<b>ACTION</b>	Adopted		Ward: 38
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**Release of Section 37 and Section 45 Planning Act Reserve Funds from Various Developments for Community Benefit Projects in Ward 38 - by Councillor Glenn De Baeremaeker, seconded by Councillor Josh Matlow**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. Council increase the 2015 Approved Capital Budget for Toronto Public Library by \$150,000 gross, \$0 net, fully funded by Section 37 and Section 45 community benefits from the

developments at 1340, 1350 and 1360 Danforth Road (\$100,000 from source Account Number XR3026- 3700700) and at 1 and 2 Meadowglen Place (\$50,000 from source account number XR3028-4500172), secured for improvements to Bendale Library, including protective fencing around the reading garden and computer/shelving/furnishings upgrades for library users.

2. City Council increase the 2015 Approved Operating Budget for Shelter Support and Housing Administration by \$80,000 gross, \$0 net, for transfer to Toronto Community Housing, fully funded by Section 37 community benefits from the development at 1340, 1350 and 1360 Danforth Road (source Account Number XR3026- 3700702), secured for Toronto Community Housing Corporation improvements and other matters, to help build an outdoor playground for local children.

3. City Council direct that the \$80,000 be forwarded to TCHC, subject to TCHC signing an Undertaking governing the use of the funds and the financial reporting requirements.

4. City Council increase the approved 2015 Operating Budget for Non-Program by \$27,371.93 gross, \$0 net, fully funded by Section 37 community benefits obtained from the developments at 740 Progress Avenue (\$902.69 from Source Account: XR3026-3700149) and (\$6,469.24 from source Account: XR3026-3700148) and from the development at 1340, 1350 and 1360 Danforth Road (\$20,000 from source Account Number XR3026- 3700702) for the purpose of forwarding funds to the South Asian Autism Awareness Centre at 1970 Ellesmere Road. Section 37 funds will be used for capital improvements to the centre including recreation, facility and office improvements. (cost centre NP-2161).

5. City Council direct that the \$27,371.93 be forwarded to South Asian Autism Awareness Centre, subject to the Autism Awareness Centre signing an Undertaking governing the use of the funds and the financial reporting requirements.

6. Council increase the 2015 Approved Capital Budget for Transportation Services by \$110,621.50 gross, \$0 net, fully funded by Section 37 community benefits from the developments at 50, 60, 70 Town Centre Court, (\$10,621.50 from source Account Number XR3026- 3700074) and at 1340, 1350 and 1360 Danforth Road (\$100,000 from source Account Number XR3026- 3700701) for the Trudelle Street Piazza. The Section 37 funds will be used for landscaping, grading, shade structures, public art and/or a water feature (cost centre CTP415-02).

7. City Council increase the approved 2015 Operating Budget for Non-Program by \$100,000 gross, \$0 net, fully funded by Section 37 and Section 45 community benefits obtained from the developments at 1340, 1350 and 1360 Danforth Road (\$50,000 from source account number XR3026- 3700704) and at 1 and 2 Meadowglen Place (\$50,000 from source Account: XR3028-4500171) and for the purpose of forwarding funds to the Toronto Feral Cat Recovery Centre. The Section 37 funds will be used for improvements such as cages, traps, a vehicle, and odour control (cost centre NP-2161).

8. City Council direct that the \$100,000 be forwarded to Toronto Feral Cat Recovery Centre, subject to the Recovery Centre signing an Undertaking governing the use of the funds and the financial reporting requirements.

9. City Council amend the 2015 Approved Capital Budget for Parks, Forestry and Recreation by adding a new project titled McCowan Park New Pathway, with a project cost of \$100,062 and pre-approved cash flow of \$10,000 in 2015 and \$90,062 in 2016; funded by Section 37 community benefits from the developments at 50, 60, 70 Town Centre Court, (\$62 from source account number XR3026-3700076) and 1340, 1350 and 1360 Danforth Road (\$100,000 from source account number XR3026-3700703).

10. City Council increase the 2015 Approved Capital Budget for Facilities Management by \$23.55 gross, \$0 net, fully funded by Section 37 community benefits from the development at 50,60,70 Town Centre Court, (source Account Number XR3026- 3700078) for the purpose of Albert Campbell Park improvements. The residual funds will help build the new park infrastructure, including a children's playground (cost centre CCA204-05).

11. City Council increase the 2015 Approved Capital Budget for Toronto and Region Conservation Authority by \$206,204.62 gross, \$0 net, fully funded by Section 37 community benefits from the development at 1 and 2 Meadowglen Place (from source Account Number XR3026-3700698). Section 37 funds will be used for improvements such as habitat restoration, meadowland planting, hiking trails and habitat structures such as song bird nesting boxes.

12. City Council increase the 2015 Approved Capital Budget for the Toronto Transit Commission account CTT063-1 Other Service planning by \$77,326.73 gross, \$0 net, fully funded by Section 37 community benefits from the development at 1 and 2 Meadowglen Place (source Account Number XR3026- 3700699) for the installation of a transit priority signal at three intersections in the vicinity of the Site as referenced in the memorandum of the Toronto Transit Commission dated August 7, 2011 (Account 61990050).

### Background Information (City Council)

Revised Member Motion MM9.12

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84090.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84371.pdf>

### Motions (City Council)

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.12 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.13	ACTION	Adopted		Ward: 14
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### Release of Section 45 Funds for a Playground Enhancement in Masaryk Cowan Park - by Councillor Gord Perks, seconded by Councillor Mike Layton

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend the approved 2015 Capital Budget for Parks, Forestry and Recreation to increase the project cost for the "Play Equipment Program FY2015" from \$2,175,000 to \$2,193,100, fully funded by Section 45 funds obtained in the development at 1100 King Street West (source account: XR3028-4500017), for the purpose of purchasing and installing a playground equipment at Masaryk Cowan Park and for undertaking preparations to the park to allow for the installation.

### Background Information (City Council)

Revised Member Motion MM9.13

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84091.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84372.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.13 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

**Vote (Waive Referral)**

Oct-01-2015 2:42 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.13 - Waive referral
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	John Fillion, Rob Ford, David Shiner

*Motion to Adopt Item (Carried)*

<b>MM9.14</b>	ACTION	Adopted		Ward: All
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**Amendments to the Board Governance Structures of the City's Civic Theatre Boards - by Councillor Jaye Robinson, seconded by Councillor Vincent Crisanti**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend the Board Governance Structure for the boards of Civic Theatres Toronto, Hummingbird (Sony) Centre for the Performing Arts, St. Lawrence Centre for the Arts, and Toronto Centre for the Arts as follows:

a. by changing the effective date of the thirteen-member board compositions from November 6, 2015 to a date effective when City Council appoints the initial eight public members; and

b. by deleting from the list of ineligibility criteria, the criterion "the person is a supplier of goods or services to the performing arts sector;" and replacing it with the criterion "the person is a supplier of goods or services to the City's theatre facilities", so that the list of ineligibility criteria now reads as follows:

"Citizens are ineligible for appointment, and may not continue to serve as a member of the Board, if any of the following conditions apply to them or their immediate family members:

- the person is a supplier of goods or services to the City's theatre facilities;
- the person has an employment relationship with another performing arts theatre;
- the person has an employment, directorship, ownership or controllership interest in an organization that has an interest in performing or producing live performing arts at the City's theatre facilities."

2. City Council authorize the City Solicitor to introduce the necessary Bills to amend By-laws or Municipal Code Chapters, to give effect to Council's decision.

**City Council Decision Advice and Other Information**

City Council re-opened Item EX7.15 adopted by City Council on July 7, 8 and 9, 2015, for further consideration only as it relates to the eligibility criteria and effective date of the 13-member theatre board compositions.

**Background Information (City Council)**

Member Motion MM9.14

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84094.pdf>

**Motions (City Council)**

*Motion to Re-open Item (Carried)*

Speaker Nunziata advised Council that consideration of Motion MM9.14 requires a re-opening of Item EX7.15 (City Council – July 7, 8 and 9, 2015). A two-thirds vote of the Council Members present is required to re-open the Item.

**Vote** (Re-open Item)

Oct-01-2015 2:44 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.14 - Re- open Item EX7.15
Yes: 41	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 2	Josh Matlow, Ron Moeser
Absent: 2	Rob Ford, David Shiner

*Motion to Adopt Item (Carried)*

<b>MM9.15</b>	ACTION	Adopted		Ward: 14
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**AGCO Liquor Licence Application for the premises at 1345 Queen Street West - by Councillor Gord Perks, seconded by Councillor Shelley Carroll**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario (AGCO) that the issuance of a liquor licence for A+ Sushi, 1345 Queen Street West is not in the public interest having regard to the needs and wishes of the residents unless conditions are placed on the licence and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal (LAT) to provide the City of Toronto with an opportunity to be made party to any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor and to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary actions so as to give effect to Council's decision, including adding conditions to any liquor licence issued for the Premises.

### **Background Information (City Council)**

Member Motion MM9.15

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84147.pdf>

### **Motions (City Council)**

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.15 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

<b>MM9.16</b>	<b>ACTION</b>	Adopted		Ward: 28
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### **Request to accept donated funds from Weston Family Parks Challenge (W. Garfield Weston Foundation) for the Franklin the Turtle's Habitat Pond Revitalization Project at Franklin Children's Garden on Toronto Island Park - by Councillor Pam McConnell, seconded by Councillor Gary Crawford**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council accept the donation of \$515,000 from the W. Garfield Weston Foundation and authorize expenditure of the donated funds to undertake revitalization of the wetland area within the Franklin Children's Garden.
2. City Council authorize the General Manager, Parks, Forestry and Recreation to enter into an agreement with W. Garfield Weston Foundation in compliance with the Donations to the City of Toronto for Community Benefits Policy to spend the donated funds for the Turtle Pond Revitalization Project on terms and conditions satisfactory to the General Manager, Parks, Forestry and Recreation, and in a form and content satisfactory to the City Solicitor.
3. City Council amend the 2015 Parks, Forestry and Recreation Capital Budget to increase the project cost for the "Weston Family Donations" (CPR117-44-87) project from \$400,000 to \$515,000, funded from the W. Garfield Weston Foundation donation, and with a cash flow of \$115,000 in 2016.

## Background Information (City Council)

Member Motion MM9.16

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84148.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84373.pdf>

## Motions (City Council)

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.16 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.17	ACTION	Adopted		Ward: All
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**City Council support efforts by Barrier-Free Canada/Canada Sans Barrières (BFC/CSB) to urge the new Parliament of Canada to enact The Canadians with Disabilities Act (CDA) - by Councillor Jim Karygiannis, seconded by Councillor Kristyn Wong-Tam**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council support efforts by Barrier-Free Canada/Canada Sans Barrières (BFC/CSB) to urge the new Parliament of Canada to enact The Canadians with Disabilities Act (CDA).

## Background Information (City Council)

Member Motion MM9.17

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84149.pdf>

## Motions (City Council)

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.17 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.18	ACTION	Not Adopted		Ward: All
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**Maintaining Hydro One's Public Accountability - Removal of Matter from Committee - by Councillor Kristyn Wong-Tam, seconded by Councillor Janet Davis**

## City Council Decision

Motion MM9.18 was not adopted by City Council on September 30, October 1 and 2, 2015, as the procedural motion to remove Item EX6.21 from the jurisdiction of the Executive Committee, lost.

## Background Information (City Council)

Revised Member Motion MM9.18

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84192.pdf>)

## Communications (City Council)

(September 30, 2015) Letter from Rosario Marchese (MM.New.MM9.18.1)

## Motions (City Council)

*Motion to Remove from Committee moved by Councillor Kristyn Wong-Tam (Lost)*

That, in accordance with Section 27-60 of Chapter 27, Council Procedures, City Council remove Item EX6.21 from the Executive Committee and bring the Item forward for consideration by City Council at the September 30 and October 1 and 2, 2015 meeting.

**Vote** (Remove from Committee)

Oct-01-2015 4:16 PM

<b>Result: Lost</b>	Two-Thirds Required - MM8.18 - Remove the matter from committee
Yes: 14	Maria Augimeri, Shelley Carroll, Joe Cressy, Janet Davis, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mike Layton, Chin Lee, Pam McConnell, Joe Mihevc, Gord Perks, Anthony Perruzza, Kristyn Wong-Tam
No: 25	Paul Ainslie, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Josh Colle, Gary Crawford, Vincent Crisanti, Justin J. Di Ciano, Frank Di Giorgio, John Filion, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), James Pasternak, Jaye Robinson, Michael Thompson, John Tory
Absent: 6	Ana Bailão, Raymond Cho, Glenn De Baeremaeker, Rob Ford, Cesar Palacio, David Shiner

*Motion to End Debate moved by Councillor James Pasternak (Lost)*

That in accordance with the provisions of Chapter 27, Council Procedures, City Council end the debate on the procedural motion by Councillor Wong-Tam and take the vote immediately.

**Vote** (End Debate)

Oct-01-2015 3:34 PM

<b>Result: Lost</b>	Two-Thirds Required - MM9.18 - End debate on motion to remove from committee
Yes: 22	Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Josh Colle, Gary Crawford, Vincent Crisanti, Justin J. Di Ciano, Frank Di Giorgio, John Filion, Mark Grimes, Stephen Holyday, Norman Kelly, Chin Lee, Mary-Margaret McMahon, Denzil Minnan-Wong, Ron Moeser, James Pasternak, Jaye Robinson, Michael Thompson, John Tory
No: 16	Paul Ainslie, Maria Augimeri, Shelley Carroll, Raymond Cho, Joe Cressy, Janet Davis, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mike Layton, Josh Matlow, Pam McConnell, Joe Mihevc, Frances Nunziata (Chair), Gord Perks, Kristyn Wong-Tam
Absent: 7	Glenn De Baeremaeker, Rob Ford, Jim Karygiannis, Giorgio Mammoliti, Cesar Palacio, Anthony Perruzza, David Shiner

*Point of Order by Councillor Janet Davis*

Councillor Davis, rising on a Point of Order, stated that she needed clarification on when Council would debate this item, now or once the Members Motions were completed.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that the debate on the procedural motion would take place once the Member Motions were completed.

*Point of Order by Councillor Giorgio Mammoliti*

Councillor Mammoliti, rising on a Point of Order, asked why this item is under Notices of Motion and how it can come forward before a year has passed.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Points of Order and requested the City Clerk to provide clarification. The City Clerk advised that MM9.18 was a procedural motion to remove a matter from Committee. The Executive Committee had indefinitely deferred the item and therefore, Executive Committee continued to have jurisdiction for this subject matter. The matter had not come forward to Council. A two-thirds vote is required to remove the item from Executive Committee's jurisdiction. The City Clerk further advised that this motion is the way a Member can bring an item forward if the item wasn't dealt with to the satisfaction of a Member.

*Point of Privilege by Councillor Gord Perks*

Councillor Perks, rising on a Point of Privilege, stated that he is proud to speak in support of organized labour. Councillor Perks further stated that Deputy Mayor Minnan-Wong's remarks that Members have been told what to do in the Chamber are inappropriate and should be withdrawn.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and permitted Deputy Mayor Minnan-Wong to clarify his comments.

*Point of Privilege by Councillor Maria Augimeri*

Councillor Augimeri, rising on a Point of Privilege, stated that in photographs she has seen, Deputy Mayor Minnan-Wong has a much closer relationship to organized labour than herself.

*Point of Order by Councillor James Pasternak*

Councillor Pasternak, rising on a Point of Order, asked Speaker Nunziata if the debate was only related to whether to remove the Item from Executive Committee.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Order and ruled that the debate was only on whether to remove the item from Executive Committee.

MM9.19	ACTION	Adopted		Ward: All
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**Amendment to the Composition and Terms of Reference for the Toronto Film, Television and Digital Media Board - by Councillor Paula Fletcher, seconded by Councillor Gary Crawford**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend the terms of reference for the Toronto Film, Television and Digital Media Board by:

- a. increasing the number of public members from eighteen to twenty; and
- b. amending Section B-3 so that it now reads as follows:

"Citizen members appointed to the Film Board sit as individuals, unless appointed as representatives of specific organizations, and should have

experience and knowledge in one or more of the following areas:

- Production and postproduction;
- Studios;
- Artist associations;
- Unions and Guilds;
- Marketing and promotion firms;
- Communications, media and content deliverers (broadcasters, cable, telecom and internet companies);
- Digital Media;
- Educational and training institutions;
- Suppliers;
- Financiers and funders;
- Copyright owners;
- Support services (e.g. legal, financial, accounting, physical and technical infrastructure companies); and
- Partners (e.g. local business, film festivals)."

2. City Council appoint the following representatives as members of the Toronto Film, Television and Digital Media Board, for a term of office ending on November 30, 2018:

- Chief Executive Officer or designate, Film Ontario; and
- President or designate, Computer Animation Studios of Ontario.

### **City Council Decision Advice and Other Information**

City Council re-opened Item EX2.1 adopted by City Council on February 10 and 11, 2015, for further consideration only as it pertains to the composition and Terms of Reference in Appendix D for the Film, Television and Digital Media Board.

### **Background Information (City Council)**

Member Motion MM9.19

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84119.pdf>

### **Motions (City Council)**

*Motion to Re-open Item (Carried)*

Speaker Nunziata advised Council that consideration of Motion MM9.19 requires a re-opening of Item EX2.1 (City Council – February 10 and 11, 2015). A two-thirds vote of the Council Members present is required to re-open the Item.

**Vote** (Re-open Item)

Oct-01-2015 2:53 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.19 - Re-open Item EX2.1
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Yes: 40	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 2	Giorgio Mammoliti, Denzil Minnan-Wong
Absent: 3	Paul Ainslie, Rob Ford, David Shiner

*Motion to Adopt Item (Carried)*

MM9.20	ACTION	Referred		Ward: All
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**Creation of Privately Operated Kiosks on Public Rights-of-Way - by Councillor Michelle Berardinetti, seconded by Councillor Gary Crawford**

**City Council Decision**

City Council on September 30, October 1 and 2, referred Motion MM9.20 to the Public Works and Infrastructure Committee.

**Background Information (City Council)**

Member Motion MM9.20

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84168.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Lost)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.20 be referred to the Public Works and Infrastructure Committee. A two-thirds vote of the Council Members present is required to waive referral.

**Vote (Waive Referral)**

Oct-01-2015 2:55 PM

<b>Result: Lost</b>	Two-Thirds Required - MM9.20 - Waive referral
Yes: 25	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Raymond Cho, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mary Fragedakis, Stephen Holyday, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Anthony Perruzza, Michael Thompson, John Tory
No: 16	Jon Burnside, John Campbell, Shelley Carroll, Josh Colle, Joe Cressy, Janet Davis, Paula Fletcher, Mark Grimes, Jim Karygiannis, Pam McConnell, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Gord Perks, Jaye Robinson, Kristyn Wong-Tam
Absent: 4	Paul Ainslie, John Filion, Rob Ford, David Shiner

MM9.21	ACTION	Adopted		Ward: 30
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**Renaming the Toronto Community Housing Corporation Building at 39 Harcourt Avenue to Foley Place - by Councillor Paula Fletcher, seconded by Councillor Ana Bailão**

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Board of Directors of the Toronto Community Housing Corporation to consider renaming the building at 39 Harcourt Avenue to "Foley Place" and request that the Board consider this request at its earliest opportunity.

## Background Information (City Council)

Member Motion MM9.21

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84169.pdf>

## Motions (City Council)

### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.21 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

### *Motion to Adopt Item (Carried)*

MM9.22	ACTION	Adopted		Ward: 20
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## Grange Park Revitalization - Proposed dogs off-leash area - by Councillor Joe Cressy, seconded by Councillor Mike Layton

## City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the General Manager, Parks, Forestry and Recreation to work in consultation with the local Councillor and the Grange Park Advisory Committee toward the construction of a unique, enclosed dog off-leash area in Grange Park, in conjunction with the Grange Park revitalization, led by the Grange Park Advisory Committee.

## Background Information (City Council)

Member Motion MM9.22

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84170.pdf>

## Motions (City Council)

### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.22 be referred to the Parks and Environment Committee. A two-thirds vote of the Council Members present is required to waive referral.

## Vote (Waive Referral)

Oct-01-2015 2:57 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.22 - Waive referral
Yes: 40	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser,

	Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 2	John Campbell, Jaye Robinson
Absent: 3	Paul Ainslie, John Filion, David Shiner

*Motion to Adopt Item (Carried)*

MM9.23	ACTION	Adopted		Ward: 6
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**The Shoreline: Request for the City of Toronto and the Toronto Transit Commission to provide improved transit for the City of Toronto's western waterfront - by Councillor Mark Grimes, seconded by Councillor Josh Colle**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the City Manager and the Chief Executive Officer, Toronto Transit Commission to report back in November 2015, to the Toronto Transit Commission with a status update on:

- a. relocating the current TTC Humber Loop to Park Lawn Road and Lake Shore Boulevard West, such report to contain cost projections and timelines for relocation; and
- b. "Closing the Gap" on a dedicated right-of-way from St. Joseph Hospital to Exhibition Place and connecting options.

**Background Information (City Council)**

Member Motion MM9.23

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84171.pdf>

**Communications (City Council)**

(September 30, 2015) Petition from Councillor Mark Grimes, Ward 6, Etobicoke-Lakeshore, headed "Shoreline Support Motion 11, the relocation of the Humber Loop to Park Lawn Road and Lake Shore Boulevard West", containing the signatures of approximately 1,604 persons, filed during the Routine Matters portion of the meeting (MM.New)

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.23 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

**Vote (Waive Referral)**

Oct-01-2015 2:58 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.23 - Waive referral
Yes: 38	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James

	Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 4	Jon Burnside, John Campbell, Mike Layton, Ron Moeser
Absent: 3	Paul Ainslie, John Fillion, David Shiner

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 12:24 PM

<b>Result: Carried</b>	Majority Required - MM9.23 - Adopt the item
Yes: 38	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Ron Moeser
Absent: 6	Paul Ainslie, Raymond Cho, Josh Colle, Rob Ford, Mary Fragedakis, Giorgio Mammoliti

<b>MM9.24</b>	<b>ACTION</b>	<b>Adopted</b>		<b>Ward: 20</b>
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**AGCO Liquor Licence Application - 126 Spadina Avenue, Unit A103 - Kupfert and Kim - File # 817428 - by Councillor Joe Cressy, seconded by Councillor Gord Perks**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for Kupfert and Kim, 126 Spadina Avenue, Unit A103 (“Premises”), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal (“LAT”) to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises at 126 Spadina Avenue, Unit A103.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary action so as to give effect to Council's decision, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

**Background Information (City Council)**

Member Motion MM9.24

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84173.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.24 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 3:00 PM

<b>Result: Carried</b>	Majority Required - MM9.24 - Adopt the item
Yes: 42	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	Paul Ainslie, John Fillion, David Shiner

<b>MM9.25</b>	ACTION	Adopted		Ward: 27
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**Release of Section 37 Funds from Various Developments to TCHC for Capital Improvements to the TCHC Building at 257 Dundas Street East - by Councillor Kristyn Wong-Tam, seconded by Councillor Shelley Carroll**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the 2015 Approved Operating Budget for Non-Program on a one-time basis by \$253,120.89 gross, \$0 net, fully funded by Section 37 (Planning Act Reserve Funds) community benefits from 64-70 Shuter Street (source account XR3026-3700664) for transfer to Egale Human Rights Trust in order help renovate and retrofit the TCHC owned property at 257 Dundas Street to create a 30 bed transitional housing facility for LGBTQ2S homeless youth (cost centre NP-2161).
2. City Council direct that the \$253,120.89 be forwarded to Egale Human Rights Trust, subject to Egale signing an Undertaking governing the use of the funds and the financial reporting requirements.

**Background Information (City Council)**

Member Motion MM9.25

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84172.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84374.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.25 be referred to the Executive Committee. A two-thirds vote of the

Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 3:01 PM

<b>Result: Carried</b>	Majority Required - MM9.25 - Adopt the item
Yes: 42	Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	Paul Ainslie, John Filion, David Shiner

<b>MM9.26</b>	<b>ACTION</b>	<b>Adopted</b>		Ward: 20
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**Objection to AGCO Liquor Licence Application - 232 Wellington Street West - JZ's Pizza - File # 812070 - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for 232 Wellington Street West, operating under the name JZ's Pizza ("Premises"), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal ("LAT") to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises at 232 Wellington Street West.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary action so as to give effect to this Motion, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

**Background Information (City Council)**

Revised Member Motion MM9.26

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84174.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.26 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.27	ACTION	Adopted		Ward: 20
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**AGCO Liquor Licence Application - 438 Dundas Street West - Taste of Yunnan - File # 817557 - by Councillor Joe Cressy, seconded by Councillor Gord Perks**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for Taste of Yunnan, 438 Dundas Street West (“Premises”), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal (“LAT”) to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises at 438 Dundas Street West.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary action so as to give effect to Council's decision, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

**Background Information (City Council)**

Member Motion MM9.27

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84176.pdf>

**Motions (City Council)***Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.27 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.28	ACTION	Adopted		Ward: 20
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**Objection to AGCO Liquor Licence Application - 598 Richmond Street West - The White House - File # 817431 - by Councillor Joe Cressy, seconded by Councillor Gord Perks**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for 598 Richmond Street West, operating under the name The White House (“Premises”), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal (“LAT”) to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises at 598 Richmond Street West.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary action so as to give effect to Council's decision, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

### **Background Information (City Council)**

Member Motion MM9.28

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84177.pdf>

### **Motions (City Council)**

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.28 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

<b>MM9.29</b>	ACTION	Adopted		Ward: 27
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### **New Affordable Non-Profit Housing Opportunity on Homewood Avenue - by Councillor Kristyn Wong-Tam, seconded by Councillor Ana Bailão**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Director, Affordable Housing Office, to work with Real Estate Services to conduct the necessary due diligence concerning the purchase and renovation of the properties and buildings at 63 and 65 Homewood Avenue for conversion to affordable rental housing.
2. City Council request the Director, Affordable Housing Office, and the Chief Corporate Officer to report to the November 27, 2015 meeting of the Affordable Housing Committee on the results of the due diligence, including negotiations with the property owner, and the specific funds required to purchase and renovate the property for use by a non-profit housing provider, and to confirm the availability of the Section 37 funds and any other proposed sources of funding required.

### **Background Information (City Council)**

Member Motion MM9.29

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84152.pdf>

**Motions (City Council)***Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.29 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

**Vote (Waive Referral)**

Oct-01-2015 3:04 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.29 - Waive referral
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	John Fillion, Rob Ford, David Shiner

*Motion to Adopt Item (Carried)*

<b>MM9.30</b>	ACTION	Adopted		Ward: 27
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**College Park - Redevelopment and Expansion of Public Park - by Councillor Kristyn Wong-Tam, seconded by Councillor Pam McConnell**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council approve the inclusion of Parts 2 and 3, together with Part 1 on the attached Schedule 'A' in the lease documentation between 7550375 Canada Inc. as landlord and the City as tenant, on the terms approved by former City of Toronto Council, at nominal rent, for a term ending December 31, 2077, and upon such other terms and conditions acceptable to the General Manager, Parks, Forestry and Recreation and in a form acceptable to the City Solicitor.

**Background Information (City Council)**

Member Motion MM9.30

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84153.pdf>

College Park - Schedule 'A'

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84194.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84375.pdf>

**Motions (City Council)***Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.30 be referred to the Government Management Committee. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.31	ACTION	Adopted		Ward: 22
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**Release of Section 45 Funds from 2263-2287 Yonge Street, 10 Eglinton Ave East, 25-31 Roehampton Ave to Mount Pleasant Village Business Improvement Area for a Streetscape Masterplan - by Councillor Josh Matlow, seconded by Councillor Kristyn Wong-Tam**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the 2015 Operating Budget for Non-Program by \$29,580.00 gross, \$0 net, fully funded by Section 45 funds obtained in the development at 2263-2287 Yonge Street, 10 Eglinton Avenue East, 25-31 Roehampton Avenue (source account: XR3028-4500167), to provide one-time funding of \$29,580.00 to the Mount Pleasant Village Business Improvement Area to conduct a Streetscape Masterplan for that portion of Mount Pleasant Road between Eglinton and Davisville Avenues.
2. City Council direct that the funds be forwarded to the Mount Pleasant Village Business Improvement Area upon the signing of an Undertaking by the Mount Pleasant Village Business Improvement Area governing the use of the funds and the financial reporting requirements, including a requirement that the consultant developing the Streetscape Masterplan consult with staff from Transportation Services, City Planning and Economic Development and Culture.
3. City Council direct that the Request for Proposal for the Streetscape Masterplan include a provision that the local Councillor, the South Eglinton Residents' and Ratepayers' Association and the Davisville Village community be consulted in its development.

**Background Information (City Council)**

Revised Member Motion MM9.31

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84154.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84376.pdf>

**Motions (City Council)**

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.31 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.32	ACTION	Adopted		Ward: 20
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**Request for Attendance at Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 24 Mercer Street - by Councillor Joe Cressy, seconded by Councillor Ana Bailão**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Solicitor and other appropriate staff to appear at the Ontario Municipal Board in support of the Toronto and East York Committee of Adjustment's refusal of the application for variances for 24 Mercer Street and City Council authorize the City Solicitor to retain outside consultants, as necessary.
2. City Council direct the City Solicitor to caution the Appellant that their application for minor variances and their subsequent appeal of the Committee of Adjustment's refusal are not consistent with the Section 37 Agreement (Instrument No. AT3724916) between the City and the Appellant or the May 6, 7 and 8, 2014 (MM51.14) heritage demolition authority and direct the City Solicitor to report back to City Council in the event the Ontario Municipal Board allows the appeal in whole or in part, in order for the City Council to provide instruction on the enforcement of the Section 37 Agreement and any other matters.

### **Background Information (City Council)**

Member Motion MM9.32

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84155.pdf>

Committee of Adjustment, Toronto and East York District Notice of Decision on application for Minor Variance/Permission for 24 Mercer Street

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84195.pdf>

### **Motions (City Council)**

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.32 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

<b>MM9.33</b>	ACTION	Adopted		Ward: 22
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### **Request for Attendance at Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 426 Roehampton Avenue - by Councillor Josh Matlow, seconded by Councillor Jon Burnside**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor and any appropriate staff to attend all proceedings related to the application for 426 Roehampton Avenue before the Ontario Municipal Board to uphold the Committee of Adjustment's decision to refuse this application and to hire outside consultants if required to support City Council's position.

### **Background Information (City Council)**

Member Motion MM9.33

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84156.pdf>

(July 7, 2015) Memorandum from Councillor Josh Matlow - Ward 22 St. Paul's, regarding application for minor variance for 426 Roehampton Avenue

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84157.pdf>

Committee of Adjustment, Toronto and East York District Notice of Decision on application

for Minor Variance for 426 Roehampton Avenue

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84158.pdf>)

## Motions (City Council)

### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.33 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

### *Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 3:09 PM

<b>Result: Carried</b>	Majority Required - MM9.33 - Adopt the item
Yes: 40	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Stephen Holyday
Absent: 4	Maria Augimeri, John Fillion, Rob Ford, David Shiner

## Declared Interests (City Council)

The following member(s) declared an interest:

Councillor Maria Augimeri - as she owns property in the immediate area of Roehampton Avenue.

<b>MM9.34</b>	ACTION	Adopted		Ward: 22
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## **Request for Attendance at Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision respecting 585 Hillside Avenue East - by Councillor Josh Matlow, seconded by Councillor Jon Burnside**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor and any appropriate staff to attend all proceedings related to the application for 585 Hillside Avenue East before the Ontario Municipal Board to uphold the Committee of Adjustment's decision to refuse this application and authorize the City Solicitor to hire outside consultants, if required, to support City Council's position.

### **Background Information (City Council)**

Member Motion MM9.34

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84159.pdf>)

(August 18, 2015) Memorandum from Councillor Josh Matlow - Ward 22 St. Paul's, regarding application for Consent and Minor Variance for 585 Hillside Avenue East

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84180.pdf>)

Committee of Adjustment, Toronto and East York District Notice of Decision on Consent and

Minor Variance for 585 Hillsdale Avenue East

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84181.pdf>

### Motions (City Council)

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.34 be referred to the Toronto and East York Community Council. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

MM9.35	ACTION	Adopted		Ward: 20
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### **Release of Section 45 Funds for Improvements to Alex Wilson Community Garden - by Councillor Joe Cressy, seconded by Councillor Sarah Doucette**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the approved 2015 Operating Budget for Non-Program by \$31,500.00 gross, \$0 net, fully funded by Section 45 funds obtained in the development at 560-572 King Street West and 457 Adelaide Street West (source account: XR3028-4500064), for the purpose of providing one time capital funding to the Alex Wilson Community Garden Corporation for capital improvements to Alex Wilson Community Garden (cost centre: NP2161).
2. City Council direct that the funds be forwarded to the Alex Wilson Community Garden Corporation (AWCGC) upon the signing of an Undertaking by the AWCGC governing the use of the funds and the financial reporting requirements.

#### **Background Information (City Council)**

Member Motion MM9.35

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84182.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84377.pdf>

### Motions (City Council)

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.35 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

MM9.36	ACTION	Adopted		Ward: 22
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### **Technical Amendment to Item TE4.5 respecting 97 Walmer Road and 88-100 Spadina Road - Official Plan Amendment, Zoning Amendment**

## **and Rental Housing Conversion Applications - by Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council delete Parts 1 to 6 of Item TE4.5 adopted by City Council in respect of the Final Planning Report dated January 26, 2015, from the Director, Community Planning, Toronto and East York District, and replace them with the following paragraphs prepared on the recommendation of the Chief Planner and Executive Director, City Planning and the City Solicitor:

"1. City Council amend the Official Plan, for the lands at 97 Walmer Road and 88-100 Spadina Road substantially in accordance with the revised draft Official Plan Amendment prepared by the Director, Community Planning, Toronto and East York District and attached as Attachment 1 to the Motion MM9.36.

2. City Council amend Zoning By-law 438-86, as amended by Site Specific By-law 1091-2005 for the lands at 97 Walmer Road and 88-100 Spadina Road, substantially in accordance with the revised draft Zoning By-law Amendment prepared by the Director, Community Planning, Toronto and East York District and attached as Attachment 2 to Motion MM9.36.

3. City Council amend Zoning By-law 569-2013 for the lands at 97 Walmer Road and 88-100 Spadina Road, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 3 to Motion MM9.36.

4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendments as may be required.

5. City Council determine that no further notice is required pursuant to the Planning Act with respect to the Official Plan and Zoning By-law Amendments authorized in Parts 1 to 3 above.

6. City Council approve the application for a Section 111 permit for the lands at 97 Walmer Road and 88-100 Spadina Road made pursuant to Municipal Code Chapter 667 to allow the conversion through severance of a rental housing property with more than six rental dwelling units into two lots, one of which (97 Walmer Road) will have fewer than six rental dwelling units following such severance, subject to the following conditions:

a. the owner maintains 215 existing rental dwelling units at 100 Spadina Road as rental housing for a minimum period of at least 20 years from July 2009 being the date the building at 88 Spadina Road was first occupied and agrees during such time period not to apply to: convert such existing rental dwelling units or any part of such building, including to any non-residential rental housing purpose; not to apply to register the existing rental dwelling units or any part of such building under the Condominium Act; and not to apply to demolish the existing rental dwelling units or any part of such building without replacement satisfactory to the City;

- b. of the 215 rental dwelling units referred to in Part 6a. above, the owner shall provide at least two two-bedroom dwelling units at affordable rents for a continuous period of at least ten (10) years commencing from the date each such unit is newly occupied by tenants at affordable rents following the date the Official Plan Amendment in Part 1 above and the Zoning By-law Amendments in Parts 2 and 3 above come into full force and effect in a form satisfactory to the City as determined to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - c. the owner applies for and obtains consent to sever from the Committee of Adjustment (or on appeal, from the Ontario Municipal Board) to permit the severance and separate conveyance of the lands comprising 97 Walmer Road and the owner obtains a Certificate of Consent, all satisfactory to the Chief Planner and Executive Director, City Planning;
  - d. prior to the issuance of any Certificate of Consent to sever the lands comprising 97 Walmer Road required in Part 6c. above, the owner provides tenant relocation assistance to the affected tenant in the rental building at 97 Walmer Road, all to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - e. prior to the issuance of any Certificate of Consent to sever the lands comprising 97 Walmer Road required in Part 6c. above, the owner enters into and registers on title to the lands known as 97 Walmer Road and 88-100 Spadina Road, an amending Section 37 Agreement to secure the conditions in Parts 6a., b., c. and d. above, all to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director, City Planning; and
  - f. prior to the issuance of any Certificate of Consent to sever the lands comprising 97 Walmer Road required in Part 6c. above, the related Section 111 permit for the conversion through severance has issued.
7. City Council authorize the Chief Planner and Executive Director, City Planning to issue the Section 111 permit for conversion through severance for the application under Municipal Code Chapter 667 after the latest of the following has occurred to the satisfaction of the Chief Planner and Executive Director, City Planning:
- a. the related Official Plan and Zoning Bylaw Amendments are in full force and effect in a form satisfactory to the City as determined to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - b. a final and in force decision has been issued from the Committee of Adjustment or, on appeal, from the Ontario Municipal Board, approving the consent to sever to permit the severance and separate conveyance of the lands comprising 97 Walmer Road, which decision amongst other matters is satisfactory to the Chief Planner and Executive Director, City Planning;
  - c. the Chief Planner and Executive Director, City Planning Division is satisfied that but for the issuance of the Section 111 Permit, the Certificate of Consent required in Part 6c. above is ready to be issued; and
  - d. the owner has satisfied the conditions in Parts 6d. and e. above."

## City Council Decision Advice and Other Information

City Council re-opened Item TE4.5 adopted by City Council on March 31, April 1 and 2, 2015.

**Background Information (City Council)**

Revised Member Motion MM9.36

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84183.pdf>

Attachment 1 - Revised Official Plan Amendment; Attachment 2 - Revised Draft Zoning By-law Amendment (By-law 438-86, as amended by By-law 1091-2005; Attachment 3 - Revised Draft Zoning By-law Amendment (By-law 569-2013)

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84184.pdf>

**Motions (City Council)**

*Motion to Re-open Item (Carried)*

Speaker Nunziata advised Council that consideration of Motion MM9.36 requires a re-opening of Item TE4.5 (City Council – March 31, April 1 and 2, 2015). A two-thirds vote of the Council Members present is required to re-open the Item.

**Vote (Re-open Item)**

Oct-01-2015 3:11 PM

<b>Result: Carried</b>	Two-Thirds Required - MM9.36 - Re-open Item TE4.5
Yes: 42	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 3	John Filion, Rob Ford, David Shiner

*Motion to Adopt Item (Carried)*

<b>MM9.37</b>	ACTION	Adopted		Ward: 28
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**Authorization to Release Section 37 Funds from 40 and 88 Scott Street and 10 Wellington Street East to Economic Development and Culture to fund the public artwork within Berczy Park - by Councillor Pam McConnell, seconded by Councillor Gary Crawford**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend the 2015 Approved Capital Budget for Economic Development and Culture by adding a new public art project titled "Jacob's Ladder" by the artist Luis Jacob, with a total project cost of \$201,244.82; and cash flow of \$120,000.00 in 2015 and \$81,244.82 in 2016; fully funded by Section 37 community benefits from the developments at 88 Scott Street, 40 Scott Street, and 10 Wellington Street East (account number XR3026-3700584) for the purpose of funding the creation and installation of the public art work within Berczy Park.

**Background Information (City Council)**

Member Motion MM9.37

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84254.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84378.pdf>)

## Motions (City Council)

### *Motion to Waive Notice (Carried)*

Speaker Nunziata advised Council that the necessary provisions of Chapter 27, Council Procedures, need to be waived to permit introduction of Motion MM9.37. A two-thirds vote of the Council Members present is required to waive notice.

### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.37 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

### *Motion to Adopt Item (Carried)*

MM9.38	ACTION	Adopted		Ward: 20
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## **Authorization to Release Section 37 Funds and to enter into a Shared Use Agreement for Community Improvements to create Privately Owned Publicly Accessible Open Space on Central Technical School lands at 693 Bathurst Street - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the approved 2015 Operating Budget for Non-Program by \$462,762.21 gross, \$0 net, fully funded by Section 37 funds received from the development at 783 Bathurst Street (Source Account: XR3026-3700497) for public realm improvements at Central Technical School located at 693 Bathurst Street that include landscaping improvements abutting the northeast corner of Bathurst and Harbord Streets to create a form of Privately Owned Publicly Accessible Open Space, removing and replacing a chain link fence with a new iron fence along the Bathurst Street frontage to be located to the east of the trees lining Bathurst Street as well as removing and replacing a chain link fence with a new iron fence along a portion of the Harbord Street frontage (collectively referred to as the "Public Realm Improvements").
2. City Council authorize the Director, Community Planning, Toronto and East York District, to negotiate and enter into a Shared Use Agreement with the Toronto District School Board and Raizenne Inc. for the Public Realm Improvements referred to in Part 1 above, in consultation with the Ward Councillor and to the satisfaction of the City Solicitor, including the following requirements:
  - a. Raizenne Inc. shall construct the Public Realm Improvements in accordance with the City's construction standards and with detailed plans and cost estimates approved by the Director, Community Planning, Toronto and East York District;
  - b. Raizenne Inc. shall comply with all relevant City policies as applicable, including the City's Fair Wage Policy, the Labour Trades Construction Obligations in the Construction Industry Policy, and the Declaration of Compliance with Anti-

## Harassment/Discrimination Legislation Policy in constructing the Public Realm Improvements;

c. the \$462,762.21 shall be forwarded to Raizenne Inc. directly, in accordance with an agreed to payment schedule approved by the Director, Community Planning, Toronto and East York District;

d. any cost overruns shall be the responsibility of Raizenne Inc., and not of the City or Toronto District School Board. In the event that the costs of the Public Realm Improvements are less than \$462,762.21, Raizenne Inc. will be required to return any unspent Section 37 funds that it has received to the City upon completion of the project as it relates to these improvements;

e. the Shared Use Agreement shall also:

- address ongoing maintenance obligations in respect of the Public Realm Improvements;
- set out financial reporting requirements; and
- secure community access for a minimum of twenty (20) years;

all on terms and conditions satisfactory to the Director, Community Planning, Toronto and East York District and in a form to the satisfaction of the City Solicitor.

3. City Council authorize and direct City Officials to take such action as is necessary to implement Council's decision.

### Background Information (City Council)

Member Motion MM9.38

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84253.pdf>

(September 25, 2015) Report from the City Solicitor and the Chief Planner and Executive Director, City Planning on Authorization to Release Section 37 Funds, from 783 Bathurst Street, and to Enter into a Shared Use Agreement for Community Improvements to create Privately Owned Publicly Accessible Open Space on Central Technical School lands at 693 Bathurst Street abutting Bathurst and Harbord Streets

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84251.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84400.pdf>

### Motions (City Council)

#### *Motion to Waive Notice (Carried)*

Speaker Nunziata advised Council that the necessary provisions of Chapter 27, Council Procedures, need to be waived to permit introduction of Motion MM9.38. A two-thirds vote of the Council Members present is required to waive notice.

#### *Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.38 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

#### *Motion to Adopt Item (Carried)*

MM9.39	ACTION	Adopted		Ward: 20
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**Release of Section 45(9) funds from the Development at 306-322 Richmond Street West for Streetscape Improvements in Ward 20 - by Councillor Joe Cressy, seconded by Councillor Pam McConnell**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council increase the approved 2015 Capital Budget for Transportation Services by \$248,876.72, \$0 net, on a one-time basis for the Neighbourhood Improvements Program (CTP415 - 02), fully funded by Section 45 funds obtained in relation to the development at 306-322 Richmond Street West (source account: XR3028-4500144) for construction and related costs to implement streetscape improvements on Richmond Street West and Peter Street in Ward 20.
2. City Council authorize the General Manager, Transportation Services to negotiate and execute an agreement with Richmond Peter Inc. to construct streetscape improvements on the east side of Peter Street, between Queen Street West and a location about 75 metres to the south, on terms and conditions satisfactory to the General Manager, Transportation Services and in a form satisfactory to the City Solicitor, including the following:
  - a. Richmond Peter Inc. shall construct the streetscape improvements in accordance with the City's construction standards and with detailed plans approved by the General Manager, Transportation Services;
  - b. Richmond Peter Inc. shall comply with all relevant City policies as applicable, including the City's Fair Wage Policy, the Labour Trades Construction Obligations in the Construction Industry Policy, and the Declaration of Compliance with Anti-Harassment/Discrimination Legislation Policy in constructing the streetscape improvements; and
  - c. the negotiated fees shall be fair and reasonable in the opinion of the General Manager, Transportation Services, based on the work involved to implement the improvements and costs for similar work completed in the past. The total cost of the work shall be agreed upon, but shall not exceed \$248,876.72 inclusive of HST.

**Background Information (City Council)**

Member Motion MM9.39

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84252.pdf>

(October 1, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84415.pdf>

**Motions (City Council)**

*Motion to Waive Notice (Carried)*

Speaker Nunziata advised Council that the necessary provisions of Chapter 27, Council Procedures, need to be waived to permit introduction of Motion MM9.39. A two-thirds vote of the Council Members present is required to waive notice.

*Motion to Waive Referral (Carried)*

Speaker Nunziata advised Council that the provisions of Chapter 27, Council Procedures, require that Motion MM9.39 be referred to the Executive Committee. A two-thirds vote of the Council Members present is required to waive referral.

*Motion to Adopt Item (Carried)*

MM9.40	ACTION	Adopted		Ward: All
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**Supporting the Economy and the Environment through Rooftop Solar Panels - Renewal for the 2015 3.1 and 4.0 Provincial Feed in Tariff Applications - by Councillor Josh Matlow, seconded by Councillor Joe Cressy**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council confirm its support for the construction and operation of rooftop solar generation projects anywhere in the City of Toronto.
2. City Council approve the template Municipal Council Blanket Support Resolutions for FIT 3.1 and FIT4.0.1 as attached.
3. City Council authorize the Speaker of Council to sign the template Municipal Council Blanket Support Resolutions for FIT 3.1 and FIT 4.0.1 attached to Motion MM9.40.
4. City Council confirm that this resolution's sole purpose is to enable the participants in the Province's FIT Program to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects, or any other purpose.
5. City Council confirm that this support shall expire twelve (12) months after its adoption by Council.

**Background Information (City Council)**

Member Motion MM9.40

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84301.pdf>

Municipal Council Blanket Support Resolution for FIT 3.1

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84303.pdf>

Municipal Council Blanket Support Resolution for FIT 4.0.1

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84304.pdf>

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Josh Matlow (Carried)*

That Councillor Josh Matlow be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Supporting the Economy and the Environment through Rooftop Solar Panels - Renewal for the 2015 3.1 and 4.0 Provincial Feed in Tariff Applications

Reason for Urgency:

This Motion is urgent as the application window for the FIT 4.0.1 program is opening October 5, 2015 and applicants have five business days from submission of their electronic application to get their hard copies in. Applications are reviewed based on priority points and where projects have the same number of priority points, based on submission date.

**Vote** (Introduce Motion without Notice)

Oct-01-2015 10:10 AM

<b>Result: Carried</b>	Two-Thirds full Council Required - Matlow - Add Urgent Motion
Yes: 37	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 8	Maria Augimeri, Vincent Crisanti, Janet Davis, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

*Motion to Adopt Item (Carried)***Vote** (Adopt Item)

Oct-01-2015 3:14 PM

<b>Result: Carried</b>	Majority Required - MM9.40 - Adopt the item
Yes: 41	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	John Campbell
Absent: 3	John Fillion, Rob Ford, David Shiner

<b>MM9.41</b>	ACTION	Adopted		Ward: 16
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**Request for Attendance at Ontario Municipal Board Hearing- Appeal of Committee of Adjustment Decision respecting 75 Lytton Boulevard - by Councillor Christin Carmichael Greb, seconded by Councillor Josh Matlow**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board Hearing in support of the Committee of Adjustment Decision refusing Variances Numbered 2, 3, 4 and 11 with respect to floor space index, gross floor area, and building length and depth for the property at 75 Lytton Boulevard (Committee of Adjustment File No. A0479/15NY).

**Background Information (City Council)**

Member Motion MM9.41

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84344.pdf>

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 75 Lytton Boulevard

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84345.pdf>

(June 30, 2015) Report from the Director, Community Planning, North York District to the Committee of Adjustment, North York Panel on Committee of Adjustment Applications for 75 Lytton Boulevard

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84346.pdf>

Committee of Adjustment, North York Panel Public Hearing Notice on application for Minor Variance/Permission for 75 Lytton Boulevard

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84347.pdf>

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Christin Carmichael Greb (Carried)*

That Councillor Christin Carmichael Greb be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Request for Attendance at Ontario Municipal Board Hearing- Appeal of Committee of Adjustment Decision respecting 75 Lytton Boulevard

Reason for Urgency:

This Motion is urgent as the Ontario Municipal Board hearing has been scheduled for November 6, 2015.

**Vote** (Introduce Motion without Notice)

Oct-01-2015 10:10 AM

<b>Result: Carried</b>	Two-Thirds full Council Required - Carmichael Greb - Add Urgent Motion
Yes: 37	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Filion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 8	Maria Augimeri, Vincent Crisanti, Janet Davis, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

*Motion to Adopt Item (Carried)*

<b>MM9.42</b>	ACTION	Adopted		Ward: 25
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**Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision for 3 St. Aubyn's Crescent - by Councillor Jaye Robinson, seconded by Councillor Gary Crawford**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's decision related to 3 St. Aubyn's Crescent

(A0329/15NY) and to retain outside planners and consultants, if necessary.

### Background Information (City Council)

Member Motion MM9.42

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84300.pdf>

Committee of Adjustment Notice of Decision - Minor Variance/Permission - 3 St. Aubyn's Crescent

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84313.pdf>

### Motions (City Council)

*Motion to Introduce Motion without Notice moved by Councillor Jaye Robinson (Carried)*

That Councillor Jaye Robinson be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Request for Attendance at an Ontario Municipal Board Hearing – Appeal of Committee of Adjustment Decision for 3 St. Aubyn's Crescent

Reason for Urgency:

The Motion is urgent because an Ontario Municipal Board hearing has been scheduled for October 28, 2015.

**Vote** (Introduce Motion without Notice)

Oct-01-2015 10:11 AM

<b>Result: Carried</b>	Two-Thirds full Council Required - Robinson - Add Urgent Motion
Yes: 38	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Fillion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 7	Maria Augimeri, Vincent Crisanti, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 3:15 PM

<b>Result: Carried</b>	Majority Required - MM9.42 - Adopt the item
Yes: 40	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Stephen Holyday
Absent: 4	John Fillion, Rob Ford, Denzil Minnan-Wong, David Shiner

<b>MM9.43</b>	<b>ACTION</b>	Adopted		Ward: All
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### Appointment of Director and Deputy Chief Building Official - by

## Councillor David Shiner, seconded by Councillor Justin J. Di Ciano

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council appoint Richard Edward Conard as Deputy Chief Building Official for the City of Toronto, with all the powers and duties of the Chief Building Official within the district of the City of Toronto assigned by the Chief Building Official.
2. City Council authorize and direct appropriate City officials to take the necessary action to give effect to this Motion including the introduction in Council of any necessary Bills.

### Background Information (City Council)

Member Motion MM9.43

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84279.pdf>

### Motions (City Council)

*Motion to Introduce Motion without Notice moved by Councillor David Shiner (Carried)*

That Councillor David Shiner be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Appointment of Director and Deputy Chief Building Official

Reason for Urgency:

This Motion is urgent as the Director and Deputy Chief Building Official appointment date is required to be effective as soon as possible to meet City needs.

**Vote** (Introduce Motion without Notice)

Oct-01-2015 10:13 AM

<b>Result: Carried</b>	Two-Thirds full Council Required - Shiner - Add Urgent Motion
Yes: 37	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Filion, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 8	Maria Augimeri, Vincent Crisanti, Janet Davis, Frank Di Giorgio, Paula Fletcher, Norman Kelly, James Pasternak, Anthony Perruzza

*Motion to Adopt Item (Carried)*

<b>MM9.44</b>	ACTION	Adopted		Ward: 20
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**Alcohol and Gaming Commission of Ontario Liquor Licence Application - 545 King Street West - "Pizzeria Libretto" - Licence No. 817573 - by Councillor Joe Cressy, seconded by Councillor Gord Perks**

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for the premises at 545 King Street West, operating under the name "Pizzeria Libretto" ("Premises"), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal ("LAT") to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary action so as to give effect to this Motion, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

### **Background Information (City Council)**

Member Motion MM9.44

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84340.pdf>

### **Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Joe Cressy (Carried)*

That Councillor Joe Cressy be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Alcohol and Gaming Commission of Ontario Liquor Licence Application - 545 King Street West - "Pizzeria Libretto" - Licence No. 817573

Reason for Urgency:

This Motion is urgent as the Alcohol and Gaming Commission of Ontario deadline for objections to this application is imminent.

*Motion to Adopt Item (Carried)*

MM9.45	ACTION	Adopted		Ward: 20
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**Alcohol and Gaming Commission of Ontario Liquor Licence Application - 545 King Street West - "Porchetta & Co." - Licence No. 816429 - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Registrar of the Alcohol and Gaming Commission of Ontario that the liquor licence application for the premises at 545 King Street West, operating under the name "Porchetta & Co." ("Premises"), is not in the public interest having regard to the needs and wishes of the residents, and that the Registrar should issue a Proposal to Review the liquor licence application.
2. City Council request the Licence Appeal Tribunal ("LAT") to provide the City with an opportunity to be made a party in any proceedings with respect to the Premises.

3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary action so as to give effect to this Motion, including adding and deleting conditions to any liquor licence issued for the Premises, in consultation with the Ward Councillor, which address issues including, but not limited to, noise, litter, safety, lighting and other potential disturbances to residents in the area.

### Background Information (City Council)

Member Motion MM9.45

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84322.pdf>)

### Motions (City Council)

*Motion to Introduce Motion without Notice moved by Councillor Joe Cressy (Carried)*

That Councillor Joe Cressy be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Alcohol and Gaming Commission of Ontario Liquor Licence Application - 545 King Street West - "Porchetta & Co." - Licence No. 816429

Reason for Urgency:

This Motion is urgent as the Alcohol and Gaming Commission of Ontario deadline for objections to this application is imminent.

*Motion to Adopt Item (Carried)*

MM9.46	ACTION	Adopted		Ward: 7
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**3406 Weston Road Official Plan Amendment and Rezoning - Ontario Municipal Board Hearing - by Councillor Giorgio Mammoliti, seconded by Councillor Frank Di Giorgio**

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council delete Part 4.a.i of Item EY4.2 and replace it with the following new Part 4.a.i:

"4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

a. The following community benefits are recommended to be secured in the Section 37 Agreement:

i. A \$400,000 cash contribution towards local community improvements, including the construction of a public square and flag pole in the Emery Village area, prior to the issuance of the first building permit for the development."

### Background Information (City Council)

Member Motion MM9.46

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84366.pdf>)

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Giorgio Mammoliti (Carried)*  
That Councillor Giorgio Mammoliti be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

3406 Weston Road Official Plan Amendment and Rezoning - Ontario Municipal Board Hearing

Reason for Urgency:

The Motion is urgent because the Ontario Municipal Board is in the process of scheduling a hearing on this matter.

*Motion to Adopt Item (Carried)*

MM9.47	ACTION	Adopted		Ward: 18
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**"Free Yourself" Global Domestic Violence Campaign - by Councillor Ana Bailão, seconded by Councillor Frances Nunziata**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council request the Executive Director, Social Development, Finance and Administration to report to the Community Development and Recreation Committee on the potential for the City's involvement in the international domestic violence awareness campaign "Free Yourself".

**Background Information (City Council)**

Member Motion MM9.47

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84367.pdf>

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Ana Bailão (Carried)*  
That Councillor Ana Bailão be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

"Free Yourself" Global Domestic Violence Campaign

Reason for Urgency:

This Motion is urgent as the "Free Yourself" campaign is scheduled to begin filming during the month of October. As a result it is important for the City to gauge its interest in participating in the campaign.

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-01-2015 3:19 PM

<b>Result: Carried</b>	Majority Required - MM9.47 - Adopt the item
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary

	Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 6	Shelley Carroll, John Filion, Rob Ford, Pam McConnell, Denzil Minnan-Wong, David Shiner

<b>MM9.48</b>	ACTION	Adopted		Ward: 23
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**172, 176, and 180 Finch Avenue West, 1-11 and 23 Grantbrook Street - Official Plan and Zoning By-Law Amendment Applications - Request for Directions Report - by Councillor John Filion, seconded by Councillor Maria Augimeri**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (September 30, 2015) from the City Solicitor.
2. City Council authorize the public release of the confidential recommendation in Confidential Attachment 1 to the report (September 30, 2015) from the City Solicitor, and City Council direct that the balance of Confidential Attachment 1, Confidential Attachment 2 and Schedule A to the report (September 30, 2015) from the City Solicitor remain confidential.
3. City Council direct the General Manager, Transportation Services, to require an updated traffic study from the applicant prior to site plan approval.
4. City Council request the General Manager, Transportation Services, to report back to North York Community Council, prior to site plan approval, on:
  - a. appropriate traffic measures to ensure the smooth flow of traffic southbound on Grantbrook Street through the proposed development; and
  - b. the necessity of any turning lanes or turning movements into any mixed-use buildings on the site to avoid traffic back-up within the development.

The following confidential recommendation in Confidential Attachment 1 to the report (September 30, 2015) from the City Solicitor was adopted by City Council and is now public:

1. City Council authorize the City Solicitor to enter into minutes of settlement substantially in accordance with the draft Minutes of Settlement attached as Confidential Attachment 2 to the report (September 30, 2015) from the City Solicitor respecting the Official Plan Amendment and Zoning By-law Amendment for 172, 176, and 180 Finch Avenue West and 1-11, 23 Grantbrook Street (OMB Case No. PL141059), with any changes or modifications to the satisfaction of the City Solicitor.

The balance of Confidential Attachment 1, Confidential Attachment 2 and Schedule A to the report (September 30, 2015) from the City Solicitor remain confidential in accordance with the provisions of the City of Toronto Act, 2006, as they pertain to litigation or potential litigation,

that affects the City or one of its agencies or corporations and they contain advice or communications that are subject to solicitor-client privilege.

**Confidential Attachment - Litigation or potential litigation that affects the City or one of its agencies, boards, and commissions and advice or communications that are subject to solicitor-client privilege**

**Background Information (City Council)**

Member Motion MM9.48

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84348.pdf>)

(September 30, 2015) Report from the City Solicitor on 172, 176 and 180 Finch Avenue West, 1-11 and 23 Grantbrook Street - Official Plan and Zoning By-Law Amendment Applications - Request for Directions

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84395.pdf>)

Confidential Attachment 1

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Deputy Mayor Denzil Minnan-Wong (Carried)*

That Councillor John Filion be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

172, 176, and 180 Finch Avenue West, 1-11 and 23 Grantbrook Street – Official Plan and Zoning By-Law Amendment Applications – Request for Directions Report

Reason for Urgency:

This Motion is urgent as staff require Council's direction on a settlement proposal prior to the scheduled Ontario Municipal Board hearing commencing October 19, 2015.

*Motion to Adopt Item (Carried)*

MM9.49	ACTION	Adopted		Ward: All
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**Corporate Facilities Display Policy - by Councillor Josh Matlow, seconded by Councillor Chin Lee**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the Chief Corporate Officer to remove all signs in City Hall exterior windows immediately.
2. City Council request the Chief Corporate Officer to report to the Government Management Committee in January 2016, on a Corporate-wide Facilities Display Policy.

**Background Information (City Council)**

Member Motion MM9.49

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84298.pdf>)

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Josh Matlow (Carried)*

That Councillor Josh Matlow be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Corporate Facilities Display Policy

Reason for Urgency:

This Motion is urgent as, since the Pan Am Parapan Am Games, the City has received many concerns regarding the aesthetic appearance of the City's facilities.

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 4:13 PM

<b>Result: Carried</b>	Majority Required - MM9.49 - Adopt the item
Yes: 30	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Frances Nunziata (Chair), Gord Perks, Jaye Robinson, John Tory
No: 2	John Fillion, Anthony Perruzza
Absent: 13	Christin Carmichael Greb, Vincent Crisanti, Paula Fletcher, Rob Ford, Norman Kelly, Giorgio Mammoliti, Denzil Minnan-Wong, Ron Moeser, Cesar Palacio, James Pasternak, David Shiner, Michael Thompson, Kristyn Wong-Tam

<b>MM9.50</b>	ACTION	Adopted		Ward: All
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**Support for the Toronto Area Interfaith Council's Bid for Toronto to host the 2019 Parliament of the World's Religions - by Councillor Joe Mihevc, seconded by Councillor Raymond Cho**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council declare its support and endorsement for the Toronto Area Interfaith Council's bid to secure Toronto as the next host city for the Parliament of the World's Religions in 2019.

**Background Information (City Council)**

Member Motion MM9.50

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84357.pdf>

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Joe Mihevc (Carried)*

That Councillor Joe Mihevc be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Support for the Toronto Area Interfaith Council's Bid for Toronto to Host the 2019 Parliament of the World's Religions

Reason for Urgency:

This Motion is urgent because the Toronto Area Interfaith Council delegation will attend this year's conference on October 15, 2015 and will be submitting a bid for Toronto to host the 2019 conference.

*Motion to Adopt Item (Carried)*

MM9.51	ACTION	Adopted		Ward: 30
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**Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision regarding 433 Ashdale Avenue (A0513/15TEY) - by Councillor Paula Fletcher, seconded by Councillor Paul Ainslie**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor to appear in support of decision A0513/15TEY of the Committee of Adjustment for 433 Ashdale Avenue and to retain outside consultants as necessary to support the City's position.
2. City Council authorize the City Solicitor to continue discussions with the applicant to attempt to resolve the appeal.

**Background Information (City Council)**

Member Motion MM9.51

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84383.pdf>

Committee of Adjustment, Toronto and East York Panel Notice of Decision on application for Minor Variance/Permission for 433 Ashdale Avenue

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84392.pdf>

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Paula Fletcher (Carried)*

That Councillor Paula Fletcher be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision regarding 433 Ashdale Avenue (A0513/15TEY)

Reason for Urgency:

The Motion is urgent because an OMB hearing has been scheduled for October 6, 2015.

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 4:15 PM

<b>Result: Carried</b>	Majority Required - MM9.51 - Adopt the item
Yes: 32	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Mary Fragedakis, Mark Grimes, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory

No: 2	Stephen Holyday, Jim Karygiannis
Absent: 11	Christin Carmichael Greb, Vincent Crisanti, Paula Fletcher, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, Cesar Palacio, James Pasternak, David Shiner, Kristyn Wong-Tam

MM9.52	ACTION	Adopted		Ward: 27
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**Proposed Adjustment to Public Lane Conditions and Modifications to Draft Zoning By-law Amendment - Final Report - 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street - Official Plan and Zoning Amendment - by Councillor Kristyn Wong-Tam, seconded by Councillor Maria Augimeri**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council amend Item TE34.32, adopted, as amended, by City Council at its meeting held on August 25, 26, 27 and 28, 2014, by:

a. amending Part 2 by adding the following new Parts 2.b. and 2.c. after the words “parking spaces per dwelling unit;” in Part 2a.:

“2b. Delete 1(b) and replace it with the following:

'(b) the total combined residential gross floor area and non-residential gross floor area erected or used on the lot does not exceed 106,720, including:

(i) the residential gross floor area does not exceed 99,103 square metres, inclusive of a maximum of 15,926 square metres of residential gross floor area in a parking garage located at or above grade; and

(ii) the non-residential gross floor area does not exceed 7,617 square metres. For the purposes of this section, a commercial parking garage located below grade shall not be counted as non-residential gross floor area; and

(c) up to 46 of the residential parking spaces may be provided in spaces that have a length of no less than 5.0 m and a width of no less than 2.6 m and which may also be obstructed on one side.'

2c. Amend Map 2 by reducing the maximum permitted height of the podium from “H=44m” to “H=36m” and from “H=30m” to “H=25m”;

b. adding a new Part 4.b.(iii) as follows:

“4.b.(iii) The Owner shall convey a new 6.0 metre wide (which widens to 6.83 metres) north-south public laneway along the eastern lot line of the lands to the City prior to the earlier of the issuance of a piling and shoring permit for the development or the closure of the existing public lane.”;

c. amending Part 5 by replacing the words “obtain approval” with the words “submit a formal request to Transportation Services”, so that Part 5 now reads as follows:

"5. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to submit a formal request to Transportation Services to close the public lane extending northerly from Cumberland Street and a portion of the east/west lane.";

d. adding a new Part 10 as follows:

“10. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to secure the conveyance of the new lane required by recommendation 4(b)(iii) by holding the lands in escrow, at no cost to the City, to the satisfaction of the City Solicitor.”; and

e. adding a new Part 11 as follows:

“11. That the applicant convey a road widening of 3.05 metres along the Cumberland Street frontage of the lands as a community benefit to the City.”

2. City Council determine that no further notice is required to be given in respect of these changes under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

### Background Information (City Council)

Member Motion MM9.52

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84393.pdf>

### Motions (City Council)

*Motion to Introduce Motion without Notice moved by Councillor Kristyn Wong-Tam (Carried)*

That Councillor Kristyn Wong-Tam be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Proposed Adjustment to Public Lane Conditions and Modifications to Draft Zoning By-law Amendment – Final Report – 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street – Official Plan and Zoning Amendment

Reason for Urgency:

This Motion is urgent as City Council's approval of the implementing by-laws is required to facilitate the completion on November 30, 2015 of the sale by the Toronto Parking Authority of the stratified interest in the City lands previously approved by City Council.

*Motion to Adopt Item (Carried)*

MM9.53	ACTION	Adopted		Ward: 10
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**819 Sheppard Avenue West Disposition - by Councillor James Pasternak, seconded by Councillor Glenn De Baeremaeker**

### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. Upon the sale by the City to Toronto Heschel School of a portion of 819 Sheppard Avenue West, City Council authorize an additional portion of the sale proceeds in the amount of \$650,000 be deposited to the Alternative Parkland Dedication Reserve Fund (Account # 4200206) for the purposes of park improvements at the City owned portion of 819 Sheppard Avenue West and/or other local park improvements, with the remaining balance from the sale to be deposited to the Land Acquisition Reserve Fund per existing City Council Policy.

### Background Information (City Council)

Member Motion MM9.53

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84402.pdf>)

(October 2, 2015) Fiscal Impact Statement from the Deputy City Manager and Chief Financial Officer

(<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84434.pdf>)

### Motions (City Council)

*Motion to Introduce Motion without Notice moved by Councillor James Pasternak (Carried)*

That Councillor James Pasternak be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

819 Sheppard Avenue West Disposition

Reason for Urgency:

This Motion is urgent as the sale of the property is expected to close prior to the next Council meeting.

*Motion to Adopt Item (Carried)*

MM9.54	ACTION	Adopted		Ward: 6
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### Mimico-by-the-Lake Secondary Plan - Request for Direction - by Councillor Mark Grimes, seconded by Councillor Justin J. Di Ciano

#### City Council Decision

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council adopt the confidential recommendations contained in Confidential Attachment 1 to the report (October 1, 2015) from the City Solicitor.
2. City Council direct that the confidential recommendations contained in Confidential Attachment 1 to the report (October 1, 2015) from the City Solicitor as well as the confidential information contained in Appendix A to Confidential Attachment 1 be made public.
3. City Council direct that the balance of Confidential Attachment 1 to the report (October 1, 2015) from the City Solicitor remain confidential.

The following confidential recommendations in Confidential Attachment 1 to the report (October 1, 2015) from the City Solicitor were adopted by City Council and are now public:

1. City Council authorize the partial settlement of the site specific appeal to OPA 197 in connection with 2313 and 2323 Lake Shore Boulevard West substantially as set out in Appendix A of this Confidential Attachment 1 and authorize the City Solicitor and

appropriate staff to attend at the Ontario Municipal Board in support of such amendments.

2. City Council authorize the City Solicitor and appropriate staff to attend at the Ontario Municipal Board in support of the modifications to OPA 197 as set out in the decision of the Ontario Municipal Board, dated March 31, 2015, and related to on the Phase I hearing (PL130885) being applied to 2313 and 2323 Lake Shore Boulevard West.
3. City Council authorize the City Solicitor to make technical and stylistic changes as may be required to the amendments to OPA 197 as set out in Appendix A of Confidential Attachment 1 to the report (October 1, 2015) from the City Solicitor and to the modifications referred to in Part 2 above.
4. City Council authorize the Director of Etobicoke-York District, City Planning to settle outstanding issues in connection with the appeals being considered at the Phase II hearing of OPA in a manner that is consistent with the objectives and maintains the intent and purpose of OPA 197 to the satisfaction of such Director, and, further, City Council authorize the City Solicitor and appropriate staff to attend at the Ontario Municipal Board in support of the same.

Appendix A to Confidential Attachment 1 to the report (October 1, 2015) from the City Solicitor is now public and can be accessed under Background Information (City Council).

The balance of Confidential Attachment 1 to the report (October 1, 2015) from the City Solicitor remains confidential in accordance with the provisions of the City of Toronto Act, 2006, as it contains advice or communications that are subject to solicitor-client privilege and it contains information regarding potential litigation.

### **Confidential Attachment - Litigation or potential litigation and advice that is subject to solicitor-client privilege**

#### **Background Information (City Council)**

Member Motion MM9.54

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84356.pdf>

Report from the City Solicitor on Mimico-by-the Lake Secondary Plan - Request for Direction

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84420.pdf>

Confidential Attachment 1

Confidential Appendix A - made public on October 13, 2015

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84669.pdf>

#### **Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Mark Grimes (Carried)*

That Councillor Mark Grimes be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Mimico-by-the-Lake Secondary Plan - Request for Direction

Reason for Urgency:

This Motion is urgent as Council instruction is required given the timing of the second phase of the Ontario Municipal Board hearing.

*Motion to Adopt Item (Carried)*

**Vote** (Adopt Item)

Oct-02-2015 4:17 PM

<b>Result: Carried</b>	Majority Required - MM9.54 - Adopt the item
Yes: 35	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory
No: 0	
Absent: 10	Maria Augimeri, Christin Carmichael Greb, Vincent Crisanti, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner, Kristyn Wong-Tam

<b>MM9.55</b>	ACTION	Adopted		Ward: 38
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### **Toronto Council Support for the Toronto Zoo Biogas Plant FIT Contract - by Councillor Glenn De Baeremaeker, seconded by Councillor Josh Matlow**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council reconfirm its support for the construction and operation of the Biogas Facility project on the Toronto Zoo Lands.
2. City Council approve the template Municipal Council Support Resolution (Project Specific) for FIT 3.1 (Notice to Proceed) as attached.
3. City Council authorize the Speaker of Council to sign the template Municipal Council Support Resolution (Project Specific) for FIT 3.1 (Notice to Proceed) attached.
4. City Council confirm that this resolution's sole purpose is to enable the participants in the Province's FIT Program to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects, or any other purpose.
5. City Council confirm that this support shall expire twelve (12) months after its adoption by City Council.

#### **Background Information (City Council)**

Member Motion MM9.55

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84405.pdf>

Municipal Council Blanket Support Resolution (Project Specific) for FIT 3.1 (Notice to Proceed)

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84410.pdf>

#### **Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Glenn De Baeremaeker (Carried)*

That Councillor Glenn De Baeremaeker be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Toronto Council the support for Toronto Zoo Biogas Plant FIT Contract

Reason for Urgency:

This Motion is urgent because the "Notice to Proceed" needs to be submitted to the IESO before the next Council Meeting.

*Motion to Adopt Item (Carried)*

MM9.56	ACTION	Adopted		Ward: 25
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**Request for Attendance at an Ontario Municipal Board Hearing - Appeal of Committee of Adjustment Decision - 44 Braeside Road - by Councillor Jaye Robinson, seconded by Councillor Gary Crawford**

**City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council authorize the City Solicitor to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment's decision related to 44 Braeside Road (A0390/15NY) and to retain outside planners and consultants, if necessary.

**Background Information (City Council)**

Member Motion MM9.56

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84406.pdf>

Committee of Adjustment, North York Panel Notice of Decision on application for Minor Variance/Permission for 44 Braeside Road

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84408.pdf>

**Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Jaye Robinson (Carried)*

That Councillor Jaye Robinson be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Request for Attendance at an Ontario Municipal Board Hearing – Appeal of Committee of Adjustment Decision – 44 Braeside Road

Reason for Urgency:

This Motion is urgent because an Ontario Municipal Board hearing has been scheduled for October 22, 2015.

*Motion to Adopt Item (Carried)*

**Vote (Adopt Item)**

Oct-02-2015 4:19 PM

<b>Result: Carried</b>	Majority Required - MM9.56 - Adopt the item
Yes: 35	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Jim Karygiannis, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong,

	Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory
No: 1	Stephen Holyday
Absent: 9	Christin Carmichael Greb, Vincent Crisanti, Rob Ford, Norman Kelly, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner, Kristyn Wong-Tam

MM9.57	ACTION	Adopted		Ward: 20
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### **Application to Remove Conditions from a Liquor Licence - The Burroughes - 639 Queen Street West - Licence No. 815052 - by Councillor Joe Cressy, seconded by Councillor Mike Layton**

#### **City Council Decision**

City Council on September 30, October 1 and 2, 2015, adopted the following:

1. City Council direct the City Clerk to advise the Licence Appeal Tribunal (“LAT”) that the City of Toronto objects to the application to remove conditions attached to the liquor licence for The Burroughes, 639 Queen Street West (the “Premises”), as a change of circumstances has not occurred at the Premises to warrant their removal, and that the LAT should issue a Proposal to Refuse the application.
2. City Council request the LAT to provide the City of Toronto with an opportunity to participate in any proceedings with respect to the Premises.
3. City Council authorize the City Solicitor to attend all proceedings before the LAT in this matter and direct the City Solicitor to take all necessary actions so as to give effect to this Motion, including adding and deleting conditions to the current liquor licence issued for the Premises, in consultation with the Ward Councillor.

#### **Background Information (City Council)**

Member Motion MM9.57

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84409.pdf>

Attachment 1 - Proposed Conditions to be Removed from the Liquor Licence

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-84424.pdf>

#### **Motions (City Council)**

*Motion to Introduce Motion without Notice moved by Councillor Joe Cressy (Carried)*

That Councillor Joe Cressy be permitted to add to the agenda of today's meeting an urgent Motion without Notice concerning:

Application to Remove Conditions from a Liquor Licence - The Burroughes - 639 Queen Street West - Licence No. 815052

Reason for Urgency:

This Motion is urgent as the deadline for objections to the removal of conditions application is October 4, 2015.

*Motion to Adopt Item (Carried)*

### **Bills and By-laws - Meeting 9**

BL9.1	ACTION	Adopted		Ward: All
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## Introduction and Enactment of General Bills and Confirming Bills

### City Council Decision

City Council on September 30, October 1 and 2, 2015 enacted By-laws 945-2015 to 1053-2015.

### Background Information (City Council)

(October 15, 2015) Consolidated By-law Index for September 30, October 1 and 2, 2015 City Council meeting

<http://www.toronto.ca/legdocs/mmis/2015/bl/bgrd/backgroundfile-84722.htm>

### Motions (City Council)

*1 - Motion to Introduce and Pass Confirmatory Bill moved by Councillor Stephen Holyday (Carried)*

September 30, 2015 at 7:52 p.m. - That leave be granted to introduce a Bill to confirm to the point of the introduction of this motion, the proceedings of Council Meeting 9 on September 30, 2015.

### Vote (Introduce and Pass Confirmatory Bill)

Sep-30-2015 7:52 PM

<b>Result: Carried</b>	Majority Required - Introduce the Confirming Bill
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahan, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory
No: 3	Rob Ford, James Pasternak, Anthony Perruzza
Absent: 3	Giorgio Mammoliti, Denzil Minnan-Wong, Kristyn Wong-Tam

*2 - Motion to Introduce and Pass Confirmatory Bill (Carried)*

September 30, 2015 at 7:53 p.m. - That this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, as follows:

Bill No.	By-law No.	Status	Title and Authority
1066	945-2015	Enacted	To confirm the proceedings of City Council at Meeting 9 held on September 30, 2015.

### Vote (Introduce and Pass Confirmatory Bill)

Sep-30-2015 7:53 PM

<b>Result: Carried</b>	Majority Required - Enact the Confirming By-law
Yes: 39	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Sarah Doucette, John Filion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahan, Joe Mihevc, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory
No: 3	Frank Di Giorgio, Rob Ford, Anthony Perruzza

Absent: 3 Giorgio Mammoliti, Denzil Minnan-Wong, Kristyn Wong-Tam

*3 - Motion to Introduce and Pass Confirmatory Bill moved by Councillor Michael Thompson (Carried)*

October 2, 2015 at 8:11 p.m. - That leave be granted to introduce a Bill to confirm to the point of the introduction of this motion, the proceedings of Council Meeting 9 on September 30 and October 1, 2015.

**Vote** (Introduce and Pass Confirmatory Bill)

Oct-01-2015 8:11 PM

<b>Result: Carried</b>	Majority Required - Introduce the Confirming Bill
Yes: 41	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Anthony Perruzza
Absent: 3	Rob Ford, Mike Layton, Giorgio Mammoliti

*4 - Motion to Introduce and Pass Confirmatory Bill (Carried)*

October 1, 2015 - 8:12 p.m. - That this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, as follows:

Bill No.	By-law No.	Status	Title and Authority
1067	946-2015	Enacted	To confirm the proceedings of City Council at Meeting 9 held on September 30 and October 1, 2015.

**Vote** (Introduce and Pass Confirmatory Bill)

Oct-01-2015 8:12 PM

<b>Result: Carried</b>	Majority Required - Enact the Confirming By-law
Yes: 41	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata (Chair), Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 1	Anthony Perruzza
Absent: 3	Rob Ford, Mike Layton, Giorgio Mammoliti

*5 - Motion to Introduce and Pass General Bills moved by Councillor Joe Mihevc (Carried)*

October 2, 2015 at 5:14 p.m. - That leave be granted to introduce Bills 960 to 1065, inclusive.

**Vote** (Introduce and Pass General Bills)

Oct-02-2015 5:14 PM

<b>Result: Carried</b>	Majority Required - Introduce General Bills
Yes: 33	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio,

	Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 12	Christin Carmichael Greb, Gary Crawford, Joe Cressy, Vincent Crisanti, Rob Ford, Norman Kelly, Mike Layton, Giorgio Mammoliti, Joe Mihevc, Ron Moeser, James Pasternak, David Shiner

**6 - Motion to Introduce and Pass General Bills (Carried)**

October 2, 2015 at 5:14 p.m. - That these Bills, prepared for this meeting of Council, be passed and hereby declared as By-laws, as follows:

Bill No.	By-law No.	Status	Title and Authority
960	947-2015	Enacted	To amend By-law No. 755-2015, respecting the dedication of certain land for public highway purposes forming part of Milliken Boulevard, to correct a minor technical error.  Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City.
961	948-2015	Enacted	To amend By-law No. 756-2015, respecting the dedication of certain land for public highway purposes forming part of Eglinton Avenue West, to correct a minor technical error.  Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City.
962	949-2015	Enacted	To amend By-law No. 757-2015, respecting the dedication of certain land for public highway purposes forming part of Wincott Drive, to correct a minor technical error.  Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City.
963	950-2015	Enacted	To amend the legal description contained in By-law No. 653-2015 respecting the partial closure of a portion of Eglinton Avenue West and a portion of Dufferin Street.  CC27.6, adopted as amended, by City of Toronto Council on October 30, 31 and November 1, 2012 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City.
964	951-2015	Enacted	To amend City of Toronto Municipal Code Chapter 925, Permit Parking, respecting Mendota Road.

			Etobicoke Community Council Report No. 13, Clause No. 9, as adopted by City of Toronto Council on November 26, 27 and 28, 2002.
965	952-2015	Enacted	To permanently close a portion of Monarch Road south of Junction Road and west of Old Weston Road.  Etobicoke York Community Council Item EY8.38, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
966	953-2015	Enacted	To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 2978-2982 Dundas Street West and 406-408 Pacific Avenue.  Etobicoke York Community Council Item EY8.5, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
967	954-2015	Enacted	To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as 2978-2982 Dundas Street West and 406-408 Pacific Avenue.  Etobicoke York Community Council Item EY8.5, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
968	955-2015	Enacted	To exempt lands municipally known in 2015 as 1325 Danforth Road (Blocks 1 to 14 on Registered Plan of Subdivision 66M-2519) from part lot control.  Scarborough Community Council Item SC8.24, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
969	956-2015	Enacted	To authorize the imposition of special charges on 4 Pengelly Court (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
970	957-2015	Enacted	To authorize the imposition of special charges on 8 Ramage Lane (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
971	958-2015	Enacted	To authorize the imposition of special charges on 10 Lawlor Avenue (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.

972	959-2015	Enacted	To authorize the imposition of special charges on 17 Chapais Crescent (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
973	960-2015	Enacted	To authorize the imposition of special charges on 19 Lawlor Avenue (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
974	961-2015	Enacted	To authorize the imposition of special charges on 29 Edwin Avenue (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
975	962-2015	Enacted	To authorize the imposition of special charges on 33 Brenton Street (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
976	963-2015	Enacted	To authorize the imposition of special charges on 38 Bain Avenue (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
977	964-2015	Enacted	To authorize the imposition of special charges on 42 Firstbrooke Road (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
978	965-2015	Enacted	To authorize the imposition of special charges on 48 Elkwood Drive (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
979	966-2015	Enacted	To authorize the imposition of special charges on 60 Haliburton Avenue (the "benefitting property").  Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
980	967-2015	Enacted	To authorize the imposition of special charges on 111 Langley Avenue (the "benefitting property").

			Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
981	968-2015	Enacted	To authorize the imposition of special charges on 159 Lawlor Avenue (the "benefitting property"). Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
982	969-2015	Enacted	To authorize the imposition of special charges on 161 Donlands Avenue (the "benefitting property"). Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
983	970-2015	Enacted	To authorize the imposition of special charges on 174 Waverley Road (the "benefitting property"). Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
984	971-2015	Enacted	To authorize the imposition of special charges on 274 Major Street (the "benefitting property"). Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
985	972-2015	Enacted	To authorize the imposition of special charges on 485 Warden Avenue (the "benefitting property"). Executive Committee Item EX33.22, as adopted by City of Toronto Council on July 16, 17, 18 and 19, 2013.
986	973-2015	Enacted	To amend City of Toronto Municipal Code Chapter 545, Licensing, to delete obsolete classes and definitions and to include various amendments. Licensing and Standards Committee Item LS4.2, as adopted by City of Toronto Council on June 10, 11 and 12, 2015.
987	974-2015	Enacted	To dedicate certain land on the north side of The Queensway, west of Avon Park Drive for public highway purposes to form part of the public highway The Queensway. Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.
988	975-2015	Enacted	To dedicate certain land on the east side of Bayview Avenue, north of Lawrence Avenue East for public

			<p>highway purposes to form part of the public highway Bayview Avenue.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
989	976-2015	Enacted	<p>To dedicate certain land on the north side of Queens Quay West, west of Bay Street for public highway purposes to form part of the public highway Queens Quay West.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
990	977-2015	Enacted	<p>To dedicate certain land on the north side of Evenwood Drive, east of Cedarview Drive for public highway purposes to form part of the public highway Evenwood Drive.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
991	978-2015	Enacted	<p>To dedicate certain land for public lane purposes to form part of the public lane north of Queen Street East, extending westerly from Pape Avenue then northerly.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
992	979-2015	Enacted	<p>To dedicate certain land on the west side of Bennett Road, south of Lawrence Avenue East for public highway purposes to form part of the public highway Bennett Road.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
993	980-2015	Enacted	<p>To dedicate certain land on the south side of Old Forest Hill Road, east of W. R. Allen Road, to form part of the public highway Old Forest Hill Road.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
994	981-2015	Enacted	<p>To dedicate certain land east of Kennedy Road extending between McNicoll Avenue and Passmore Avenue to form part of the public highway Milliken Boulevard. Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
995	982-2015	Enacted	<p>To dedicate certain land on the north side of</p>

			<p>Bannockburn Avenue west of Clyde Avenue for public highway purposes to form part of the public highway Bannockburn Avenue.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
996	983-2015	Enacted	<p>To dedicate certain land for public lane purposes to form part of the public lane west of Dovercourt Road, extending northerly from Sudbury Street.</p> <p>Works Committee Report 1, Clause 4, adopted as amended, by City of Toronto Council on January 31, February 1 and 2, 2006.</p>
997	984-2015	Enacted	<p>To adopt Amendment No. 288 to the Official Plan for the City of Toronto respecting the lands known municipally as 411 Victoria Park Avenue, 2510 and 2530 Gerrard Street East.</p> <p>Scarborough Community Council Item SC8.25, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
998	985-2015	Enacted	<p>To adopt Amendment No. 324 to the Official Plan for the City of Toronto respecting the lands known municipally as former road allowance between Lots 24 and 25, Concession A.</p> <p>Scarborough Community Council Item SC8.25, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
999	986-2015	Enacted	<p>To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2014 as 411 Victoria Park Avenue.</p> <p>Scarborough Community Council Item SC8.25, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1000	987-2015	Enacted	<p>To amend former City of Scarborough Birchcliff Community Zoning By-law No. 8786, as amended, with respect to the lands municipally known as 411 Victoria Park Avenue.</p> <p>Scarborough Community Council Item SC8.25, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1001	988-2015	Enacted	<p>To designate the property at 61 St. Nicholas Street as being of cultural heritage value or interest.</p> <p>MM6.12, moved by Councillor Kristyn Wong-Tam, seconded by Councillor Josh Matlow, as adopted by City of Toronto Council on May 5, 6 and 7, 2015.</p>
1002	989-2015	Enacted	<p>To designate the property at 237 Queen Street East as</p>

			being of cultural heritage value or interest.  Toronto and East York Community Council Item TE5.17, as adopted by City of Toronto Council on May 5, 6 and 7, 2015.
1003	990-2015	Enacted	To designate the property at 263-265 Queen Street East as being of cultural heritage value or interest.  Toronto and East York Community Council Item TE28.15, adopted as amended, by City of Toronto Council on December 16, 17 and 18, 2013.
1004	991-2015	Enacted	To provide for the entering into of a heritage easement agreement for the conservation of the property known municipally as 704 Queen Street East.  Toronto and East York Community Council Item TE7.25, as adopted by City of Toronto Council on July 7, 8 and 9, 2015.
1005	992-2015	Enacted	To permanently close a portion of the public highway on the northeast corner of Don Mills Road and Eglinton Avenue East.  CC27.6, adopted as amended, by City of Toronto Council on October 30, 31 and November 1, 2012.
1006	993-2015	Enacted	To authorize the entering into of an agreement for the provision of a Municipal Housing Facility at 200 Madison Avenue.  Executive Committee Item EX8.21, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1007	994-2015	Enacted	To designate an area that includes the existing Fairbank Village Business Improvement Area as an Improvement Area.  Economic Development Committee Item ED6.10, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1008	995-2015	Enacted	To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the expanded boundaries of the Fairbank Village Business Improvement Area.  Economic Development Committee Item ED6.10, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1009	996-2015	Enacted	To exempt lands known municipally as 354 Harbord Street from part lot control. Toronto and East York Community Council Item TE7.6, as adopted by City of Toronto Council July 7, 8 and 9, 2015.
1010	997-2015	Enacted	To amend former City of North York Zoning By-law

			<p>No. 7625, as amended, with respect to lands formerly known municipally as 2277 Sheppard Avenue West, 100 Mainshep Road and 3035 Weston Road.</p> <p>Etobicoke York Community Council Item EY8.6, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1011	998-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to make changes to the size of the Fairbank Village and Uptown Yonge Business Improvement Area Boards of Management.</p> <p>Economic Development Committee Item ED6.9, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1012	999-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of the Dufferin-Finch Business Improvement Area to the DuKe Heights Business Improvement Area.</p> <p>Economic Development Committee Item ED6.11, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1013	1000-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 19, Business Improvement Areas, to reflect the name change of Wilson-Keele Business Improvement Area to Wilson Village Business Improvement Area.</p> <p>Economic Development Committee Item ED6.11, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1014	1001-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 192, Public Service.</p> <p>Executive Committee Item EX42.3, adopted as amended, by City of Toronto Council on June 10, 11, 12 and 13, 2014 and MM55.76, moved by Deputy Mayor Norman Kelly, seconded by Councillor Kristyn Wong-Tam, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014.</p>
1015	1002-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 219, Records, Corporate (Local Boards), respecting amendments to the records retention schedules.</p> <p>Government Management Committee Item GM6.22, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1016	1003-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Bellamy Road North.</p>

			Scarborough Community Council Item SC8.12, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1017	1004-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting McNicoll Avenue at Victoria Park Avenue.  Scarborough Community Council Item SC8.13, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1018	1005-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Old Finch Avenue at Morningside Avenue.  Scarborough Community Council Item SC8.15, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1019	1006-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Staines Road.  Scarborough Community Council Item SC8.16, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1020	1007-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Milner Avenue.  Scarborough Community Council Item SC8.17, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1021	1008-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Eglinton Avenue West at Northcliffe Boulevard.  North York Community Council Item NY8.18, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1022	1009-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Park Lawn Road at Lake Shore Boulevard West.  Etobicoke York Community Council Item EY8.40, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1023	1010-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Toryork Drive.  Etobicoke York Community Council Item EY8.62, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1024	1011-2015	Enacted	To amend City of Toronto Municipal Code Chapter 903, Parking for Persons with Disabilities, respecting

			<p>Bloor Street West.</p> <p>Etobicoke York Community Council Item EY8.64, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1025	1012-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 910, Parking Machines and Meters, respecting Bloor Street West.</p> <p>Etobicoke York Community Council Item EY8.64, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1026	1013-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 903, Parking for Persons with Disabilities, respecting Dovercourt Road.</p> <p>Etobicoke York Community Council Item EY8.66, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1027	1014-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 903, Parking for Persons with Disabilities, respecting Davenport Road.</p> <p>Toronto and East York Community Council Item TE10.74, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1028	1015-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting King Street West.</p> <p>Toronto and East York Community Council Item TE10.88, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1029	1016-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Lower Sherbourne Street and Lake Shore Boulevard East.</p> <p>Toronto and East York Community Council Item TE10.89, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1030	1017-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Spadina Road at Coulson Avenue.</p> <p>Toronto and East York Community Council TE23.61, as adopted by City of Toronto Council on May 7, 8, 9 and 10, 2013.</p>
1031	1018-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, in relation to front yard parking and boulevard parking applications in the area of the former City of Toronto in Ward 17.</p>

			Etobicoke York Community Council Item EY8.34, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1032	1019-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Avenue Road.  Toronto and East York Community Council TE10.110, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1033	1020-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Yonge Street.  Toronto and East York Community Council TE10.114, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1034	1021-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Pape Avenue at Floyd Avenue.  Toronto and East York Community Council Report 3, Clause 56, as adopted by City of Toronto Council on April 12, 13 and 14, 2005.
1035	1022-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Ossington Avenue at Churchill Avenue.  Toronto and East York Community Council Report No. 4, Clause No. 21, as adopted by City of Toronto Council on April 16, 17 and 18, 2002.
1036	1023-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Dundas Street West at Gilmour Avenue.  Etobicoke York Community Council Report 3, Clause 39, as adopted by City of Toronto Council on April 25, 26 and 27, 2006.
1037	1024-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Rustic Road.  Humber York Community Council Report No. 4, Clause No. 36, as adopted by City of Toronto Council on May 21, 22 and 23, 2003.
1038	1025-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Queen Street East at Sumach Street.  Works Committee Report No. 6, Clause No. 35, as adopted by City of Toronto Council on April 11, 12 and 13, 2000.
1039	1026-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Albion Road at

			Calstock Drive.  Etobicoke York Community Council Report No. 9, Clause No. 5, as adopted by City of Toronto Council on November 6, 7 and 8, 2001.
1040	1027-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Kipling Avenue at Mattice Road and at Stevenson Road.  Works Committee Report No. 17, Clause Nos. 37 and 42, as adopted by City of Toronto Council on October 3, 4, 5, 6, 10, 11 and 12, 2000.
1041	1028-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Bathurst Street, Brimley Road, College Street, Dovercourt Road, Gerrard Street East, Harbord Street, Keele Street, Kipling Avenue and Old Weston Road.  Works Committee Report No. 6, Clause No. 4, adopted as amended, by City of Toronto Council on July 20, 21 and 22, 2004 and Section 169-26 of City of Toronto Municipal Code Chapter 169, Officials, City.
1042	1029-2015	Enacted	To exempt lands known municipally as 475 Front Street East (West Don Lands, Phase 2) from part lot control.  Toronto and East York Community Council Item TE12.13, as adopted by City of Toronto Council on February 6 and 7, 2012.
1043	1030-2015	Enacted	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, respecting Victoria Park Avenue.  North York Community Council Item NY8.25, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1044	1031-2015	Enacted	To amend City of Toronto Municipal Code Chapter 880, Fire Routes, respecting Queens Wharf Road.  Toronto and East York Community Council Item TE10.57, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1045	1032-2015	Enacted	To amend City of Toronto Municipal Code Chapter 903, Parking for Persons with Disabilities, respecting Ossington Avenue.  Toronto and East York Community Council Item TE10.115, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1046	1033-2015	Enacted	To amend City of Toronto Municipal Code Chapter 910, Parking Machines and Meters, respecting

			<p>Carlton Street, College Street, Dundas Street West and Queen Street West.</p> <p>Toronto and East York Community Council Item TE10.115, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1047	1034-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, to make fixed fine amendments.</p> <p>Public Works and Infrastructure Committee Item PW7.12, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1048	1035-2015	Enacted	<p>To amend former City of Toronto By-law No. 531-82, being a by-law to designate the property at 26 Lombard Street (R. G. McLean Company Building and Barclay, Clark and Company Building) to be of architectural value and historic interest, by revising the reasons for designation and updating the legal description.</p> <p>Toronto and East York Community Council Item TE4.19, as adopted by City of Toronto Council on March 31, April 1 and 2, 2015.</p>
1049	1036-2015	Enacted	<p>To designate the property at 89-109 Niagara Street (the National Casket Company Factories) as being of cultural heritage value or interest.</p> <p>Toronto and East York Community Council Item TE3.5, as adopted by City of Toronto Council on February 10 and 11, 2015.</p>
1050	1037-2015	Enacted	<p>To designate the property at 93-95 Berkeley Street (Christie, Brown and Co. Stables, 1906) as being of cultural heritage value or interest.</p> <p>Toronto and East York Community Council Item TE5.7, as adopted by City of Toronto Council on May 5, 6 and 7, 2015.</p>
1051	1038-2015	Enacted	<p>To designate the property at 450 Broadview Avenue (St. Matthew's Lawn Bowling Clubhouse) as being of cultural heritage value or interest.</p> <p>Toronto and East York Community Council Item TE36.32, as adopted by City of Toronto Council on August 25, 26 and 27, 2010.</p>
1052	1039-2015	Enacted	<p>To adopt Amendment No. 286 to the Official Plan for the City of Toronto respecting the lands known municipally as 3406-3434 Weston Road.</p> <p>Etobicoke York Community Council Item EY4.2, as adopted by City of Toronto Council on March 31, April 1 and 2, 2015 and MM9.46, moved by</p>

			Councillor Giorgio Mammoliti, seconded by Councillor Frank Di Giorgio, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1053	1040-2015	Enacted	<p>To amend former City of North York Zoning By-law No. 7625, as amended, with respect to the lands municipally known in the year 2014 as 3406-3434 Weston Road.</p> <p>Etobicoke York Community Council Item EY4.2, as adopted by City of Toronto Council on March 31, April 1 and 2, 2015 and MM9.46, moved by Councillor Giorgio Mammoliti, seconded by Councillor Frank Di Giorgio, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1054	1041-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 694, Signs, General, to add several new Sign Types, as well as adding new definitions including Topiary Sign Copy, and Electronic Sign, and a short title for Chapter 694, establish new regulations and modify regulations concerning Topiary Sign Copy, Topiary Signs, Sign Illumination, Electronic Signs, and Signs displaying Readograph Sign Copy, modify the signage regulations applicable to third party signs in Commercial Residential Sign Districts, modify provisions concerning applications for variance from Chapter 694; and designate each of the premises municipally known as 350, 360, 370, 390 and 400 Queens Quay West as a Commercial Residential Sign District; as well as to correct certain fees in City of Toronto Municipal Code Chapter 441, Fees and Charges, Appendix C - Schedule 8, Toronto Building.</p> <p>Planning and Growth Management Committee Items PG5.12 and PG5.13, as adopted by City of Toronto Council on July 7, 8 and 9, 2015 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City.</p>
1055	1042-2015	Enacted	<p>To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands municipally known as 270-288 Church Street, 101-105 Bond Street and 111 Bond Street.</p> <p>Toronto and East York Community Council Item TE10.7, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1056	1043-2015	Enacted	To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2015 as 270-288 Church Street, 101-105 Bond Street and 111 Bond Street.

			Toronto and East York Community Council Item TE10.7, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1057	1044-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting Bathurst Street, Bay Street, Beverley Street, Brock Avenue, Carlton Street, Church Street, College Street, Dovercourt Road, Dufferin Street, Dundas Street West, Gladstone Avenue, La Plante Avenue, Ossington Avenue, Queen Street West, Sheridan Avenue and St. Clarens Avenue.</p> <p>Toronto and East York Community Council Item TE10.115, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015</p>
1058	1045-2015	Enacted	<p>To amend By-law No. 1150-2008, being a By-law to amend former City of Toronto By-law No. 438-86, as amended, with respect to the lands known municipally as 165 East Liberty Street and 171 East Liberty Street.</p> <p>Planning and Growth Management Committee Item PG34.2, as adopted by City of Toronto Council on July 8, 9, 10 and 11, 2014.</p>
1059	1046-2015	Enacted	<p>To amend By-law No. 226-1998 to appoint Richard Edward Conard as Deputy Chief Building Official.</p> <p>MM9.43, moved by Councillor David Shiner, seconded by Councillor Justin J. Di Ciano, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.</p>
1060	1047-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 545, Licensing, respecting owners and drivers of taxicabs, owners and drivers of limousines, taxicab brokers and limousine service companies.</p> <p>Licensing and Standards Committee Item LS6.1, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015 and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City.</p>
1061	1048-2015	Enacted	<p>To amend City of Toronto Municipal Code Chapter 217, Records, Corporate (City), respecting amendments to the records retention schedules.</p> <p>Section 217-5D of City of Toronto Municipal Code Chapter 217, Records, Corporate (City) and Section 169-26B of City of Toronto Municipal Code Chapter 169, Officials, City.</p>
1062	1049-2015	Enacted	To adopt Amendment No. 276 to the Official Plan for the City of Toronto respecting the lands known municipally as 27-37 Yorkville Avenue and 26-50 Cumberland Street.

			Toronto and East York Community Council Item TE34.32, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014 and MM9.52, moved by Councillor Kristyn Wong-Tam, seconded by Councillor Maria Augimeri, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1063	1050-2015	Enacted	To amend former City of Toronto Zoning By-law No. 438-86, as amended, with respect to the lands known as 27-37 Yorkville Avenue and 26-32 and 50 Cumberland Street.  Toronto and East York Community Council Item TE34.32, as adopted by City of Toronto Council on August 25, 26, 27 and 28, 2014 and MM9.52, moved by Councillor Kristyn Wong-Tam, seconded by Councillor Maria Augimeri, as adopted by City of Toronto Council on September 30, October 1 and 2, 2015.
1064	1051-2015	Enacted	To amend City of Toronto Municipal Code Chapter 910, Parking Machines and Meters, respecting various locations.  Government Management Committee Item GM6.24, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015.
1065	1052-2015	Enacted	To amend City of Toronto Municipal Code Chapter 950, Traffic and Parking, respecting, Millwick Drive and Milvan Drive.  Etobicoke York Community Council Item EY8.61, adopted as amended, by City of Toronto Council on September 30, October 1 and 2, 2015.

**Vote** (Introduce and Pass General Bills)

Oct-02-2015 5:14 PM

<b>Result: Carried</b>	Majority Required - Enact General Bills
Yes: 34	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahan, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 11	Christin Carmichael Greb, Gary Crawford, Joe Cressy, Vincent Crisanti, Rob Ford, Norman Kelly, Mike Layton, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner

7 - Motion to Introduce and Pass Confirmatory Bill moved by Councillor Josh Colle (**Carried**) October 2, 2015 at 5:15 p.m. - That leave be granted to introduce a Bill to confirm to the point of the introduction of this motion, the proceedings of Council Meeting 9 on September 30,

October 1 and 2, 2015.

**Vote** (Introduce and Pass Confirmatory Bill)

Oct-02-2015 5:15 PM

<b>Result: Carried</b>	Majority Required - Introduce the Confirming Bill
Yes: 35	Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 10	Christin Carmichael Greb, Joe Cressy, Vincent Crisanti, Rob Ford, Norman Kelly, Mike Layton, Giorgio Mammoliti, Ron Moeser, James Pasternak, David Shiner

**8 - Motion to Introduce and Pass Confirmatory Bill (Carried)**

October 2, 2015 at 5:16 p.m. - That this Bill, prepared for this meeting of Council, be passed and hereby declared as a By-law, as follows:

Bill No.	By-law No.	Status	Title and Authority
1068	1053-2015	Enacted	To confirm the proceedings of City Council at Meeting 9 held on September 30, October 1 and 2, 2015. (This final confirming By-law confirms all actions taken by Council at this meeting, including the enactment of any previous confirming By-laws.)

**Vote** (Introduce and Pass Confirmatory Bill)

Oct-02-2015 5:16 PM

<b>Result: Carried</b>	Majority Required - Enact the Confirming By-law
Yes: 28	Paul Ainslie, Maria Augimeri, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Gary Crawford, Janet Davis, Glenn De Baeremaeker, Frank Di Giorgio, Sarah Doucette, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Denzil Minnan-Wong, Frances Nunziata (Chair), Cesar Palacio, Gord Perks, Anthony Perruzza, Jaye Robinson, John Tory, Kristyn Wong-Tam
No: 0	
Absent: 17	Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Josh Colle, Joe Cressy, Vincent Crisanti, Justin J. Di Ciano, John Fillion, Rob Ford, Norman Kelly, Mike Layton, Giorgio Mammoliti, Joe Mihevc, Ron Moeser, James Pasternak, David Shiner, Michael Thompson

**Procedural Motions**

**Motion to Introduce Motion without Notice moved by Councillor Norman Kelly (Lost)**

That Councillor Norman Kelly be permitted to add to the agenda of today's meeting an urgent Motion without notice concerning:

Additional 3D Toronto Signs

Reason for Urgency:

This Motion is urgent as Economic Development and Culture staff are currently exploring opportunities for additional signs and the signs suggested in this Motion should be included in that review.

**Vote** (Introduce Motion without Notice)

Oct-02-2015 9:58 AM

<b>Result: Lost</b>	Two-Thirds full Council Required - Kelly - Add Urgent Motion
Yes: 22	Paul Ainslie, Ana Bailão, Michelle Berardinetti, Christin Carmichael Greb, Raymond Cho, Gary Crawford, Vincent Crisanti, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, Mark Grimes, Jim Karygiannis, Norman Kelly, Giorgio Mammoliti, Josh Matlow, Mary-Margaret McMahon, Frances Nunziata (Chair), James Pasternak, Jaye Robinson, Michael Thompson, John Tory
No: 13	Jon Burnside, Shelley Carroll, Josh Colle, Joe Cressy, Janet Davis, Paula Fletcher, Stephen Holyday, Pam McConnell, Joe Mihevc, Denzil Minnan-Wong, Gord Perks, David Shiner, Kristyn Wong-Tam
Absent: 10	Maria Augimeri, John Campbell, John Fillion, Rob Ford, Mary Fragedakis, Mike Layton, Chin Lee, Ron Moeser, Cesar Palacio, Anthony Perruzza

*Point of Privilege*

Speaker Nunziata ruled that according to Council's Procedures, Members of Council are not permitted to wear clothing or buttons bearing slogans, and as such, Speaker Nunziata requested Councillor Mammoliti to remove his T-shirt while he is present in the Chamber.

Councillor Mammoliti stated that his T-shirt was not political but that he would remove it.

*Point of Privilege by Councillor Giorgio Mammoliti*

Councillor Mammoliti, rising on a Point of Privilege, stated that he supported the City Hall Security staff and apologized for actions in the lobby of City Hall earlier when emotions ran high. Councillor Mammoliti stated that he hoped that the remainder of the day would be uneventful for the Security staff and for visitors to City Hall.

*Ruling by Speaker Frances Nunziata*

Speaker Nunziata accepted the Point of Privilege and thanked Councillor Mammoliti for his remarks.

*Motion to Extend the Meeting moved by Councillor Mark Grimes (Carried)*

October 1, 2015 at 12:25 p.m. - That City Council extend the meeting past the 12:30 p.m. lunch recess in order to complete Item EX8.12.

*Motion to Extend the Meeting moved by Councillor David Shiner (Carried)*

October 1, 2015 at 7:55 p.m. - That City Council extend the meeting past the 8:00 p.m. recess in order to finish Items EX8.1 and HL6.7 and to enact a Confirming Bill.

*Motion to Extend the Meeting moved by Mayor John Tory (Carried)*

October 2, 2015 at 12:25 p.m. - That City Council take a one hour lunch recess and reconvene at 1:30 p.m.

**Council adjourned on October 2, 2015 at 5:17 p.m.**

**JOHN TORY**  
Mayor

**ULLI S. WATKISS,**  
City Clerk

## Meeting Sessions

Session Date	Session Type	Start Time	End Time	Public or Closed Session
2015-09-30	Morning	9:36 AM	12:20 PM	Public
2015-09-30	Afternoon	2:08 PM	7:13 PM	Public
2015-09-30	Evening	7:27 PM	7:54 PM	Public
2015-10-01	Morning	9:38 AM	12:34 PM	Public
2015-10-01	Afternoon	2:12 PM	8:14 PM	Public
2015-10-02	Morning	9:38 AM	12:30 PM	Public
2015-10-02	Afternoon	1:40 PM	5:17 PM	Public

## Attendance

Members were present for some or all of the time period indicated.

Date and Time	Quorum	Members
2015-09-30 09:36 AM - 12:20 PM (Public Session)	Present	<i>Present:</i> Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory <i>Not Present:</i> Kristyn Wong-Tam
2015-09-30 02:08 PM - 07:13 PM (Public Session)	Present	<i>Present:</i> Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory <i>Not Present:</i> Kristyn Wong-Tam
2015-09-30 07:27 PM - 07:54 PM (Public Session)	Present	<i>Present:</i> Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory <i>Not Present:</i> Kristyn Wong-Tam
2015-10-01 09:38 AM - 12:34 PM (Public Session)	Present	<i>Present:</i> Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam

		<p>McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata, Cesar Palacio, James Pasternak, Gord Perks, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam</p> <p><i>Not Present:</i> Anthony Perruzza</p>
<p>2015-10-01 02:12 PM - 08:14 PM (Public Session)</p>	Present	<p><i>Present:</i> Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam</p>
<p>2015-10-02 09:38 AM - 12:30 PM (Public Session)</p>	Present	<p><i>Present:</i> Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Christin Carmichael Greb, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Rob Ford, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Giorgio Mammoliti, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Ron Moeser, Frances Nunziata, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, David Shiner, Michael Thompson, John Tory, Kristyn Wong-Tam</p> <p><i>Not Present:</i> Mary Fragedakis</p>
<p>2015-10-02 01:40 PM - 05:17 PM (Public Session)</p>	Present	<p><i>Present:</i> Paul Ainslie, Maria Augimeri, Ana Bailão, Michelle Berardinetti, Jon Burnside, John Campbell, Shelley Carroll, Raymond Cho, Josh Colle, Gary Crawford, Joe Cressy, Vincent Crisanti, Janet Davis, Glenn De Baeremaeker, Justin J. Di Ciano, Frank Di Giorgio, Sarah Doucette, John Fillion, Paula Fletcher, Mary Fragedakis, Mark Grimes, Stephen Holyday, Jim Karygiannis, Norman Kelly, Mike Layton, Chin Lee, Josh Matlow, Pam McConnell, Mary-Margaret McMahon, Joe Mihevc, Denzil Minnan-Wong, Frances Nunziata, Cesar Palacio, James Pasternak, Gord Perks, Anthony Perruzza, Jaye Robinson, Michael Thompson, John Tory, Kristyn Wong-Tam</p> <p><i>Not Present:</i> Christin Carmichael Greb, Rob Ford, Giorgio Mammoliti, Ron Moeser, David Shiner</p>

This is Exhibit "J" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

Details on most [toronto.ca](https://www.toronto.ca) pages may not be accurate while the City responds to COVID-19. Learn about the current health situation, service changes and economic support (<https://www.toronto.ca/home/covid-19/>)

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# 24-Hour Respite Site Standards

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24-Hour Respite Sites are expected to meet the minimum service standards of the 24-Hour Respite Site Standards, which were approved by the General Manager of Shelter, Support and Housing Administration division in November 2018.

The content of the approved 24-Hour Respite Site Standards (TRS)  ([https://www.toronto.ca/wp-content/uploads/2018/12/9427-RespiteStandards\\_181203\\_AODA-Dec3.pdf](https://www.toronto.ca/wp-content/uploads/2018/12/9427-RespiteStandards_181203_AODA-Dec3.pdf)) can be viewed below or as an accessible PDF document.

## 24-Hour Respite Site Standards by Chapter

**Acknowledgments**

**Preamble**

**1) Service System Management**

**2) Defined Terms**

**3) Principles of Service Delivery**

#### 4) Client Rights and Responsibilities

#### 5) Compliments, Complaints and Appeals

#### 6) Access Requests and Customer Service

#### 7) Basic Needs and Services

#### 8) Supports and Programs

#### 9) Health and Safety

#### 10) Administration

#### Training Topics Matrix

## Implementation

City-administered 24-Hour Respite Sites and 24-Hour Women’s Drop-Ins are expected to diligently make progress towards meeting the minimum service standards as articulated in the 24-Hour Respite Site Standards released publicly in November 2018.

Shelter, Support and Housing Administration (SSHA) is committed to working collaboratively with providers to identify and take advantage of opportunities for improvement on an ongoing basis.

## Implementation Resources

Poster: Client Rights & Responsibilities / Staff Code of Conduct 

(<https://www.toronto.ca/wp-content/uploads/2018/11/91c2-Poster-Client-RR-Staff-Code-of-Conduct-181126.pdf>)

Poster: Principles of Services  ([https://www.toronto.ca/wp-content/uploads/2018/11/8947-T24H\\_RS-Principles11x17\\_181126\\_AODA-.pdf](https://www.toronto.ca/wp-content/uploads/2018/11/8947-T24H_RS-Principles11x17_181126_AODA-.pdf))

Poster: Compliments, Complaints and Appeals  ([https://www.toronto.ca/wp-content/uploads/2018/11/922d-T24-HRS-How-to-Make-a-Complaint-11x17-orange\\_181128\\_aoda.pdf](https://www.toronto.ca/wp-content/uploads/2018/11/922d-T24-HRS-How-to-Make-a-Complaint-11x17-orange_181128_aoda.pdf))

**Quick Reference: Key Space Related Standards**  ([https://www.toronto.ca/wp-content/uploads/2019/01/9521-24-hourRespiteSite\\_QR\\_PhysicalSpaceRequirements.pdf](https://www.toronto.ca/wp-content/uploads/2019/01/9521-24-hourRespiteSite_QR_PhysicalSpaceRequirements.pdf))

**Quick Reference: Policies, Procedures and Plans Requirements**  ([https://www.toronto.ca/wp-content/uploads/2019/01/8df1-24-hourRespiteSite\\_QR\\_PolicyProceduresandPlansRequirements.pdf](https://www.toronto.ca/wp-content/uploads/2019/01/8df1-24-hourRespiteSite_QR_PolicyProceduresandPlansRequirements.pdf))

**Quick Reference: Reporting Contact List**  ([https://www.toronto.ca/wp-content/uploads/2019/01/8d8d-24-hourRespiteSite\\_contactlist\\_AODA.pdf](https://www.toronto.ca/wp-content/uploads/2019/01/8d8d-24-hourRespiteSite_contactlist_AODA.pdf))

**Quick Reference: Training Topic Matrix**  ([https://www.toronto.ca/wp-content/uploads/2019/02/953a-24-hourRespiteSite\\_QR\\_TrainingMatrix\\_190131.pdf](https://www.toronto.ca/wp-content/uploads/2019/02/953a-24-hourRespiteSite_QR_TrainingMatrix_190131.pdf))

**Additional resources for 24-Hour Respite Site providers**  
(<https://www.toronto.ca/community-people/community-partners/emergency-shelter-operators/references-and-resources/>)

## Background

24-Hour Respite Sites are designed to broaden the range of services available to those experiencing homelessness. These sites operate on a 24/7 basis and provide essential services to individuals experiencing homelessness in an environment that prioritizes ease of access to safe indoor space. Services provided include resting spaces, meals and service referrals.

In the absence of provincial standards governing the delivery of these services, the City of Toronto developed an interim set of 24-Hour Respite Site Standards which took effect on April 30, 2018, and were in place while the City engaged in a broad consultation process to develop permanent Standards.

## How the Standards Were Developed

The City of Toronto conducted over 100 individual interviews with current clients at all 24-Hour Respite Sites as well as four client focus groups (e.g. LGBTQ2S clients, youth clients, senior clients, Indigenous clients) to better understand the wide range of client experiences, what clients valued about the service, what they thought could be improved and how.

The City used this client input, along with relevant considerations from the Toronto Shelter Standards, drop-in best practices, operational experience with warming centres, emergency reception centres, as well as other resources in order to identify potential standards.

The City then convened four work groups, each tasked with reviewing proposed standards through a particular lens (e.g., facilities and housekeeping, food and nutrition, health and supports, staff training and development) and submitting proposals to amend the proposed standards and/or consider the inclusion of additional standards. Work group members represented City divisions, 24-Hour Respite Site providers, other homelessness and allied service providers, health care providers and other interested organizations.

All proposals were reviewed and considered by the City and informed the drafting of the standards, which were posted for public review in October 2018.

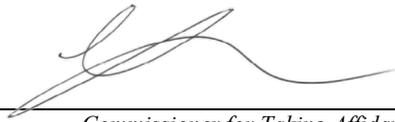
The City reviewed all public comments and feedback received during that time and made further revisions where warranted. The final version of the 24-Hour Respite Site Standards was approved by the General Manager and officially released on November 15, 2018.

## Related Information

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**Homeless Help: 24-Hour Respite Sites** (<https://www.toronto.ca/community-people/housing-shelter/homeless-help/#respitesites>)

This is Exhibit "K" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

Details on most [toronto.ca](https://www.toronto.ca) pages may not be accurate while the City responds to COVID-19. Learn about the current health situation, service changes and economic support (<https://www.toronto.ca/home/covid-19/>)

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# 24-Hour Respite Site Standards

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24-Hour Respite Sites are expected to meet the minimum service standards of the 24-Hour Respite Site Standards, which were approved by the General Manager of Shelter, Support and Housing Administration division in November 2018.

The content of the approved 24-Hour Respite Site Standards (TRS)  ([https://www.toronto.ca/wp-content/uploads/2018/12/9427-RespiteStandards\\_181203\\_AODA-Dec3.pdf](https://www.toronto.ca/wp-content/uploads/2018/12/9427-RespiteStandards_181203_AODA-Dec3.pdf)) can be viewed below or as an accessible PDF document.

## 24-Hour Respite Site Standards by Chapter

**Acknowledgments**

**Preamble**

**1) Service System Management**

**2) Defined Terms**

**3) Principles of Service Delivery**

#### 4) Client Rights and Responsibilities

#### 5) Compliments, Complaints and Appeals

#### 6) Access Requests and Customer Service

#### 7) Basic Needs and Services

#### 8) Supports and Programs

#### 9) Health and Safety

#### 10) Administration

#### Training Topics Matrix

## Implementation

City-administered 24-Hour Respite Sites and 24-Hour Women’s Drop-Ins are expected to diligently make progress towards meeting the minimum service standards as articulated in the 24-Hour Respite Site Standards released publicly in November 2018.

Shelter, Support and Housing Administration (SSHA) is committed to working collaboratively with providers to identify and take advantage of opportunities for improvement on an ongoing basis.

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All proposals were reviewed and considered by the City and informed the drafting of the standards, which were posted for public review in October 2018.

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## Related Information

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**Homeless Help: 24-Hour Respite Sites** (<https://www.toronto.ca/community-people/housing-shelter/homeless-help/#respitesites>)

This is Exhibit "L" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a stylized initial 'S' followed by a long, sweeping horizontal stroke.

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*Commissioner for Taking Affidavits (or as may be)*



[Français](#)

## Emergency Management and Civil Protection Act

R.S.O. 1990, CHAPTER E.9

**Consolidation Period:** From July 1, 2019 to the [e-Laws currency date](#).

Last amendment: [2019, c. 7, Sched. 17, s. 64](#).

Legislative History: [ + ]

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<u>11.</u>	Protection from action
<u>12.</u>	Right of action
<u>13.</u>	Agreements
<u>13.1</u>	Action not an expropriation
<u>14.</u>	Standards for emergency management programs and emergency plans
<u>15.</u>	Crown bound

## Definitions

### 1 In this Act,

“emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise; (“situation d’urgence”)

“emergency area” means the area in which an emergency exists; (“zone de crise”)

“emergency management program” means a program developed under section 2.1 or 5.1; (“programme de gestion des situations d’urgence”)

“emergency plan” means a plan formulated under section 3, 6, 8 or 8.1; (“plan de mesures d’urgence”)

“employee of a municipality” means an employee as defined in section 278 of the *Municipal Act, 2001* or a designated employee as defined in section 217 of the *City of Toronto Act, 2006*, as the case may be; (“employé municipal”)

“head of council” includes a chair of the board of an improvement district; (“président du conseil”)

“local board” means a local board as defined in the *Municipal Affairs Act*; (“conseil local”)

“local services board” means a Local Services Board established under the *Local Services Boards Act*; (“régie locale des services publics”)

“member of council” includes a trustee of the board of an improvement district; (“membre du conseil”)

“public servant” means a public servant within the meaning of the *Public Service of Ontario Act, 2006*. (“fonctionnaire”) R.S.O. 1990, c. E.9, s. 1; 1999, c. 12, Sched. P, s. 3; 2002, c. 14, s. 3; 2002, c. 17, Sched. C, s. 10 (1, 2); 2006, c. 13, s. 1 (2); 2006, c. 32, Sched. C, s. 17; 2006, c. 35, Sched. C, s. 32 (1, 2).

## Section Amendments with date in force (d/m/y) [ + ]

### Administration of Act

**2** The Solicitor General is responsible for the administration of this Act. R.S.O. 1990, c. E.9, s. 2.

### Cabinet advisory committee

**2.0.1** The Lieutenant Governor in Council may appoint, from among the members of the Executive Council, a committee to advise the Lieutenant Governor in Council on matters relating to emergencies. 2006, c. 13, s. 1 (3).

## Section Amendments with date in force (d/m/y) [ + ]

### Municipal emergency management programs

**2.1** (1) Every municipality shall develop and implement an emergency management program and the council of the municipality shall by-law adopt the emergency management program. 2002, c. 14, s. 4.

### Same

(2) The emergency management program shall consist of,

(a) an emergency plan as required by section 3;

- (b) training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
- (c) public education on risks to public safety and on public preparedness for emergencies; and
- (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 4.

#### **Hazard and risk assessment and infrastructure identification**

(3) In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies. 2002, c. 14, s. 4.

#### **Confidentiality for defence reasons**

(4) Subject to subsection (5), a head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, may refuse under that Act to disclose a record if,

- (a) the record contains information required for the identification and assessment activities under subsection (3); and
- (b) its disclosure could reasonably be expected to prejudice the defence of Canada or of any foreign state allied or associated with Canada or be injurious to the detection, prevention or suppression of espionage, sabotage or terrorism. 2002, c. 14, s. 4.

#### **Same**

(5) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not disclose a record described in subsection (4),

- (a) if the institution is a municipality and the head of the institution is not the council of the municipality, without the prior approval of the council of the municipality;
- (b) if the institution is a board, commission or body of a municipality, without the prior approval of the council of the municipality or, if it is a board, commission or body of two or more municipalities, without the prior approval of the councils of those municipalities. 2002, c. 14, s. 4.

#### **Confidentiality of third party information**

(6) A head of an institution, as defined in the *Municipal Freedom of Information and Protection of Privacy Act*, shall not, under that Act, disclose a record that,

- (a) contains information required for the identification and assessment activities under subsection (3); and
- (b) reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly. 2002, c. 14, s. 4.

#### **Meetings closed to public**

(7) The council of a municipality shall close to the public a meeting or part of a meeting if the subject matter being considered is the council's approval for the purpose of subsection (5). 2002, c. 14, s. 4.

#### **Application of *Municipal Freedom of Information and Protection of Privacy Act***

(8) Nothing in this section affects a person's right of appeal under section 39 of the *Municipal Freedom of Information and Protection of Privacy Act* with respect to a record described in this section. 2002, c. 14, s. 4.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Municipal emergency plan**

**3** (1) Every municipality shall formulate an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner in which employees of the municipality and other persons will respond to the emergency and the council of the municipality shall by by-law adopt the emergency plan. 2002, c. 14, s. 5 (1).

(2) Repealed: 2002, c. 14, s. 5 (1).

**Co-ordination by county**

(3) The council of a county may with the consent of the councils of the municipalities situated within the county co-ordinate and assist in the formulation of their emergency plans under subsection (1). R.S.O. 1990, c. E.9, s. 3 (3).

**Specific emergencies may be designated**

(4) The Lieutenant Governor in Council may designate a municipality to address a specific type of emergency in its emergency plan and, if so required, the municipality shall include the type of emergency specified in its emergency plan. 2002, c. 14, s. 5 (2).

**Training and exercises**

(5) Every municipality shall conduct training programs and exercises to ensure the readiness of employees of the municipality and other persons to act under the emergency plan. 2002, c. 14, s. 5 (3).

**Review of plan**

(6) Every municipality shall review and, if necessary, revise its emergency plan every year. 2002, c. 14, s. 5 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Declaration of emergency**

**4** (1) The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area. R.S.O. 1990, c. E.9, s. 4 (1).

**Declaration as to termination of emergency**

(2) The head of council or the council of a municipality may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (2).

**Solicitor General to be notified**

(3) The head of council shall ensure that the Solicitor General is notified forthwith of a declaration made under subsection (1) or (2). R.S.O. 1990, c. E.9, s. 4 (3).

**Premier may declare emergency terminated**

(4) The Premier of Ontario may at any time declare that an emergency has terminated. R.S.O. 1990, c. E.9, s. 4 (4).

**Conformity with upper-tier plan**

**5** The emergency plan of a lower-tier municipality in an upper-tier municipality, excluding a county, shall conform to the emergency plan of the upper-tier municipality and has no effect to the extent of any inconsistency and, for the purposes of this section, The Corporation of the County of Lambton shall be deemed to be an upper-tier municipality. 2002, c. 17, Sched. C, s. 10 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Emergency management programs of provincial government bodies**

**5.1** (1) Every minister of the Crown presiding over a ministry of the Government of Ontario and every agency, board, commission and other branch of government designated by the Lieutenant Governor in Council shall develop and implement an emergency management program consisting of,

- (a) an emergency plan as required by section 6;
- (b) training programs and exercises for public servants and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
- (c) public education on risks to public safety and on public preparedness for emergencies; and

- (d) any other element required by the standards for emergency management programs set under section 14. 2002, c. 14, s. 7; 2006, c. 35, Sched. C, s. 32 (3).

#### **Hazard and risk assessment and infrastructure identification**

(2) In developing an emergency management program, every minister of the Crown and every designated agency, board, commission and other branch of government shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure for which the minister or agency, board, commission or branch is responsible that are at risk of being affected by emergencies. 2002, c. 14, s. 7.

#### **Confidentiality of third party information**

(3) A head of an institution, as defined in the *Freedom of Information and Protection of Privacy Act*, shall not, under that Act, disclose a record that,

- (a) contains information required for the identification and assessment activities under subsection (2); and
- (b) reveals a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence implicitly or explicitly. 2002, c. 14, s. 7.

#### **Application of *Freedom of Information and Protection of Privacy Act***

(4) Nothing in this section affects a person's right of appeal under section 50 of the *Freedom of Information and Protection of Privacy Act* with respect to a record described in this section. 2002, c. 14, s. 7.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Emergency plans of provincial government bodies**

**6** (1) It is the responsibility of,

- (a) each minister of the Crown presiding over a ministry of the Government of Ontario; and
- (b) each agency, board, commission or other branch of government designated by the Lieutenant Governor in Council,

to formulate an emergency plan for the ministry or branch of government, as the case may be, in respect of the type of emergency assigned to it by the Lieutenant Governor in Council, governing the provision of necessary services during an emergency and the procedures under and the manner in which public servants and other persons will respond to the emergency. R.S.O. 1990, c. E.9, s. 6 (1); 2006, c. 35, Sched. C, s. 32 (3).

##### **Training and exercises**

(2) Every minister of the Crown described in clause (1) (a) and every agency, board, commission or other branch of government described in clause (1) (b) shall conduct training programs and exercises to ensure the readiness of public servants and other persons to act under their emergency plans. 2002, c. 14, s. 8; 2006, c. 35, Sched. C, s. 32 (3).

##### **Review of plan**

(3) Every minister of the Crown described in clause (1) (a) and every agency, board, commission or other branch of government described in clause (1) (b) shall review and, if necessary, revise its emergency plan every year. 2002, c. 14, s. 8.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Chief, Emergency Management Ontario**

**6.1** The Lieutenant Governor in Council shall appoint a Chief, Emergency Management Ontario who, under the direction of the Solicitor General, shall be responsible for monitoring, co-ordinating and assisting in the development and implementation of emergency management programs under sections 2.1 and 5.1 and for ensuring that those programs are co-ordinated in so far as possible with emergency management programs and emergency plans of the Government of Canada and its agencies. 2002, c. 14, s. 9.

#### **Section Amendments with date in force (d/m/y) [ + ]**

**Emergency plans submitted to Chief**

**6.2** (1) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall submit a copy of their emergency plans and of any revisions to their emergency plans to the Chief, Emergency Management Ontario, and shall ensure that the Chief, Emergency Management Ontario has, at any time, the most current version of their emergency plans. 2002, c. 14, s. 10.

**Repository for emergency plans**

(2) The Chief, Emergency Management Ontario shall keep in a secure place the most current version of every emergency plan submitted to him or her. 2002, c. 14, s. 10.

**Section Amendments with date in force (d/m/y) [ + ]****Definitions**

**7** In sections 7.0.1 to 7.0.11,

“animal” means a domestic animal or bird or an animal or bird that is wild by nature that is in captivity; (“animal”)

“Commissioner of Emergency Management” means the person appointed from time to time by order in council as the Commissioner of Emergency Management; (“commissaire à la gestion des situations d’urgence”)

“municipality” includes a local board of a municipality, a district social services administration board and, despite subsection 6 (2) of the *Northern Services Boards Act*, a local services board; (“municipalité”)

“necessary goods, services and resources” includes food, water, electricity, fossil fuels, clothing, equipment, transportation and medical services and supplies. (“denrées, services et ressources nécessaires”) 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Declaration of emergency**

**7.0.1** (1) Subject to subsection (3), the Lieutenant Governor in Council or the Premier, if in the Premier’s opinion the urgency of the situation requires that an order be made immediately, may by order declare that an emergency exists throughout Ontario or in any part of Ontario. 2006, c. 13, s. 1 (4).

**Confirmation of urgent declaration**

(2) An order of the Premier that declares an emergency is terminated after 72 hours unless the order is confirmed by order of the Lieutenant Governor in Council before it terminates. 2006, c. 13, s. 1 (4).

**Criteria for declaration**

(3) An order declaring that an emergency exists throughout Ontario or any part of it may be made under this section if, in the opinion of the Lieutenant Governor in Council or the Premier, as the case may be, the following criteria are satisfied:

1. There is an emergency that requires immediate action to prevent, reduce or mitigate a danger of major proportions that could result in serious harm to persons or substantial damage to property.
2. One of the following circumstances exists:
  - i. The resources normally available to a ministry of the Government of Ontario or an agency, board or commission or other branch of the government, including existing legislation, cannot be relied upon without the risk of serious delay.
  - ii. The resources referred to in subparagraph i may be insufficiently effective to address the emergency.
  - iii. It is not possible, without the risk of serious delay, to ascertain whether the resources referred to in subparagraph i can be relied upon. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]**

**Emergency powers and orders****Purpose**

**7.0.2** (1) The purpose of making orders under this section is to promote the public good by protecting the health, safety and welfare of the people of Ontario in times of declared emergencies in a manner that is subject to the *Canadian Charter of Rights and Freedoms*, 2006, c. 13, s. 1 (4).

**Criteria for emergency orders**

(2) During a declared emergency, the Lieutenant Governor in Council may make orders that the Lieutenant Governor in Council believes are necessary and essential in the circumstances to prevent, reduce or mitigate serious harm to persons or substantial damage to property, if in the opinion of the Lieutenant Governor in Council it is reasonable to believe that,

- (a) the harm or damage will be alleviated by an order; and
- (b) making an order is a reasonable alternative to other measures that might be taken to address the emergency. 2006, c. 13, s. 1 (4).

**Limitations on emergency order**

(3) Orders made under this section are subject to the following limitations:

1. The actions authorized by an order shall be exercised in a manner which, consistent with the objectives of the order, limits their intrusiveness.
2. An order shall only apply to the areas of the Province where it is necessary.
3. Subject to section 7.0.8, an order shall be effective only for as long as is necessary. 2006, c. 13, s. 1 (4).

**Emergency orders**

(4) In accordance with subsection (2) and subject to the limitations in subsection (3), the Lieutenant Governor in Council may make orders in respect of the following:

1. Implementing any emergency plans formulated under section 3, 6, 8 or 8.1.
2. Regulating or prohibiting travel or movement to, from or within any specified area.
3. Evacuating individuals and animals and removing personal property from any specified area and making arrangements for the adequate care and protection of individuals and property.
4. Establishing facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals.
5. Closing any place, whether public or private, including any business, office, school, hospital or other establishment or institution.
6. To prevent, respond to or alleviate the effects of the emergency, constructing works, restoring necessary facilities and appropriating, using, destroying, removing or disposing of property.
7. Collecting, transporting, storing, processing and disposing of any type of waste.
8. Authorizing facilities, including electrical generating facilities, to operate as is necessary to respond to or alleviate the effects of the emergency.
9. Using any necessary goods, services and resources within any part of Ontario, distributing, and making available necessary goods, services and resources and establishing centres for their distribution.
10. Procuring necessary goods, services and resources.
11. Fixing prices for necessary goods, services and resources and prohibiting charging unconscionable prices in respect of necessary goods, services and resources.
12. Authorizing, but not requiring, any person, or any person of a class of persons, to render services of a type that that person, or a person of that class, is reasonably qualified to provide.
13. Subject to subsection (7), requiring that any person collect, use or disclose information that in the opinion of the Lieutenant Governor in Council may be necessary in order to prevent, respond to or alleviate the effects of the emergency.

14. Consistent with the powers authorized in this subsection, taking such other actions or implementing such other measures as the Lieutenant Governor in Council considers necessary in order to prevent, respond to or alleviate the effects of the emergency. 2006, c. 13, s. 1 (4).

**Terms and conditions for services**

(5) An order under paragraph 12 of subsection (4) may provide for terms and conditions of service for persons providing and receiving services under that paragraph, including the payment of compensation to the person providing services. 2006, c. 13, s. 1 (4).

**Employment protected**

(6) The employment of a person providing services under an order made under paragraph 12 of subsection (4) shall not be terminated because the person is providing those services. 2006, c. 13, s. 1 (4).

**Disclosure of information**

(7) The following rules apply with respect to an order under paragraph 13 of subsection (4):

1. Information that is subject to the order must be used to prevent, respond to or alleviate the effects of the emergency and for no other purpose.
2. Information that is subject to the order that is personal information within the meaning of the *Freedom of Information and Protection of Privacy Act* is subject to any law with respect to the privacy and confidentiality of personal information when the declared emergency is terminated. 2006, c. 13, s. 1 (4).

**Exception**

(8) Paragraph 2 of subsection (7) does not prohibit the use of data that is collected as a result of an order to disclose information under paragraph 13 of subsection (4) for research purposes if,

- (a) information that could be used to identify a specific individual is removed from the data; or
- (b) the individual to whom the information relates consents to its use. 2006, c. 13, s. 1 (4).

**Authorization to render information anonymous**

(9) A person who has collected or used information as the result of an order under paragraph 13 of subsection (4) may remove information that could be used to identify a specific individual from the data for the purpose of clause (8) (a). 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Powers of the Premier****Powers delegated to Premier**

**7.0.3** (1) If an order is made under section 7.0.1, the Premier may exercise any power or perform any duty conferred upon a minister of the Crown or an employee of the Crown by or under an Act of the Legislature. 2006, c. 13, s. 1 (4); 2006, c. 35, Sched. C, s. 32 (4).

**Powers of Premier, municipal powers**

(2) If an order is made under section 7.0.1 and the emergency area or any part of it is within the jurisdiction of a municipality, the Premier, where he or she considers it necessary, may by order made under this section,

- (a) direct and control the administration, facilities and equipment of the municipality in the emergency area, and, without restricting the generality of the foregoing, the exercise by the municipality of its powers and duties in the emergency area, whether under an emergency plan or otherwise, is subject to the direction and control of the Premier; and
- (b) require any municipality to provide such assistance as he or she considers necessary to an emergency area or any part of the emergency area that is not within the jurisdiction of the municipality and direct and control the provision of such assistance. 2006, c. 13, s. 1 (4).

**By-law not necessary**

(3) Despite subsection 5 (3) of the *Municipal Act, 2001*, a municipality is authorized to exercise a municipal power in response to an order of the Premier or his or her delegate made under subsection (2) without a by-law. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Delegation of powers**

**7.0.4** (1) After an order has been made under section 7.0.1, the Lieutenant Governor in Council may delegate to a minister of the Crown or to the Commissioner of Emergency Management any of the powers of the Lieutenant Governor in Council under subsection 7.0.2 (4) and the Premier may delegate to a minister of the Crown or to the Commissioner of Emergency Management any of the Premier's powers under section 7.0.3. 2006, c. 13, s. 1 (4).

**Same**

(2) A minister to whom powers have been delegated under subsection (1) may delegate any of his or her powers under subsection 7.0.2 (4) and section 7.0.3 to the Commissioner of Emergency Management. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Proceedings to restrain contravention of order**

**7.0.5** Despite any other remedy or any penalty, the contravention by any person of an order made under subsection 7.0.2 (4) may be restrained by order of a judge of the Superior Court of Justice upon application without notice by the Crown in right of Ontario, a member of the Executive Council or the Commissioner of Emergency Management, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Superior Court of Justice. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Reports during an emergency**

**7.0.6** During an emergency, the Premier, or a Minister to whom the Premier delegates the responsibility, shall regularly report to the public with respect to the emergency. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Termination of emergency**

**7.0.7** (1) Subject to this section, an emergency declared under section 7.0.1 is terminated at the end of the 14th day following its declaration unless the Lieutenant Governor in Council by order declares it to be terminated at an earlier date. 2006, c. 13, s. 1 (4).

**Extension of emergency, L.G. in C.**

(2) The Lieutenant Governor in Council may by order extend an emergency before it is terminated for one further period of no more than 14 days. 2006, c. 13, s. 1 (4).

**Extension of emergency, Assembly**

(3) The Assembly, on the recommendation of the Premier, may by resolution extend the period of an emergency for additional periods of no more than 28 days. 2006, c. 13, s. 1 (4).

**Same**

(4) If there is a resolution before the Assembly to extend the period of the emergency, the declaration of emergency shall continue until the resolution is voted on. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Revocation of orders**

**7.0.8** (1) Subject to this section, an order made under subsection 7.0.2 (4) is revoked 14 days after it is made unless it is revoked sooner. 2006, c. 13, s. 1 (4).

**Commissioner's orders**

(2) An order of the Commissioner of Emergency Management made under subsection 7.0.2 (4) is revoked at the end of the second full day following its making unless it is confirmed before that time by order of the Lieutenant Governor in Council, the Premier or the Minister who delegated the power to make the order. 2006, c. 13, s. 1 (4).

**Extension of orders, L.G. in C., etc.**

(3) During a declared emergency, the Lieutenant Governor in Council or a Minister to whom the power has been delegated may by order, before it is revoked, extend the effective period of an order made under subsection 7.0.2 (4) for periods of no more than 14 days. 2006, c. 13, s. 1 (4).

**Extension of order after emergency**

(4) Despite the termination or disallowance of the emergency, the Lieutenant Governor in Council may by order extend the effective period of an order made under subsection 7.0.2 (4) for periods of no more than 14 days where the extension of the order is necessary to deal with the effects of the emergency. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Disallowance of emergency by Assembly**

**7.0.9** (1) Despite section 7.0.7, the Assembly may by resolution disallow the declaration of emergency under section 7.0.1 or the extension of an emergency. 2006, c. 13, s. 1 (4).

**Same**

(2) If the Assembly passes a resolution disallowing the declaration of emergency or the extension of one, any order made under subsection 7.0.2 (4) is revoked as of the day the resolution passes. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Report on emergency**

**7.0.10** (1) The Premier shall table a report in respect of the emergency in the Assembly within 120 days after the termination of an emergency declared under section 7.0.1 and, if the Assembly is not then in session, the Premier shall table the report within seven days of the Assembly reconvening. 2006, c. 13, s. 1 (4).

**Content of report**

(2) The report of the Premier shall include information,

- (a) in respect of making any orders under subsection 7.0.2 (4) and an explanation of how the order met the criteria for making an order under subsection 7.0.2 (2) and how the order satisfied the limitations set out in subsection 7.0.2 (3); and
- (b) in respect of making any orders under subsection 7.0.3 (2) and an explanation as to why he or she considered it necessary to make the order. 2006, c. 13, s. 1 (4).

**Consideration of report**

(3) The Assembly shall consider the report within five sitting days after the report is tabled. 2006, c. 13, s. 1 (4).

**Commissioner's report**

(4) If the Commissioner of Emergency Management makes any orders under subsection 7.0.2 (4) or 7.0.3 (2), he or she shall, within 90 days after the termination of an emergency declared under subsection 7.0.1 (1), make a report to the Premier in respect of the orders and the Premier shall include it in the report required by subsection (1). 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Offences**

**7.0.11** (1) Every person who fails to comply with an order under subsection 7.0.2 (4) or who interferes with or obstructs any person in the exercise of a power or the performance of a duty conferred by an order under that subsection is guilty of an offence and is liable on conviction,

- (a) in the case of an individual, subject to clause (b), to a fine of not more than \$100,000 and for a term of imprisonment of not more than one year;

(b) in the case of an individual who is a director or officer of a corporation, to a fine of not more than \$500,000 and for a term of imprisonment of not more than one year; and

(c) in the case of a corporation, to a fine of not more than \$10,000,000. 2006, c. 13, s. 1 (4).

**Separate offence**

(2) A person is guilty of a separate offence on each day that an offence under subsection (1) occurs or continues. 2006, c. 13, s. 1 (4).

**Increased penalty**

(3) Despite the maximum fines set out in subsection (1), the court that convicts a person of an offence may increase a fine imposed on the person by an amount equal to the financial benefit that was acquired by or that accrued to the person as a result of the commission of the offence. 2006, c. 13, s. 1 (4).

**Exception**

(4) No person shall be charged with an offence under subsection (1) for failing to comply with or interference or obstruction in respect of an order that is retroactive to a date that is specified in the order, if the failure to comply, interference or obstruction is in respect of conduct that occurred before the order was made but is after the retroactive date specified in the order. 2006, c. 13, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Orders in emergency****Purpose**

**7.1** (1) The purpose of this section is to authorize the Lieutenant Governor in Council to make appropriate orders when, in the opinion of the Lieutenant Governor in Council, victims of an emergency or other persons affected by an emergency need greater services, benefits or compensation than the law of Ontario provides or may be prejudiced by the operation of the law of Ontario. 2006, c. 13, s. 1 (5).

**Order**

(2) If the conditions set out in subsection (3) are satisfied, the Lieutenant Governor in Council may, by order made on the recommendation of the Attorney General, but only if the Lieutenant Governor in Council is of the opinion described in subsection (1),

(a) temporarily suspend the operation of a provision of a statute, regulation, rule, by-law or order of the Government of Ontario; and

(b) if it is appropriate to do so, set out a replacement provision to be in effect during the temporary suspension period only. 2006, c. 13, s. 1 (5).

**Conditions**

(3) The conditions referred to in subsection (2) are:

1. A declaration has been made under section 7.0.1.

2. The provision,

i. governs services, benefits or compensation, including,

A. fixing maximum amounts,

B. establishing eligibility requirements,

C. requiring that something be proved or supplied before services, benefits or compensation become available,

D. restricting how often a service or benefit may be provided or a payment may be made in a given time period,

E. restricting the duration of services, benefits or compensation or the time period during which they may be provided,

ii. establishes a limitation period or a period of time within which a step must be taken in a proceeding, or

iii. requires the payment of fees in respect of a proceeding or in connection with anything done in the administration of justice.

3. In the opinion of the Lieutenant Governor in Council, the order would facilitate providing assistance to victims of the emergency or would otherwise help victims or other persons to deal with the emergency and its aftermath. 2006, c. 13, s. 1 (5).

#### **Maximum period, renewals and new orders**

(4) The period of temporary suspension under an order shall not exceed 90 days, but the Lieutenant Governor in Council may,

(a) before the end of the period of temporary suspension, review the order and, if the conditions set out in subsection (3) continue to apply, make an order renewing the original order for a further period of temporary suspension not exceeding 90 days;

(b) at any time, make a new order under subsection (2) for a further period of temporary suspension not exceeding 90 days. 2006, c. 13, s. 1 (5).

#### **Further renewals**

(5) An order that has previously been renewed under clause (4) (a) may be renewed again, and in that case clause (4) (a) applies with necessary modifications. 2006, c. 13, s. 1 (5).

#### **Effect of temporary suspension: time period**

(6) If a provision establishing a limitation period or a period of time within which a step must be taken in a proceeding is temporarily suspended by the order and the order does not provide for a replacement limitation period or period of time, the limitation period or period of time resumes running on the date on which the temporary suspension ends and the temporary suspension period shall not be counted. 2006, c. 13, s. 1 (5).

#### **Effect of temporary suspension: fee**

(7) If a provision requiring the payment of a fee is temporarily suspended by the order and the order does not provide for a replacement fee, no fee is payable at any time with respect to things done during the temporary suspension period. 2006, c. 13, s. 1 (5).

#### **Restriction**

(8) This section does not authorize,

(a) making any reduction in respect of services, benefits or compensation;

(b) shortening a limitation period or a period of time within which a step must be taken in a proceeding; or

(c) increasing the amount of a fee. 2006, c. 13, s. 1 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Orders, general**

##### **Commencement**

**7.2** (1) An order made under subsection 7.0.2 (4) or 7.1 (2),

(a) takes effect immediately upon its making; or

(b) if it so provides, may be retroactive to a date specified in the order. 2006, c. 13, s. 1 (5).

##### **Notice**

(2) Subsection 23 (2) of the *Legislation Act, 2006* does not apply to an order made under subsection 7.0.2 (4) or 7.1 (2), but the Lieutenant Governor in Council shall take steps to publish the order in order to bring it to the attention of affected persons pending publication under the *Legislation Act, 2006*. 2006, c. 13, s. 2 (3).

##### **General or specific**

(3) An order made under subsection 7.0.2 (4) or 7.1 (2) may be general or specific in its application. 2006, c. 13, s. 1 (5).

**Conflict**

(4) In the event of conflict between an order made under subsection 7.0.2 (4) or 7.1 (2) and any statute, regulation, rule, by-law, other order or instrument of a legislative nature, including a licence or approval, made or issued under a statute or regulation, the order made under subsection 7.0.2 (4) or 7.1 (2) prevails unless the statute, regulation, rule, by-law, other order or instrument of a legislative nature specifically provides that it is to apply despite this Act. 2006, c. 13, s. 1 (5).

**Chief Medical Officer of Health**

(5) Except to the extent that there is a conflict with an order made under subsection 7.0.2 (4), nothing in this Act shall be construed as abrogating or derogating from any of the powers of the Chief Medical Officer of Health as defined in subsection 1 (1) of the *Health Protection and Promotion Act*. 2006, c. 13, s. 1 (5).

**Limitation**

(6) Nothing in this Act shall be construed or applied so as to confer any power to make orders altering the provisions of this Act. 2006, c. 13, s. 1 (5).

**Same**

(7) Nothing in this Act affects the rights of a person to bring an application for the judicial review of any act or failure to act under this Act. 2006, c. 13, s. 1 (5).

**Occupational Health and Safety Act**

(8) Despite subsection (4), in the event of a conflict between this Act or an order made under subsection 7.0.2 (4) and the *Occupational Health and Safety Act* or a regulation made under it, the *Occupational Health and Safety Act* or the regulation made under it prevails. 2006, c. 13, s. 1 (5).

**Section Amendments with date in force (d/m/y) [ + ]****Lieutenant Governor in Council to formulate plan**

**8** The Lieutenant Governor in Council shall formulate an emergency plan respecting emergencies arising in connection with nuclear facilities, and any provisions of an emergency plan of a municipality respecting such an emergency shall conform to the plan formulated by the Lieutenant Governor in Council and are subject to the approval of the Solicitor General and the Solicitor General may make such alterations as he or she considers necessary for the purpose of co-ordinating the plan with the plan formulated by the Lieutenant Governor in Council. R.S.O. 1990, c. E.9, s. 8; 1999, c. 12, Sched. P, s. 6.

**Section Amendments with date in force (d/m/y) [ + ]****Other emergency plans**

**8.1** The Solicitor General may, if he or she thinks it is necessary or desirable in the interests of emergency management and public safety, formulate emergency plans respecting types of emergencies other than those arising in connection with nuclear facilities. 2002, c. 14, s. 12.

**Section Amendments with date in force (d/m/y) [ + ]****What plan may provide**

**9** An emergency plan formulated under section 3, 6 or 8 shall,

- (a) in the case of a municipality, authorize employees of the municipality or, in the case of a plan formulated under section 6 or 8, authorize public servants to take action under the emergency plan where an emergency exists but has not yet been declared to exist;
- (b) specify procedures to be taken for the safety or evacuation of persons in an emergency area;
- (c) in the case of a municipality, designate one or more members of council who may exercise the powers and perform the duties of the head of council under this Act or the emergency plan during the absence of the head of council or during his or her inability to act;

- (d) establish committees and designate employees to be responsible for reviewing the emergency plan, training employees in their functions and implementing the emergency plan during an emergency;
- (e) provide for obtaining and distributing materials, equipment and supplies during an emergency;
- (e.1) provide for any other matter required by the standards for emergency plans set under section 14; and
- (f) provide for such other matters as are considered necessary or advisable for the implementation of the emergency plan during an emergency. R.S.O. 1990, c. E.9, s. 9; 2002, c. 14, s. 13; 2006, c. 35, Sched. C, s. 32 (5).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Public access to plans**

**10** Except for plans respecting continuity of operations or services, an emergency plan formulated under section 3, 6 or 8 shall be made available to the public for inspection and copying during ordinary business hours at an office of the municipality, ministry or branch of government, as the case may be. R.S.O. 1990, c. E.9, s. 10; 2009, c. 33, Sched. 9, s. 4.

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Protection from action**

**11** (1) No action or other proceeding lies or shall be instituted against a member of council, an employee of a municipality, an employee of a local services board, an employee of a district social services administration board, a minister of the Crown, a public servant or any other individual acting pursuant to this Act or an order made under this Act for any act done in good faith in the exercise or performance or the intended exercise or performance of any power or duty under this Act or an order under this Act or for neglect or default in the good faith exercise or performance of such a power or duty. 2006, c. 13, s. 1 (6); 2006, c. 35, Sched. C, s. 32 (6).

##### **Crown not relieved of liability**

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a public servant referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted. 2006, c. 13, s. 1 (6); 2006, c. 35, Sched. C, s. 32 (7); 2019, c. 7, Sched. 17, s. 64.

##### **Municipality not relieved of liability**

(3) Subsection (1) does not relieve a municipality of liability for the acts or omissions of a member of council or an employee of the municipality referred to in subsection (1), and the municipality is liable as if subsection (1) had not been enacted and, in the case of a member of council, as if the member were an employee of the municipality. 2006, c. 13, s. 1 (6).

##### **Application of subs. (1)**

(4) In the case of an order that is made retroactive to a date specified in the order, subsection (1) applies to an individual referred to in that subsection in respect of any act or any neglect or default that occurs before the order is made but on or after the date specified in the order. 2006, c. 13, s. 1 (6).

##### **Definitions**

(5) In this section,

“member of council” includes a member of a local board, a local services board or a district social service administration board;  
 (“membre du conseil”)

“municipality” includes a local board of a municipality. (“municipalité”) 2006, c. 13, s. 1 (6).

#### **Section Amendments with date in force (d/m/y) [ + ]**

##### **Right of action**

**12** Where money is expended or cost is incurred by a municipality or the Crown in the implementation of an emergency plan or in connection with an emergency, the municipality or the Crown, as the case may be, has a right of action against any person who caused the emergency for the recovery of such money or cost, and for the purposes of this section, “municipality” includes a local board of a municipality and a local services board. R.S.O. 1990, c. E.9, s. 12; 1999, c. 12, Sched. P, s. 8.

**Section Amendments with date in force (d/m/y) [ + ]****Agreements**

**13** (1) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada in respect of the payment by Canada to Ontario of any part of the cost to Ontario and to municipalities of the development and implementation of emergency management programs and the formulation and implementation of emergency plans. R.S.O. 1990, c. E.9, s. 13 (1); 2002, c. 14, s. 15.

**Idem**

(2) The Solicitor General, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada and with the Crown in right of any other province for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (2).

**Idem**

(3) The council of a municipality may make an agreement with the council of any other municipality or with any person for the provision of any personnel, service, equipment or material during an emergency. R.S.O. 1990, c. E.9, s. 13 (3); 1999, c. 12, Sched. P, s. 9.

**Section Amendments with date in force (d/m/y) [ + ]****Action not an expropriation**

**13.1** (1) Nothing done under this Act or under an order made under subsection 7.0.2 (4) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law and there is no compensation for the loss, including a taking, of any real or personal property except in accordance with subsection (3). 2006, c. 13, s. 1 (7).

**Payment of cost of assistance**

(2) The Lieutenant Governor in Council may by order authorize the payment of the cost of providing any assistance that arises under this Act or as the result of an emergency out of funds appropriated by the Assembly. 2006, c. 13, s. 1 (7).

**Compensation for loss of property**

(3) If, as the result of making an order under subsection 7.0.2 (4), a person suffers the loss, including a taking, of any real or personal property, the Lieutenant Governor in Council may by order authorize the reasonable compensation of the person for the loss in accordance with such guidelines as may be approved by the Lieutenant Governor in Council. 2006, c. 13, s. 1 (7).

**Compensation for municipalities**

(4) Without limiting the generality of subsection (2), the Lieutenant Governor in Council may by order authorize the payment of the costs incurred by a municipality in respect of an order made under this Act out of funds appropriated by the Assembly. 2006, c. 13, s. 1 (7).

**Section Amendments with date in force (d/m/y) [ + ]****Standards for emergency management programs and emergency plans**

**14** (1) The Solicitor General may make regulations setting standards for the development and implementation of emergency management programs under sections 2.1 and 5.1 and for the formulation and implementation of emergency plans under sections 3 and 6. 2002, c. 14, s. 16.

**General or particular**

(2) A regulation made under subsection (1) may be general or particular in its application. 2002, c. 14, s. 16.

**Conformity to standards required**

(3) Every municipality, minister of the Crown and designated agency, board, commission and other branch of government shall ensure that their emergency management programs and emergency plans conform to the standards set under this section. 2002, c. 14, s. 16.

**Section Amendments with date in force (d/m/y) [ + ]**

**Crown bound**

**15** This Act binds the Crown. 2006, c. 13, s. 1 (8).

**Section Amendments with date in force (d/m/y) [ + ]**

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Français

This is Exhibit "M" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a long horizontal flourish.

---

*Commissioner for Taking Affidavits (or as may be)*



Français

**Emergency Management and Civil Protection Act**

**ONTARIO REGULATION 50/20**

**DECLARATION OF EMERGENCY**

**Consolidation Period:** From March 18, 2020 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

WHEREAS the outbreak of a communicable disease namely COVID-19 coronavirus disease constitutes a danger of major proportions that could result in serious harm to persons;

AND WHEREAS the criteria set out in subsection 7.0.1(3) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, chapter E.9 (the "Act") have been satisfied;

NOW THEREFORE, an emergency is hereby declared pursuant to section 7.0.1 of the Act in **the whole of the Province of Ontario**.

Français

This is Exhibit "N" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

No. 159

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1<sup>st</sup> Session  
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Tuesday  
14 April 2020

1<sup>re</sup> session  
42<sup>e</sup> législature

Mardi  
14 avril 2020

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Speaker: Honourable Ted Arnott  
Clerk: Todd Decker

Président : L'honorable Ted Arnott  
Greffier : Todd Decker

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 14 April 2020

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 14 avril 2020

*The House met at 1300.*

**The Speaker (Hon. Ted Arnott):** Let us pray.  
*Prayers.*

ROYAL ASSENT  
SANCTION ROYALE

**The Speaker (Hon. Ted Arnott):** I beg to inform the House, in the name of Her Majesty the Queen, Her Honour the Lieutenant Governor has been pleased to assent to a certain bill in her office.

**The Deputy Clerk (Mr. Trevor Day):** The following is the title of the bill to which Her Honour did assent:

An Act to enact and amend various statutes / Loi édictant et modifiant diverses lois.

SOCIAL DISTANCING  
IN THE CHAMBER

**The Speaker (Hon. Ted Arnott):** I recognize the government House leader.

**Hon. Paul Calandra:** Speaker, I'm seeking unanimous consent that members present for today's proceedings be permitted to speak and vote from any member's desk in the chamber in order to observe recommended social and physical distancing between people at the present time.

**The Speaker (Hon. Ted Arnott):** The government House leader is seeking unanimous consent of the House that members present for today's proceedings be permitted to speak and vote from any member's desk in the chamber in order to observe recommended social and physical distancing between people at the present time.

Agreed? Agreed.

INTRODUCTION OF BILLS

CORONAVIRUS (COVID-19) SUPPORT  
AND PROTECTION ACT, 2020

LOI DE 2020 SUR LES MESURES  
DE SOUTIEN ET DE PROTECTION  
LIÉES AU CORONAVIRUS (COVID-19)

Mr. Lecce moved first reading of the following bill:

Bill 189, An Act to amend various Acts to address the coronavirus (COVID-19) / Projet de loi 189, Loi modifiant diverses lois pour lutter contre le coronavirus (COVID-19).

**The Speaker (Hon. Ted Arnott):** Is it the pleasure of the House that the motion carry? Carried.

*First reading agreed to.*

**The Speaker (Hon. Ted Arnott):** Would the minister care to give a brief explanation of his bill at this time?

**Hon. Stephen Lecce:** Thank you, Speaker. The bill will amend five key areas, key acts: the Education Act, the Planning Act, the Development Charges Act, the Police Services Act and the Ministry of Training, Colleges and Universities Act. I'll address these further in my remarks.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

COVID-19

**Hon. Doug Ford:** COVID-19 is the greatest threat we've seen in decades. It's an invisible enemy, a deadly enemy. The fight against this enemy is the test that will define our generation. It's the test that will define us as a people and as a province. When they look back on this time, we will be judged on how we looked out for each other. We will be judged on how we looked after those most vulnerable, those who cannot look after themselves. And I can tell you, Mr. Speaker, our enemy is ruthless. It preys on our seniors and most vulnerable, and we must protect them. We're using every tool available to us. We are deploying every resource we have.

On March 17, I took an unprecedented step of declaring a provincial state of emergency. I did not make this decision lightly, Mr. Speaker. We looked out and looked at our best information we had available to us. We consulted with the Chief Medical Officer of Health. We debated long into the night. And we continue to do everything within our power to stop the spread and flatten the curve.

We know this virus is still far from over. We are still facing a clear and present danger as long as COVID-19 continues to spread. As long as our seniors and the most vulnerable are at risk, Ontario must remain in a position to take any and all actions necessary to fight this virus.

That is why we're extending the declaration of emergency by another 28 days. We must continue to restrict social gatherings. We must continue to keep non-essential workplaces closed. We must continue to put an iron ring around our seniors. And we must continue to test the most vulnerable and those who care for them. We must continue to do everything in our power to prevent our hospitals from being overwhelmed, and the extension of the emergency order allows us to keep doing what's necessary.

I want to thank all the parties present for supporting us during this critical time. Mr. Speaker, we know that people are struggling out there, and we're taking further action today to help ease the financial burden on the people of Ontario.

That's why we're proud to introduce the Coronavirus Support and Protection Act. This act will provide targeted support. My colleagues will tell you more about this important bill in just a moment.

Mr. Speaker, when the history books are written, it will be said that the people of this great, great province never surrendered to the virus. They didn't quit when the going got tough. They didn't leave anyone behind. This crisis, like many before it, has shown what we're made of. We are people who stand our ground. We rise to the occasion, and Ontario will get through this together. Ontario will emerge from this crisis stronger than ever before.

**The Speaker (Hon. Ted Arnott):** Responses?

**Ms. Andrea Horwath:** As I rise to respond to the ministerial statement, I've got a lot of people across our great province in my heart: the public health staff and all of our health care workers, who are protecting the elderly and caring for the sick; the first responders, who help keep our communities safe and healthy; the pharmacists, grocery store staff, farmers, truckers, supply chain workers, and all those involved in getting food and medicine onto our shelves and eventually onto our tables.

These heroes get up and head to work every day during these dark times so that their friends, their loved ones, their neighbours, and even strangers can do their part and stay home.

I think of the kids decorating the driveways, sidewalks and windows in their homes with encouraging messages for neighbours—this morning I heard of a woman who is putting a riddle out every day on her sidewalk to cheer up her neighbours in her community—or the teachers who are going the extra mile to make their online lessons fun and compelling for the kids by making entertaining TikTok videos for their students and scouring the Internet for educational memes.

I think of the businesses of all sizes that are pitching in by manufacturing masks or hand sanitizer, or by supporting health care workers with food or discounts. I think of the artists and performers using their art to try to help folks make it through the self-isolation. And I think of the folks who are strengthening their communities by making donations, running errands and checking in on the most vulnerable.

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The people of this province are tackling this challenge with bravery and compassion. They are doing their part. We are here today to do ours, to push for the help Ontarians need to make it through this crisis.

People across the province are seeing terrifying outbreaks sweep through one long-term-care home after another, as well as assisted living and group home settings. Seniors in care, vulnerable people and their loved ones are anxious about what will happen next as more residents and health care workers in these facilities are diagnosed with

COVID-19. All of us are filled with sorrow for those who have lost friends and family members, a sorrow that we know is only deepened because the pandemic has made it impossible for many of us to say goodbye in person to the loved ones we are losing, or sometimes at all.

But Ontarians are made of tough stuff. I've been watching over this last week or so, particularly, as people have found new ways to celebrate. We went through a number of celebrations this past number of days, including Passover, Easter and Vaisakhi. I listened to the radio and watched on the Internet as people found new ways to show their support and love for one another. I found it quite inspiring to see the unique ways that people reached out to be with family in a virtual way. Whether it was on FaceTime or Zoom or other types of electronic opportunities, folks didn't let the coronavirus distancing requirements stop them from getting together and rejoicing with their family, their loved ones and their friends. I think that that's what Ontarians are made of. They are people who are going to use any opportunity to support one another, and that was what happened over the last number of days. It was interesting to watch as meals were being cooked and left on porches for other neighbours or family members. It was very interesting to see how the necessity of change that the coronavirus has brought amongst us has also been the mother of invention when it comes to finding ways to connect and support each other. For this, I was very inspired, as I said, and very moved by what's happened over the last number of days.

But that's not over. We have a bit of a journey left ahead of us. I think we all realize that. It's that spirit that we're going to have to pull up from inside of us and basically pretend we're having those same kinds of celebrations every single day now until the end of this virus. We will support each other as Ontarians. We will get through this. I know that Queen's Park is going to have to step up to help people weather this storm, which is why we're going to pass today's legislation that the government has brought forward and we're going to continue to be pushing for better, so that folks in every community in this province have the support that they need to cope with the incredible instability that they're facing. Thanks very much, Speaker. Meegwetch.

**Mr. John Fraser:** I'd like to begin by thanking everyone out on the front lines, those working in hospitals, long-term care, retirement homes, group homes, grocery stores, pharmacies, first responders, public transit, all those people out there who are taking risks every day so that we can get through this together.

Speaker, it's not enough for us just to simply say thank you to all these brave men and women. Our words need to be followed by actions. These are exceptional circumstances, truly extraordinary times that require us to take extraordinary measures. That's why we're here today, to extend these emergency measures.

There are three things that we must do right now to help those on the front lines:

(1) All front-line workers should have the protective equipment they need to stay safe. In particular, I'd like to

thank the Premier for all his efforts in this regard and the people of Alberta for their generosity. Still, not everyone has what they need yet. We know there is more work to do, and we can't do it fast enough.

(2) There are thousands of PSWs, developmental service workers, youth workers and mental health workers here in Ontario, and we now understand the value of their work. These workers are amongst the lowest-paid in our province. We need to adequately compensate them, and we need to do that now, because they're taking those risks right now.

(3) Importantly, not all of our front-line workers are covered by WSIB. There are people doing the same work in different settings, and they aren't covered. That's not fair. Front-line workers need to know that if they get sick, if they end up with a permanent disability or, heaven forbid, lose their life because of COVID-19, we will take care of them and their families. We need to ensure that all front-line workers are covered by WSIB, and we have to figure out some sort of presumptive measure for COVID-19 in that.

I want to thank the government and my opposition colleagues for all of the work they're doing here and in their communities. It's a pleasure to work with you. We have to keep moving forward.

**The Speaker (Hon. Ted Arnott):** Responses?

**Mr. Mike Schreiner:** I'm inspired by the extraordinary way people have responded to this crisis. We've learned a lot about how we as Ontarians care for each other. While this crisis has exposed the fragility and inequities of our social and economic systems, it has also highlighted the extraordinary things people will do to care for each other. This caring spirit should inform our plans to combat this crisis.

All of us in this province face tremendous stress—probably no one more so than the Premier. So, through you, Speaker, I'd like to address the Premier directly. Premier, I know that you are working incredibly long hours, dealing with unprecedented demands. I'd like to extend that to the entire cabinet, Speaker.

I want you to know that when I respond to what people are saying to me by putting their demands on the table, it is in the spirit of co-operation and social solidarity. We are in this crisis together, and we must recover from it together.

While I applaud the Premier for forming a cabinet committee on economic recovery, giving us a glimmer of hope that, yes, we are going to recover from this crisis, I urge him to include an active role for the opposition. Recovery will not only require a whole-of-government approach; it will require a whole-of-society approach, and that includes the voices of the people who elected all members of this House.

There are gaps in the government's response to this crisis. Those gaps will be closed by all of us working together, giving everyone in this province, through the members of this House, a seat at the table and a voice at the table—because we are all in this together.

Thank you, Speaker, and thank you to the people of Ontario for the extraordinary way we have all responded to this crisis together.

## MOTIONS

### ORDER OF BUSINESS

**Hon. Paul Calandra:** Speaker, I believe you will find we have unanimous consent to move a motion without notice regarding the immediate passage of one bill, debate on a motion to extend the period of emergency in Ontario, and the adjournment of the House.

**The Speaker (Hon. Ted Arnott):** The government House leader is seeking the unanimous consent of the House to move a motion without notice regarding the immediate passage of one bill, debate on a motion to extend the period of emergency in Ontario, and the adjournment of the House. Agreed? Agreed.

Again, I'll recognize the government House leader.

**Hon. Paul Calandra:** I move that, notwithstanding any standing order or special order of the House,

That the order for second reading of Bill 189, An Act to amend various Acts to address the coronavirus (COVID-19), may be called today, and when that order is called, 80 minutes shall be allotted to the debate on the motion for second reading of the bill, with 30 minutes allotted to the government, 30 minutes allotted to the official opposition and 20 minutes allotted to the independent members as a group, at the end of which time the Speaker shall interrupt and put every question necessary to dispose of this stage of the bill without further debate or amendment, and at such time the bill shall be ordered for third reading; and

**1320**

That the order for third reading of Bill 189 shall then immediately be called and the question shall immediately be put on the motion for third reading of the bill without debate or amendment; and

That the motion to extend the period of emergency, as recommended to the Speaker by the Premier in his letter dated April 10, 2020, be immediately called and moved without notice; and

That the Speaker shall immediately put the question on the motion without debate or amendment; and

That in the case of any division on any proceedings provided for in this motion, the division bell be limited to five minutes; and

That the House shall continue to meet beyond the normal hour of adjournment today if necessary; and

That when the House adjourns today, it shall stand adjourned until Tuesday, May 12, 2020, at 9 a.m.

**The Speaker (Hon. Ted Arnott):** Mr. Calandra has moved that, notwithstanding any standing order or special order of the House—

**Interjection:** Dispense.

**The Speaker (Hon. Ted Arnott):** Dispense? Dispense.

Is it the pleasure of the House that the motion carry?  
Carried.

*Motion agreed to.*

#### APPOINTMENT OF INFORMATION AND PRIVACY COMMISSIONER

**The Speaker (Hon. Ted Arnott):** Once again, I'll recognize the government House leader.

**Hon. Paul Calandra:** Speaker, I believe you will find we have unanimous consent to move a motion without notice regarding the appointment of the Information and Privacy Commissioner of Ontario.

**The Speaker (Hon. Ted Arnott):** Mr. Calandra is seeking unanimous consent of the House to move a motion without notice regarding the appointment of the Information and Privacy Commissioner of Ontario. Agreed? Agreed.

Once again, government House leader.

**Hon. Paul Calandra:** I move that, in accordance with subsection 4(2) of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31, Patricia Kosseim be appointed Information and Privacy Commissioner for a term of five years, as set out in subsection 5(1) of the act, commencing on July 1, 2020.

**The Speaker (Hon. Ted Arnott):** Mr. Calandra has moved that, in accordance with subsection 4(2) of the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31, Patricia Kosseim be appointed Information and Privacy Commissioner for a term of five years, as set out in subsection 5(1) of the act, commencing on July 1, 2020. Is it the pleasure of the House that the motion carry? Carried.

*Motion agreed to.*

#### ORDERS OF THE DAY

##### CORONAVIRUS (COVID-19) SUPPORT AND PROTECTION ACT, 2020

##### LOI DE 2020 SUR LES MESURES DE SOUTIEN ET DE PROTECTION LIÉES AU CORONAVIRUS (COVID-19)

Mr. Lecce moved second reading of the following bill:

Bill 189, An Act to amend various Acts to address the coronavirus (COVID-19) / *Projet de loi 189, Loi modifiant diverses lois pour lutter contre le coronavirus (COVID-19).*

**The Speaker (Hon. Ted Arnott):** I look to the government's side to lead off the debate and recognize again the Minister of Education.

**Hon. Stephen Lecce:** Speaker, we swore an oath to serve the people of this province, to do what is right, to protect human health, to protect workers' jobs and their incomes, to do whatever it takes to safeguard the people in this province from the sea of turmoil around us. Today, we embody the best of our parliamentary traditions, the best

of this country, and uphold the strength of our democracy by coming together to overcome this threat. One people, one country and one mission, and that is to conquer COVID-19.

I am grateful to the people of this province, led by our front-line workers, for demonstrating a resolve, a determination, an unshakable commitment to win this battle, to overcome this adversity and to emerge from this darkness stronger and more united than ever before, as the Premier has said. Let that light ignite us all, in all regions of our province—north, south, east and west—all free people to do their part to overcome our challenge.

This Legislature and government are reflecting that spirit. Last month, we issued a declaration of emergency and a closure of non-essential business. We ordered the closure of all publicly funded schools until April 5 and then extended the closure until May. I can assure you, Speaker, those decisions were not made easily and they were not taken lightly, but they were made to protect the health and safety of all Ontarians.

COVID-19 will create additional unforeseen hardships on students and communities if we do not act quickly. The Premier made clear our government's intent to renew the emergency order for another 28 days, giving our heroic front-line health workers the resources they need to decisively combat COVID-19.

To build on this, to build on our actions to date to save lives, I am pleased to rise in the Legislature to introduce the Coronavirus Support and Protection Act, designed with one aim in mind: maintain the safety of families and protect the financial interests of households, of our communities, of our schools and of our future. This bill will help build and protect the public by amending five key areas: the Education Act, the Planning Act, the Development Charges Act, the Police Services Act, and the Ministry of Training, Colleges and Universities Act.

Speaker, we're providing real relief for post-secondary students. This bill will give Ontario students a well-earned break by suspending payments for OSAP borrowers and initiating a six-month, interest-free moratorium on OSAP loans. By temporarily suspending loan repayments and interest accrual, our government is providing immediate support for students during this difficult time.

We're acting to ensure our schools continue to be built and students remain safe. In the Ministry of Education, we're acting to allow school boards to charge education development charges, or EDCs, on new construction, ensuring a vital source of revenue continues to flow so that we can build schools in this province. EDC bylaws expire every five years, and three school board EDCs are set to expire at the end of June.

This bill would allow school boards to continue using their existing bylaws during the current emergency and for six months after the emergency's termination to allow EDCs on new projects. The measure will allow school boards to focus on other urgent matters in these unprecedented times, such as ensuring the continuity of learning.

An additional amendment to the Education Act would provide a fair province-wide approach to addressing school suspensions and expulsions during this closure

period. The amendment would allow principals and boards to carry out investigations and expulsion hearings for those students up to 20 days after the school closure or when schools reopen. Suspensions made under this section of the Education Act are for fairly serious criminal offences. The amendment would help protect the safety and security of students and staff upon the reopening of schools.

We'll continue to work to ensure students remain learning in an ambitious program that restores teacher-led learning through this province. And I want to echo the message of the Leader of the Opposition, the Premier, the leader of the Green Party, the leader of the Liberal Party and so many others who have expressed gratitude to our educators for rising to the challenge and working so hard to do what is right for their kids. After all, we took nearly two million students into distant virtual learning in a matter of days—an incredible transformation, truly a collaborative work in progress, that's making a difference for our kids.

This bill provides some much-needed assistance to our municipal partners. More specifically, our legislation will give municipalities the time they need to focus on public health priorities by allowing them to use their current development charge bylaws during this time and for up to six months following the end of the emergency declaration. Finally, our government will give municipalities an extension for preparing and adopting a community safety and well-being plan.

Mr. Speaker, this bill, coupled with actions to date—from hydro relief for families, to enhanced support for seniors, to direct financial support to parents—will deliver the relief Ontarians deserve. It is an action plan to ensure we get through this. It embraces the enduring fortitude of the words spoken through the ages by former Prime Minister Winston Churchill, who expressed to a fatigued nation to “never, never, never give up.” Together, we will not.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Ms. Andrea Horwath:** As I rise to speak to this legislation, I want to start by again recognizing, thanking and celebrating the people of Ontario, who continue to act with courage and selflessness each and every day. I know that all of us, both in this House today and in communities across Ontario, extend our deepest thanks to our province's public health staff, all health care workers, grocery store staff, pharmacists, transit drivers, truckers, supply chain workers, first responders and all essential workers—the folks who go to work every day so their friends, loved ones and neighbours can do their part by staying home.

Our thoughts continue to be with everyone who is battling COVID-19. We wish them a speedy and complete recovery. We also extend, of course, our deepest condolences to the loved ones of those who have lost their lives fighting this virus. We wish their family and friends comfort, peace and resilience during this painful time.

As the COVID-19 pandemic continues to escalate and upend the lives of folks across the province, the country and the globe, I'm so proud that Ontarians are continuing

to step up and find new ways to come together and take care of one another. We are a community, even when we're apart.

People in every corner of this province are feeling the painful impacts of this pandemic on their lives. It is terrifying, heartbreaking and tragic to witness COVID-19 outbreaks sweeping through one long-term-care home after the other. We are filled with sorrow for those who have lost family and friends and for those who can't be with their loved ones as they fight this deadly virus.

**1330**

We can't go back in time. And the time to evaluate the preparedness in our health care and long-term-care system will come later. But the things Ontario has failed to do, we have to do now. We have to stop workers from working in more than one care home, which risks bringing the virus from one facility to another, causing more deadly outbreaks. We have to start testing everyone in long-term care, supportive and assisted housing, retirement homes, and group home settings, and we need to keep testing them regularly so we can catch outbreaks and isolate people quickly.

We need to ramp up testing now, and saying the right words is simply not enough. We need every worker in home care, long-term care and health care wearing protective gear, and we need them tested, and we need them paid well enough that they don't need to moonlight at a second facility.

Ontarians have seen their lives and livelihoods overturned. With each passing week, desperation mounts. People are seeing their bills pile up. If they managed to scrape together April's rent or mortgage payment—and not everyone did—they're now just two weeks away from May's bills. Many are looking at a bank balance that won't cover them. Seniors on fixed income can't afford more frequent co-payments. Students' OSAP funds are drying up and their summer job prospects are pretty much nil.

Some of our heroes during this crisis are sure as heck not being paid like heroes, like the grocery store staff who make minimum wage and take home less than the federal CERB offers, or the personal support workers who are forced to cobble together two or three jobs to get enough hours to make ends meet. The federal programs have offered some relief, no doubt, but they've taken too long to arrive. They're too slow to reach people. For too many, they just fall short, while others fall right through the cracks. They need the provincial government to catch them.

The NDP will vote in favour of today's bill and allow it to pass immediately. But if Ontario doesn't do more to help, some people will go hungry, and others will go without the medication they need. The urgent economic crisis Ontarians are facing as a result of COVID-19 is causing suffering, and it will only get worse if the province doesn't do its part. That's why the province should offer a supplementary emergency benefit of up to \$2,000 a month for those who fall through the cracks of federal support. We should top up social assistance payments with \$300 a month, and provide top-ups to low-wage essential workers and families that need more help making ends meet. We

need to supply income for students in the form of OSAP grants to get them through the weeks ahead. And, finally, we need to offer complete drug coverage for anyone who's receiving emergency benefits.

There are other supports for people that this government has still not put into place. This includes a rent supplement, which should be up to 80% of a person's rent, up to \$2,500 a month, plus a ban on evictions—an actual ban on evictions that's backed up by law, not just by hopes—because we all know that evictions are continuing in Ontario. If we are getting the calls, I'm sure all members of the Legislative Assembly are getting the calls.

People haven't taken the car out of the garage in weeks, and accidents are way down. Yet many are still struggling to pay full price for their auto insurance because the government hasn't put in place the 50% discount that people are asking for and we believe they deserve.

Ontarians were hoping that today's legislation would rescue them from sleepless nights and payments they can't afford. It doesn't. It doesn't do any of those things. It doesn't rescue people.

I also want to talk about support for small and medium-sized enterprises. Local businesses, charities, and community-based non-profits from shelters to food banks to churches—they're all falling through the cracks, too, and this bill doesn't help them, either. Shelter organizations and folks that work on the front lines of communities across the province are raising the alarm. The federal government's improved wage subsidy is welcome relief, but it doesn't help with the rent.

I want to tell you about someone named Lavender Chan. Lavender reached out to the NDP MPP for University–Rosedale because the federal help that was provided simply fails her and falls short for her needs. Lavender is a mom to two little ones. Their ages are one and three years old. Her family opened its first small business three years ago, the sushi restaurant called Rolltation. With COVID-19 raging, business has plummeted and Lavender simply cannot pay the rent. She applied to her landlord for a rent reduction but hasn't gotten a response. The penalty she faces if she breaks her seven-year lease is astronomical. Lavender is one of thousands of business owners across Ontario who have zero options and need help now.

I also want to point out that COVID-19 has begun to reach First Nations communities, and they desperately need help from both the federal and provincial governments to fight this pandemic. The members of this House know far too well that from Fort Hope in the north to Six Nations of the Grand River in the south, many First Nations communities were already dealing with crises in health care outcomes, adequate quality housing, safe running water, flooding and so much more before COVID-19. Now is not the time to play jurisdictional Ping-Pong with the federal government. The folks in these communities live within this province. This government has to step up and provide First Nations communities with the support and the resources they need to fight this pandemic.

The people of the province are counting on us to get this right. They're counting on us to give front-line health care

workers and public health staff the support they need to keep themselves and Ontarians safe. They're counting on us to make sure the most vulnerable are protected; to provide concrete financial supports to workers, families and small businesses; and to take the steps necessary to safeguard our province's economy so that all Ontarians, no matter their income, their age, their occupation or what corner of the province they call home, are able to not just weather this storm but make it through ready to build and rebuild their lives and our province's economy.

We can do this. We can support our health care heroes by ensuring that they have the resources, protection and staffing they need. We can make sure that every worker, family and small business in Ontario has the direct financial support that they need to make it through this crisis. We can ensure that the most vulnerable amongst us—from seniors in long-term care and home care, to people who are homeless and living in shelters, to rural, remote and First Nations communities—are supported and protected during this pandemic.

Every day, I am flooded with stories of Ontarians leading, supporting and amplifying efforts to strengthen our communities and look out for each other. From the kids putting hand-drawn messages in their windows to encourage their neighbours, to the folks at charities and non-profits who continue to be helpers, to the businesses of all sizes that are contributing whatever they can to support their communities, to everyday folks who are staying home to save us all, the people of this province are meeting this crisis with kindness, with courage and with selflessness. They're doing their part. Now, the government needs to do its part.

Thank you. Merci. Meegwetch.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. John Fraser:** It's a pleasure to rise today and say a few words about this bill. I want to start by saying thanks to all the children in Ontario. Hopefully, you're not watching this channel right now; you're on TVO. But you're helping a lot. You're helping a lot by encouraging all of us.

I want to tell you a funny story. My daughter had to drive around the block to drop something off at a neighbour's house, on the step. She had Fraser, my grandson, in the car. He was in the back seat. He was saying, "It's taking too long." She's going, "Fraser, we're just going around the corner." He said, "It's taking too long," and he kept going. Then, she says, "Fraser, what is it?" He says, "COVID-19, it's taking too long." And today—sorry, Fraser—we're extending another 28 days.

That's how we all feel. It's not easy to be away from the people who we love, whether they're our grandchildren, our brothers, our sisters, our mums and dads. It's not easy. It's not easy for any of us. It's not easy for any Ontarian. That's why we all have to pull together and work together, and that's why we're going to support this legislation today.

There are important administrative things that are going to help our partners, that are going to protect students. They're good things. They're forward-looking. There's no

sense in looking in the rear-view mirror right now. We can't look behind us. There's no time. There's no time for that at all. We'll have the time to do that sometime from now, and we'll have to do an honest assessment of how we've responded, but we can't do that right now. What we have to do is move forward.

We know the advice of public health, which tells us to stay home, practise social distancing, wash our hands. If you're vulnerable, you're over 70—I'm not there yet, thankfully—or you have a compromised immune system, stay home; isolate. That's how we're protecting all those people on the front lines as well.

1340

We need to keep our eyes fixed on what's in front of us. We have to look forward. Last week, I hosted a town hall, a tele-town hall. I know some of us are doing it here, and I want to thank the Board of Internal Economy for making sure we're able to do those things and for making such a quick decision. I heard we had 2,700 people on the call at some point, a thousand people, a lot of people. Overwhelmingly, I heard these three things: They're concerned about their personal and financial health, they're concerned about long-term care, and they're concerned about testing. Those are genuine concerns, and they expressed them. Our job is to try to express those to all of us here so we can take some action. I appreciate all the work that people are doing.

In long-term care—we talk about flattening the curve. I think we all feel like we're behind the curve. And that's not a criticism. The question is, how do we get ahead of that? It needs to be clearly articulated to people how we're going to do that. It hasn't been. I know there are great efforts, but people need to understand that. People need to understand how we can better prepare for what's happening in long-term-care and retirement homes. There have been some great suggestions by the RAO about what we need to be doing there. I know the government has followed some of those things and taken them on, and that is great. We need to do all of them. You've done great things like look at foreign-trained professionals; that's important. Ensuring that PPE gets there—it needs to get to every setting. That's what we're hearing from people. That's what they want.

We're all affected by this. We all know that we can't do it fast enough, but we have to try. We have to try to be bold and take those measures that right now might seem—like looking at how we're paying those people who are caring for the people we care for most, because it's important, and they deserve it. The benefit of that is it's going to create some stabilization in the workforce and achieve some of those public health guidelines that are being put forward by our public health experts.

I think we all know what we have to do here. I kind of hope the kids are tuning in, and here's why: Because this is the way that we should work all the time. It is. Maybe that sounds Pollyannaish—I've been accused of that before—but that's the way that things should be. That's how we have to continue to work through this to support

each other, to support all Ontarians and ensure that we all come through this together and nobody gets left behind.

**The Speaker (Hon. Ted Arnott):** Further debate?

**L'hon. Caroline Mulroney:** C'est un honneur pour moi de me lever en cette Chambre aujourd'hui pour appuyer ce projet de loi qui protège les Ontariennes et les Ontariens, ainsi que pour remercier ceux et celles qui travaillent si fort sur les premières lignes afin d'assurer que nous avons tout ce dont nous avons besoin.

Nous voyons tous qu'en ces temps extraordinaires, nous avons des héros extraordinaires. Ce sont les médecins, les infirmières et les infirmiers, et les autres professionnels de la santé dans nos hôpitaux et dans nos centres médicaux, dans les soins de longue durée et les maisons de retraite; les premiers intervenants, les camionneurs, les gens qui travaillent dans les épiceries et les magasins, ainsi que ceux qui assurent le transport en commun à travers notre province; et les entrepreneurs qui ont répondu « présent » lorsque nous avons lancé des demandes d'aide pour de l'équipement et des produits pour assurer le bon fonctionnement de notre chaîne d'approvisionnement et la protection de ceux qui sont sur les premières lignes; et bien sûr, monsieur le Président, tous les bénévoles. Nous vous disons merci. Merci pour votre temps et vos efforts jour après jour pour nous aider à passer à travers. Vous êtes des vrais héros.

Nous, politiciens, sommes ici dans cette session extraordinaire de l'Assemblée législative—un plus petit groupe que d'habitude par exprès, pour que nous puissions observer la distanciation physique—pour prolonger l'état d'urgence sanitaire de 28 jours de plus, cette période pendant laquelle les vrais héros continuent à faire des sacrifices pour nous tous.

Et nous, citoyennes et citoyens de l'Ontario? Nous devons continuer à respecter les consignes du médecin hygiéniste en chef. C'est essentiel pour aplatir la courbe, c'est essentiel pour protéger les plus vulnérables de notre société, et c'est essentiel pour protéger les premiers intervenants.

Le projet de loi que nous proposons aujourd'hui ajoutera aux mesures déjà annoncées qui visent à nous aider à passer à travers ces moments difficiles ensemble. Ce projet de loi contribuera à protéger le public en modifiant cinq lois clés, soit la Loi sur l'éducation, la Loi sur l'aménagement du territoire, la Loi sur les redevances d'aménagement, la Loi sur les services policiers et la Loi sur le ministère de la Formation et des Collèges et Universités.

Les mesures proposées apporteront une aide réelle aux conseils scolaires et aux municipalités dans leur gestion de l'urgence créée par la COVID-19 et apporteront à nos élèves un soutien indispensable. Les mesures sont nécessaires, monsieur le Président, et c'est pour cela que c'est essentiel que tous les membres de cette Assemblée les appuient.

Le projet de loi que nous proposons ajoutera aux mesures déjà annoncées qui visent à nous aider à passer à travers les moments difficiles ensemble. Je voudrais prendre un moment pour vous parler de quelques mesures

que nous avons déjà annoncées dans les dernières semaines.

Nous avons annoncé un plan d'action de 17 milliards de dollars afin de lutter contre la COVID-19. Ce plan contient 10 milliards de dollars pour soutenir les particuliers et les entreprises par le biais de reports fiscaux et autres mesures pour améliorer leurs liquidités, pour protéger les emplois et les budgets de nos familles; 3,3 milliards de dollars pour soutenir notre système de santé; et 3,7 milliards de dollars en soutien direct aux personnes et aux emplois.

Notre gouvernement veut assurer que l'Ontario aura les ressources nécessaires pour battre la COVID-19 et protéger la santé et les finances des gens qui en ont besoin.

Cette crise a démontré les héros qui existent parmi nous. J'aimerais prendre un moment pour briller une lumière sur un groupe de héros que nous connaissons tous très bien : les camionneurs. C'est grâce à nos camionneurs que nous avons des aliments et des produits dans nos épicereries et nos magasins. Ils travaillent de longues heures jour après jour et nuit après nuit. Ils méritent notre respect, notre soutien, nos remerciements et nos meilleurs efforts pour les aider. C'est pourquoi nous avons fait appel, à tout le monde, de soutenir nos camionneurs lorsqu'ils s'arrêtent pour se reposer, pour manger et pour faire le plein d'essence. C'est pourquoi nous offrons maintenant davantage d'endroits sécuritaires où les camionneurs peuvent s'arrêter et se reposer dans toute la province, et nous remercions nos partenaires du secteur privé pour leur appui dans ce travail. Ces mesures s'ajoutent aux actions que nous avons prises au début de cette crise pour promouvoir la distanciation sociale et pour réduire le stress des conducteurs.

À tous ceux qui travaillent sur les premières lignes de cette épidémie, on veut vous dire que votre santé et votre bien-être sont la priorité, absolument, de notre gouvernement. Nous sommes à l'écoute, et c'est ensemble que nous allons passer à travers.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. Jeff Burch:** I'd like to take a few moments to speak to the municipal amendments in this bill. Of course, we support those items, which provide some flexibility to municipalities. The development charge bylaws: I believe there are almost 20 municipalities whose development charge bylaws will expire shortly. Providing them with a six-month window to continue to collect those important development charges that support soft services in municipalities across Ontario is very important, and we appreciate that change.

As well as schedule 4, with the changes to the Planning Act, with municipal councils meeting remotely and dealing, of course, with much more important issues, it's important to extend that period of time that councils have to act on planning decisions before they're automatically referred to the LPAT.

1350

What we've been hearing, Speaker, is that municipalities are bleeding cash. We know that revenues are down from things like transportation and fees, expenses are up

as municipalities deal with this crisis, and they're worried about going into the red. Municipalities cannot run deficits, and so they will need more assistance in the long term than they're getting now.

The government, I think, has heard people on this side of the House talking about how, if there is any kind of a committee that deals with recovery, all parties need to be part of that committee so that we can have input. Some of the input that our leader has put forward and that we support would be for municipalities that institute property tax deferrals. They should be able to ensure the flexibility to defer their remittance of property tax to the province. That would provide some breathing room for municipalities. We believe that should be in this bill, and we hope that the government considers that in the future.

We should also provide 100% provincial funding to public health units. Currently, municipalities are paying 30% of those costs. What better time than now in this crisis for the province to show that they are partners with municipalities and to support municipalities by footing the cost of public health units and people on the front lines?

There are other jurisdictions like Denmark that are moving forward with plans for recovery. Like businesses, municipalities don't want to find themselves behind the eight ball when it is time for us to think about recovery. So I hope the government, moving forward, will consider some of these recommendations that are coming from this side of the House.

In the last few moments, Speaker, I would just like—I believe, on behalf of all members of this Legislature—to extend deepest condolences to the family of Councillor Mike Ciolfi from Pelham who passed away on Sunday after testing positive for COVID-19. I want to thank the leader of the official opposition and the Minister of Municipal Affairs and Housing for recognizing him on social media yesterday. He leaves behind a wife and two daughters. He was a wonderful community activist and a great councillor, and he will be deeply missed.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. Mike Schreiner:** It's an honour today to rise to speak on this bill. Before I begin, I just want to take a moment to thank the front-line health care workers, the delivery drivers, the transit drivers, our long-term-care workers, our teachers. My children have received their homework, much to their displeasure, but they're working hard at it, I hope, as we speak.

I want to offer my condolences to everyone who we've lost in this crisis. I know we all feel it. I think, sometimes, where I most feel it is when I do that thing that we all do every week and go grocery shopping. You can see it in the eyes of everyone who's also shopping and you can see it in the eyes of the people at the store. There's this fear, but yet a deep desire to connect with each other. It just shows you the everyday heroes that we experience as we do some of the most mundane things day to day in our lives.

I also want to say I appreciate the actions of the government that they've taken to help flatten the curve and, frankly, save lives. I want to thank the people of Ontario who are staying home and practising physical distancing and saving lives.

I have little doubt that the government, with a bit of pushing from the opposition and others, are doing everything they can to make sure we ramp up the amount of testing we do in the province, to make sure that everyone—our front-line health care workers; those who work in long-term-care homes; those who work in any homes, whether it's supportive housing, housing for disabled people of all abilities—has the personal protective equipment they need. Front-line officers—I'm starting to see more delivery drivers having access now. It's so critically important to get that in the hands of everyone who's working on the front lines in our province.

I think the Premier and the Prime Minister deserve compliments and kudos for the clear way they've been communicating during this crisis, being transparent with the public about what is happening and the urgent priorities to flatten the curve and save lives.

In many respects, that means quarantining partisanship in this House, so I'll be supporting this bill, supporting the fast passage of this bill, like the other opposition parties. But I also want to talk about some things that I feel are missing from the bill as well, because I think it's important to hear from those Ontarians who want us to come and fill in the gaps.

Unfortunately, even though the federal government has acted, there are a lot of Ontarians who are still falling through the gaps. I've been hearing from people who don't fully qualify for the CERB payments. I'm talking about people who need additional mental health supports. I'm talking about small businesses who don't know if they're going to keep the doors open after May 1, when the next rent is due. And I'm sure the government is hearing those concerns too.

The problem is not what's in the bill. What's in the bill is good. The challenge is what's not in the bill, and that's what I think we need to address when we come back next month, if it's not too late for some folks.

I received an email, and I want to read it, from a constituent of mine who I think really captures how some people are falling through the cracks:

"I am a single mom that has a 20-year-old daughter that is dependent on me, as we both are victims of domestic violence ... her mental and emotional health is very unstable at this time. She was in trauma counselling.

"She is also an essential service worker ... with the reduction of hours at her employment, she only works 10 hours a week.

"She doesn't qualify for EI benefits nor the CERB.

"Now with the loss of one of my positions, there is not enough to pay for rent, car payments, food and any of our bills.

"I am not sure where to turn to or who to turn to at this time. Everything that I have read online doesn't qualify my daughter and myself. I am reaching out for help."

So I want a bill that's going to help the people like her—and she's not the only one—across Ontario. We need direct financial payments for people who don't qualify for the CERB. We need direct financial payments for people

who are on social assistance, to top them up to the CERB. Because I can tell you, so many people I know on Ontario Works and Ontario disability support would get by by doing odd jobs here and there to bring in a little extra cash, or they would go to places like Hope House in my riding to get lunch as a community. Those places are closed. Those job opportunities no longer exist. But those people still need to eat. They're our neighbours.

We're fortunate that landlords are mostly being pretty flexible with rent, but we can't rely on goodwill alone. I've talked to small business owners who don't know if they'll be able to maintain their business. We know the Amazons and the Walmarts of the world are going to survive this crisis, but I want our downtowns to survive this crisis. I want the businesses that make our communities so vibrant and vital to survive this crisis. I don't know if they're going to be able to reopen if they don't get rent support for May 1, certainly not if they don't get it by June 1.

I know the Premier likes to talk about Ontario being open for business. I want to make sure our small businesses can reopen when we emerge from this crisis. I want Ontario businesses, local businesses, independently owned businesses to be open for business when we recover from this pandemic.

Speaker, I want to echo my colleagues' calls for support for municipalities. I've been meeting with mayors who have talked about the fact that they're losing millions of dollars in transit fares, parking fees and other sources of revenue. There's a lot of people who are not going to be able to pay their property taxes over the next little while. We know that municipalities provide essential services. We have to keep our transit going. We have to ensure that our public health units are fully funded and operating—now more than ever do we need them—and all the other vital services that municipalities play in our communities. When we come back in May, I want to make sure that we have a relief package for our municipalities.

**1400**

Finally, I want to say that when we come back in May—and I see the minister is here—we provide more than \$12 million of extra funding for mental health supports. I can tell you, the people reaching out to my office, and I'm sure everyone's office in this House—the need and the demand to provide additional mental health support is huge. We're going to have to step up and support and help those people. I know we all care, and so let's provide the funding that's needed to provide the mental health supports that the people of Ontario are going to need.

Speaker, we will emerge from this crisis because of the spirit of the people of this province, their courage and the extraordinary way in which they are caring for people, and I believe the government and everybody in this House—we have to step up and ensure that we provide the helping hand that's going to ensure that nobody falls through the cracks because of COVID-19.

**The Speaker (Hon. Ted Arnott):** Further debate? The Solicitor General.

**Hon. Sylvia Jones:** Thank you, Speaker, and may I channel you for a moment and thank the Legislative Assembly staff who have ensured that our debate can continue here safely. Thank you very much.

*Applause.*

**Hon. Sylvia Jones:** I also, as Solicitor General, want to personally thank the Solicitor General's staff, Deputy Solicitor General Di Tommaso, Deputy Solicitor General Deborah Richardson and their staff who are literally working around the clock. We are, by our very nature, an operational ministry: police, First Nations, municipal partners, corrections, animal welfare, firefighters, Emergency Measures Ontario—did I say corrections officers? Because they are so critical. It is incredible to me to see the professionalism and to see the commitment that your staff and you have given in support of the people of Ontario, so thank you, thank you, thank you.

As we are here, I would like to provide more details on the proposed legislative amendment to the Police Services Act. Currently, the Police Services Act requires municipalities to develop a community safety and well-being plan by January 1, 2021. These plans require municipalities to work across a wide range of sectors such as policing, health and social services to develop proactive strategies that will address local priorities related to the safety and well-being of our Ontario citizens. However, given the current global public health emergency, we must ensure that municipalities and the sectors they are required to work with can focus their attention on maintaining public safety, containing the spread of COVID-19, and treating those who have become ill with the virus.

We have also been working closely with municipalities as they respond to the impacts and ramifications of the COVID-19 outbreak and the effects it's having on Ontario communities. In our discussions, municipalities have raised concerns regarding the January 1, 2021, deadline and have asked to delay the existing timeline.

The bill that we have proposed in the Legislature today would amend the Police Services Act to allow a new deadline to be prescribed in regulation for community safety and well-being plans to be completed. This will give municipalities an extension for preparing and adopting these plans so they can focus their staff and resources to address the COVID-19 outbreak. I want to raise, very briefly, that there was some concern about why we didn't prescribe a date. Frankly, we didn't prescribe a date because we do not know when this pandemic will be finished, so prescribing it in regulation allows us the flexibility, and the municipal need for flexibility, while the pandemic occurs.

While the community safety and well-being plans are an important tool for municipalities to keep our communities safe in more normal times, we need to focus on allocating resources where they are needed most, right now, and that is to stop the spread of COVID-19. The safety and well-being of all Ontarians is our government's top priority and we will continue to take decisive action to protect everyone who calls Ontario home.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. Chris Glover:** It's an honour to rise in the House today, especially during this pandemic and these important times. I just want to start my remarks by thanking all of the health care heroes out there: the doctors, the nurses, the personal support workers, the technicians, the cleaners, the administrators—all of the people who were taking care of the elderly and ill before this started and who are looking after the people through this pandemic and putting their own health at risk. I want to thank them.

I want to thank the essential service workers. I want to start with the farmers—because that's where the food we're eating starts—the truck drivers who deliver it, the grocery store clerks, the social workers, the food-deliverers, the cooks.

I want to also reach out and thank all of the community members who are doing what they can: calling their neighbours, sewing masks and cooking and delivering meals. Especially this past weekend, I saw many people out there cooking meals and reaching out to people who were unable to cook, or just reaching out to provide some warmth and comfort, letting others know that they are there for them.

Like the other opposition members mentioned, we are going to be supporting this bill. My role as critic for colleges and universities is to point out the things that need to be done. The six-month OSAP relief is absolutely vital. It's an important first step, but there are many other steps that need to be taken to support our post-secondary sector and our students.

Ontario's colleges and universities are stepping up during this crisis. There are health care students who are fast-tracking their training so that they can get on the front line. There are other health care students who are supporting their future colleagues by providing meals to them while they're working long shifts in hospitals. Student residences are being used as shelters. Some students are 3-D printing face shields to protect our front-line health care heroes.

Research labs are isolating COVID-19 and working on a vaccine. They're also offering their lab services to increase our level of testing, because the World Health Organization says that we are not going to be able to start reducing the restrictions on us until we have a thorough "testing, tracking and isolation" regime in place.

Our public universities and colleges in this province are stepping up during this crisis. They have been the foundation for the success of our 21st-century economy in this province, and not just during this crisis. We have the fastest-growing IT sector in North America. A lot of that is due to the innovation centres and the research work that takes place at our public colleges and universities.

But the success they've achieved and the contribution they've made to our success in Ontario has not been rewarded with funding. The per student funding in Ontario is 40% lower than the Canadian average. Our college and university students face the highest tuition fees and the highest student debt levels. Operating grants have been flatlined for a decade. That equals a \$2-billion inflationary cut. Just a year ago, the OSAP grants were converted to

loans. There was a \$670-million cut to operating grants for our post-secondary institutions.

Now that we're in the middle of this pandemic, we are entering it with already underfunded post-secondary institutions. We need the government to step up, and there are a number of things I'm hoping will come the next time we meet, in May.

There needs to be an increase in OSAP to make up for the money that students are not going to be able to earn because of the loss of summer jobs and their parents' loss of income—so they're not going to be able to contribute. We want those to be grants; they can't be loans. Our students are already deeply indebted. We know—the research shows—that student debt and the cost of university and college are fuelling the mental health crisis on our campuses. We can't add to that fuel right now. We can't add to that mental health crisis.

We need an emergency relief fund to help students just to meet basic, urgent needs.

We need to increase the operating grants to our universities and colleges so that they can transition to online learning, and because of the expected loss of income from students who won't be able to return—and in particular international students.

We need to cancel the math proficiency test. This is holding up the licensing of teachers who should be able to start work in September in our schools or online—however we're delivering it. But we need to cancel that math proficiency test so that they can begin teaching as soon as possible.

1410

We will bounce back from this, and in order to bounce back, we need to protect our public colleges and universities. I'll just mention that, in 1921, just a few blocks from here, Banting and Best discovered insulin in one of our public universities. That vaccine for COVID-19 could also come from one of the labs in our public colleges and universities, so we need to support them and we need to support their students.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Ms. Mitzie Hunter:** It's my pleasure to rise today on behalf of the people of Scarborough–Guildwood. Indeed, Speaker, we are in this together. The measure of a society is the way that it treats its most vulnerable. When I last rose in this chamber, I spoke about the urgency of the moment. I shared the devastating news that two residents of Seven Oaks Long-Term Care Home in my riding of Scarborough–Guildwood had sadly passed away from COVID-19. And in just a few short weeks, the situation has become even more dire. Twenty-two people have now passed away at Seven Oaks, and my heartfelt condolences to those families as they are grieving at this time, and the staff who care for them. But, Speaker, the situation is even more distressing. Eighty-two more confirmed cases are in residence there, as well as 14 confirmed staff.

This outbreak is not limited to one facility. There are outbreaks in 82 long-term-care homes peppered across this province. All of us in this room are impacted by this virus. Today, we must stand together and do all that we can with

a spirit of urgency to protect our constituents and especially those who are vulnerable. The elderly have given so much to our province and to our communities, and we feel this loss keenly. If what we are doing is not working, we have to stop and we have to rethink. We urgently need to do more to protect vulnerable populations and the staff who care for them. I see that the province is taking steps such as doing more testing of these populations, but we need to do more and we need to move much more quickly.

Preventing the spread of COVID-19 in these facilities will directly translate into lives that are saved. Residents in long-term-care facilities do not have the same options as everyone else in the general public to protect themselves. Public health advice—to stay at home, to self-isolate, to cough in your sleeve, to do all of these things—is meaningless in those facilities, because they are already at home. They need the staff who care for them where they live to be healthy, and the staff doing rigorous testing also need to feel protected. So personal protective equipment is essential when working in these facilities—not after there is an outbreak, but every day.

Many facilities are struggling to meet their staffing needs. Many workers have already become sick themselves, and those who have not worry about bringing this virus home to their families. Staff who relied on income from working at more than one job at multiple sites will feel the impact of this virus right in their bank accounts.

In addition to increased funding for the long-term-care sector, the government has set aside \$1 billion in contingency funding. This funding is designed to respond to the pandemic. It should be proactively used to protect people in long-term care and other congregate settings.

In order to attract and retain staff, the government should need immediately and retroactively implement “hero pay” for all staff at long-term-care homes by giving them an immediate raise of \$4 an hour. The high risk that these workers take on in order to provide the care and support for our society's most vulnerable should be valued and rewarded.

Speaker, we also need to listen to those working in home care, because it's a system of care and home care workers are equally as exposed because of the intimate work that they provide to people in need. They, too, need personal protective equipment, and they urgently need a system of testing so we know what the risks are in those home care settings.

Under the Emergency Management Act, the province has the ability to appoint a single person who is responsible for vulnerable people in this province. I urge this government to use the tools at their disposal to appoint that individual and make it known to the long-term-care, the home care, the community care, the congregate living settings and the group homes that are in this province, as well as those who are in transitional housing and emergency shelters, so that vulnerable groups have the protection that they need.

Finally, I want to talk to the students of this province. I know that my colleagues on the other side have spoken

very well to the importance of those in our universities and our colleges. One of the things that we have to be careful about is unintended consequences. Usually, from May to May is when leases are signed, so we need to make sure that our students are not caught in further debt because they cannot honour those leases if their schools move to virtual learning in the fall.

These are just some of the things the government can do that are in the capacity of the government to do during these times. And yes, Speaker, we can and we should do more, as urgently as the situation of COVID-19 demands.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. Parm Gill:** It is an honour to rise in this House to speak to this important legislation and also to serve with our Premier, the Minister of Municipal Affairs and Housing and all of my colleagues on both sides of the House during this unprecedented time in Ontario's history.

As everyone in Ontario knows, the current situation is not business as usual for anyone, and that includes our municipalities. That is why we're proposing legislative changes to two acts, the Planning Act and the Development Charges Act.

First, I'll outline proposed changes to the Planning Act. An increasing number of municipalities are responding to the COVID-19 outbreak by diverting resources to essential services, instructing non-essential staff to work from home or suspending in-person meetings. We are proposing to give our municipal partners the time they need to focus on local public health priorities by temporarily suspending planning decision timelines.

Currently, when someone applies to change a planning document or to develop or divide land, municipalities and planning boards have specified timelines to make a decision before the applicant can appeal it to the LPAT. The changes proposed today would allow the Minister of Municipal Affairs and Housing to temporarily pause the need for municipalities and planning boards to make decisions within these timelines without the risk of appeal. This responds to requests from municipalities and would help them better manage staff time and resources in order to direct them to more urgent needs at this time.

This would apply to all Ontario municipalities and planning boards. However, municipalities that want to continue to process planning applications, hold virtual or electronic public meetings and make decisions during this time can still continue to do so.

Next, Mr. Speaker, I would like to highlight our proposed changes to the Development Charges Act. Our government believes that growth should pay for growth, and we want to ensure municipalities have the tools they need to build complete communities. Municipalities are allowed to make builders pay development charges on new construction to help with the cost of growth-related infrastructure, such as roads, water, waste water, police and fire services. To levy development charges, municipalities need to have a bylaw in place, which must be reviewed, consulted on and replaced at least every five years. But if a development charges bylaw is scheduled to expire in the coming months, it would be difficult to replace during the COVID-19 outbreak.

**1420**

That's why we're proposing changes to the Development Charges Act that would allow municipalities to keep using their existing bylaw during this time. We want to ensure that municipalities can count on this important source of revenue for local infrastructure and services during the COVID-19 outbreak.

Upon royal assent, both the changes we're proposing in this bill would come into effect. The Minister of Municipal Affairs and Housing would then have the authority to make the necessary regulatory changes to the Planning Act to temporarily suspend specified timelines. The regulatory changes would be able to suspend timelines back to March 17, 2020. Once the provincially declared emergency has ended, the regular land use planning timelines would automatically come back into effect, and the Development Charges Act changes would apply for up to six months following the end of the emergency declaration. This would allow municipalities time to put in place a new development charge bylaw if needed.

Mr. Speaker, we know these measures are necessary to help municipalities better manage staff time and resources so they can focus on the COVID-19 outbreak. Our proposals build on the package of support I spoke to last month that gives municipalities the ability to fully conduct council, local board and committee meetings electronically during this time. We will continue to work with our municipal partners to support our communities and keep Ontarians safe.

I want to thank all of my colleagues in this chamber and the opposition parties for supporting this important piece of legislation and for passing it quickly. Thank you very much.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Ms. Marit Stiles:** It's a really great pleasure to be here to speak both as the education critic for the official opposition and also on behalf of the people of my riding of Davenport.

I want to start by thanking our health care workers and all of the other workers who are fighting COVID-19 on the front line, ensuring that Ontarians get the essential services that they need—and others here have already spoken about that.

I also want to acknowledge, though, the incredible work that all Ontarians are doing, whether you're just staying inside, or you're caring for your kids and juggling work, or just finding ways to check in on others. I have noticed myself—and I know many of us in our communities across the province have noticed—the incredible work that's happening to support Ontarians and fill in all of those gaps as we see in the crisis the enormous inequities that exist across our communities.

We have already had, Mr. Speaker, a year of quite significant uncertainty in education. Now with the threat of COVID-19 and the closure of schools, we know how hard this is for students, for families and for education workers.

Mr. Speaker, I'm hearing from students who are nervous about what this means for the academic year, for

their prospects for post-secondary education and for the courses they're going to take next year in high school.

I spoke this morning with representatives from the Ontario Student Trustees' Association. They talked about the impact this uncertainty is having on the mental health of students—not to mention, of course, the impact of social isolation and health care fears. They're asking for more consistent communication from government and from school boards.

Many parents as well—and I know they've reached out to others in this House—have reached out to me with worries about the expectations being placed on them. Are they meant to run a full, programmed day school at home? Parents of students with special needs are left without the resources and, frankly, the respite they need to support their kids fully. And so many parents are either juggling work from home or worrying about the impact of lost employment on their future and their ability to care for their families.

Teachers and education workers, we want to thank you as well. We know that teachers have been keen to adapt and connect with their students, but they're also facing these challenges. There are questions about privacy. There are questions about access to technology and how to best support our students in the home. They're doing that while they're also juggling the pressures of home life or health care issues.

I know that many, many teachers out there and others in our education system are thinking about the one or two students that they have not been able to connect with. I know how that weighs on them, and I want to thank them for all they're doing. There are also the occasional teachers and other staff who have lost employment altogether and the aspiring teachers, as my colleague mentioned previously, who are facing barriers related to the troubling rollout of the math proficiency test.

Mr. Speaker, I've appreciated the opportunity to meet with the Minister of Education and have phone briefings and to have raised some of these issues previously. I want to encourage the minister to continue to listen to parents, to create an opportunity and a space for a student voice to also be considered as we move forward.

What is lacking in this legislation, Mr. Speaker—we will be supporting it, as we said, but this is a lost opportunity. We have an opportunity here to actually think a little bit more about what the coming school year is going to mean, the kind of remediation that's going to be necessary and the kind of resources that need to be there for our students. This is essential, that we consider this in this moment, because there is a lot of work to be done. Our students, our teachers, our families are counting on us.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. David Piccini:** It's an honour to rise today to speak to this important piece of legislation and to make the drive on what were eerily quiet 401 highways into the Legislature this morning.

Before I begin, Mr. Speaker, I'd like to take this opportunity to join my colleagues, many of whom have thanked the front-line workers in their riding, especially, given the

agricultural nature of my riding of Northumberland–Peterborough South, the grocery store workers who time in and day out are going in and making sure that folks in my community have the food they need and, of course, our remarkable farmers throughout Northumberland–Peterborough South. Farmers quite literally feed cities, and I think they're showing it true to form in this COVID-19 pandemic and working exceptionally hard to ensure that we have the food we need as a community.

Also, Mr. Speaker, to our front-line workers, with a specific shout-out to our health care workers: In so many of the communities that define Northumberland–Peterborough South, we have seen the remarkable outpouring of support. People are going to their windows, putting up signs; our first responders going through the neighbourhood with sirens going, thanking the front-line workers, our health care workers, who are quite literally on the front lines of what the Premier referred to earlier as an “invisible enemy.” A heartfelt, on behalf of myself, the colleagues who came to the Legislature here and our government—to the men and women on the front lines, our health care workers and our first responders and everybody who is working hard on the essential services list in Northumberland–Peterborough South, thank you very much.

Every one of us, Mr. Speaker, understands the importance of today's legislation and the need for all MPPs to come together. We know the challenges of COVID-19, the challenges it presents to our communities and to our province. I'm proud of the actions that our government has taken to support all Ontarians. Under the leadership of Premier Ford and Deputy Premier and Minister of Health Christine Elliott, Ontario has taken the necessary steps to ensure the continued health and well-being of Ontarians. We understand that things like social distancing aren't always easy, but they are necessary for us to flatten the curve. Our actions have been and continue to be made on the advice of Ontario's Chief Medical Officer of Health and the COVID-19 response table, and I continue to have faith in their leadership and guidance as we collectively navigate these uncharted waters together.

I would like to thank members of my community of Northumberland–Peterborough South who are working tirelessly and reaching out to their neighbours, delivering groceries for those in need or those who, for accessibility reasons, are unable to leave their house. Thank you for reaching out. Thank you for coming together as a community and lending a helpful hand.

As the parliamentary assistant to the Minister of Colleges and Universities, I am proud to be able to speak to our ministry's portion of the COVID-19 supports and protections act and amendments to the Ministry of Training, Colleges and Universities Act. Since the beginning of this outbreak, Minister Romano has been working tirelessly to advocate on behalf of our students, our faculty and our post-secondary institutions across the province. He and I have joined a number of calls across the province and have been on phones well into the evening. I know the minister has been speaking with our colleges, our universities, our post-secondary sector and our students.

We've been speaking with them so that we can identify their particular areas of need and find ways to support them during these uncharted times.

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Mr. Speaker, we have seen the innovative spirit, the ingenuity and the response from our post-secondary sector to COVID-19. It's been truly remarkable, from the development of masks and other PPEs, to reaching out and offering residences that are going unused at this moment to support the men and women who are on the front lines, our health care workers, or those in self-isolation. Our colleges and universities have stood up to support Ontarians during these times.

While we look forward to discussing our ongoing commitment to support our post-secondary institutions, today I'd like to talk about action we are taking to support the foundation of our sector: the students. Our government understands that our students make great sacrifices to attend colleges and universities. In fact, there is no greater investment in one's future than in their education. That's why we understand that, in light of COVID-19, OSAP borrowers need relief. I've spoken to a number in our community over the past number of weeks, and that's why our ministry has introduced a six-month deferral of OSAP payments, including stopping the accrual of interest on these loans for a six-month period. This will automatically apply to loans currently in good standing from March 30 through to September 30, 2020.

I want to, again, reiterate, Mr. Speaker—this is an important clarification—no applications, no approvals, no paperwork; just immediate support to the OSAP borrowers and students in this province during their time of need. I know all the members of this Legislature can agree that, while a simple step, this action will go a long way to providing immediate relief across the province. Now more than ever, we need to ensure that our policies lift each other up and provide relief to those that need it.

In addition, Minister Romano and our ministry have been working diligently on digital learning, online exam proctoring and grading tools for our educators to ensure continuity of education for our post-secondary students, and an immediate investment of over \$25 million to institutions to allow them the flexibility to respond to their local needs. Our post-secondary institutions, colleges and universities are pivotal and monumental to the footprint of the broader communities and are instrumental in the overall economy of the towns and cities that they're situated in. Providing that immediate relief and flexibility to allow them to be responsive was a critical and important step this government has made, and a direct response to conversations well into the evening that the minister and I have had across the sector and across the province over the past number of weeks.

In closing, the deferral of OSAP is supporting our students when they need it most. I know that, as we gather at this Legislature and as we work together with one goal in mind—to support Ontarians during these uncharted times—and as we gaze to the future on additional supports that we can take, our universities and colleges will be

instrumental in that process. I'd like to thank them for the work that they do. I'd like to thank our students—our future. I'd like to tell you that you have a government that is here to support you, and we're working across the sector to continue to provide the necessary supports for our students during these challenging times.

I know my time is running short so, in closing, I'd like to again thank everyone in the Legislature for being here today and again reiterate my thanks to the front-line workers and all of our essential workers in Northumberland–Peterborough South and around the province, because no matter where Ontarians are in the province, or their colour or political stripe, we're all a part of Team Ontario and we're all a part of Team Canada.

It's an honour to be here today and to say a few short remarks on the steps our government is taking to support our post-secondary sector.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Mr. Kevin Yarde:** I also want to thank our first responders, the police, the firefighters, the health care workers, the PSWs and the RPNs for all of the great work that they do. Now, when I decided to speak to this bill—as I mentioned before, we are going to support this bill, but there are some areas in this bill where we do have some concerns. Now, I could talk about law enforcement, I could talk about the firefighters and the ambulance workers, but I'm going to focus on one group that doesn't get a lot of attention: corrections workers.

This bill fails to address and rectify some of the problems of corrections workers. I have spoken to corrections workers over the last several weeks, during COVID-19, and, Mr. Speaker, they've been telling me all of their concerns. I know we are here and we should be as one, but at the same time, as opposition, we have to mention and show where there are problems with the bill. Mr. Speaker, it is an honour to rise here today as well as represent the people of Brampton North and discuss the concerns in corrections institutions when it comes to battling this insidious coronavirus.

While we, the opposition, agree with the ministry on lowering the provincial count by almost 2,000 inmates—this was a good thing since, as we all know, prisons and jails are like stationary cruise ships. They are breeding grounds for viruses, and there is an interconnectedness within the community. However, Mr. Speaker, I believe the government has focused too much on this one particular issue. The ministry seems to be waiting to take a reactive rather than a proactive approach.

Now, I've been informed, after speaking to corrections workers as well as union members, that, to this date, not even half of all institutions have begun the process of screening all staff, as they are still awaiting the delivery of thermometers to take staff temperatures. This is extremely concerning, as there are institutions that have thermometers in boxes, not being used, in health care offices. However, the ministry will not allow them to be used, as they are resources that have been allocated to the inmates, so they sit, unused, while the virus can seemingly walk through the front door.

Accessing PPE, as we know, is a problem right around the world—not just here in Ontario, not just in other provinces in the country, but right around the world. What we need is PPE for correctional workers, who come and go, so they can protect themselves, they can protect their families and they can protect the corrections institutions.

There have been instances—and I've been told this by staff members—where, since they don't have PPE, staff members are bringing their own PPE into the institutions. There have been situations where corrections workers have been reprimanded, they have been disciplined and they have been sent home because they brought their own PPE into the facility. This, Mr. Speaker, I think, is wrong, especially during a pandemic, where everyone is trying to protect themselves.

COVID-19 is cropping up in our prisons. In terms of the numbers—well, as we all know, in the federal institutions we already have six known cases in the Kitchener-Waterloo and the Grand Valley area. Here in Ontario, for the provincial jails, there is one correctional officer at Toronto South who has tested positive for COVID-19. Also, a staff member from Hamilton has recently—just a few days ago—tested positive for COVID-19.

Ontario's first inmate tested positive for COVID-19. He was tested before he was jailed at Toronto South Detention Centre and was admitted even after a public health authority warned the staff he had been identified as a possible case. This jail, of course, is in Etobicoke—the second-largest jail in Canada, with around 1,500 inmates.

Now, I know I don't have much time left, so I just want to say, in closing: The government needs to do more. They are simply plugging up holes as they arise. Each week, we are seeing more staff and more inmates testing positive with COVID-19. Now, I pray that this doesn't happen, but there will be an outbreak inside one of our institutions if the government does not fully implement the recommendations that have been provided to them on an almost daily basis. I am requesting the government provide clear and consistent direction regarding the protection of the health of front-line officers.

**The Speaker (Hon. Ted Arnott):** Further debate?

**Hon. Paul Calandra:** I just want to take a few minutes to thank a few people and also to highlight the fact that when this started a number of weeks ago and the Legislature gave me the ability to meet in a different fashion, one of the things that the Premier said to me at the start was that, yes, he understood we have to be able to move quickly but that it is vital that we ensure that the opposition continue to fulfill their constitutionally important role of holding government accountable. I want to thank all members of the opposition. They have allowed us to move very, very quickly when it was needed, but I want to also assure the people of the province of Ontario that they have been vigorous in their advocacy for the people of Ontario. I thank them on behalf of that, Mr. Speaker.

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I will say, as the House leader, I never thought I would be starting meetings with my colleagues on the opposite side by apologizing for what my dog, Milo, might do on one of our video conference calls, panicked about whether

I turned off my microphone or not, and somewhat frustrated by the leader of the Green Party, who always shows up looking better than I do on these video chats.

I also want to take a moment to thank the public service. If there's one thing I will take from this—it's one of the funnier parts, I guess—it's having a briefing from a public servant, who had just put together a very, very important bill for the people of the province of Ontario—colleagues might remember this—when the sheer panic sets in that his daughter is saying things on our video chat that he probably didn't want, and him running from the basement to the main floor, ultimately to a bedroom with a backdrop of Elsa from Frozen, as he gave us a briefing on an important piece of legislation. These are the types of things that people are doing now. It's not what we would have expected.

Finally, to those members who aren't able to be here—we know how important this place is to all those people who are elected—I want to thank all of them for allowing us to do this in this fashion. We all want to be back in this place as soon as possible, returning to the type of vigorous debate that we have on all fronts. I want to thank all of them. I know members have been working very, very hard across party lines in order to advance issues in their community. So I thank them for that. Again, I thank all colleagues on both sides for all the hard work that they have been doing.

**The Speaker (Hon. Ted Arnott):** The member for Timmins?

**M. Gilles Bisson:** Merci beaucoup, monsieur le Président. Écoute, c'est dans ces temps qu'on commence à réaliser juste comment important les travailleurs et travailleuses sont ici en Ontario, ceux qui travaillent dans les épiceries, ceux qui travaillent aux taxis, ceux qui travaillent aux autobus, le monde qui travaille dans le système de santé, et j'en passe. Je pense que ça nous donne une opportunité de réfléchir et de nous demander la question : est-ce qu'on traite ces travailleurs-là d'une manière respectueuse et adéquate quand ça vient à leur salaire?

On sait qu'il y a eu une grosse poussée ici en Ontario pour augmenter le salaire minimum à 15 \$ de l'heure, justement, une couple d'années passées. Ça a été contourné jusqu'à un certain point par ce gouvernement. Mais je pense que ça nous donne la chance de faire pause et de se dire : « Ce monde-là, si on n'a pas ce monde-là dans les épiceries, si on n'a pas de monde qui livre les "groceries" à la maison, si on n'a pas le monde qui fait les travaux nécessaires pour qu'on soit capable de fonctionner comme une société, on n'est nulle part. » So donc, espérons qu'en sortant de cette affaire nous allons apprendre comment respecter ce monde-là, sur la base salariale, et aussi un respect pour le travail qu'ils font.

L'autre point que je veux faire, c'est l'importance de l'investissement dans nos institutions publiques. Imaginez où on serait aujourd'hui si on n'avait pas de santé publique telle que l'on a aujourd'hui. Tout ce monde-là qui travaille à travers la province pour regarder la situation et faire des recommandations et travailler pour nous garder sains et sûres dans nos communautés, nos hôpitaux et tout le monde qui travaille dans le système de santé—imaginez,

si on n'avait pas fait ces investissements-là, où on serait aujourd'hui. Il y a certaines instances dans le monde—on regarde outre-mer—franchement, certaines sociétés qui n'ont pas ces investissements. Quand on regarde ce qui arrive dans ces sociétés, c'est pas mal noir comparé à ce qu'on voit ici. Est-ce qu'on est parfait? Est-ce qu'on a fait tout ce qu'il y a à faire? Non, il y a beaucoup d'autres à faire. Mais j'espère qu'on sort de cette affaire à la fin reconnaissant que l'argent qu'on investit dans nos systèmes publics, c'est de l'argent qui est investi dans la sauvegarde de la population et pour assurer, quand quelque chose arrive, qu'on a un système là capable de répondre à ce qu'il se passe.

Avec ça, monsieur le Président, j'aimerais remercier tous les travailleuses et travailleurs à travers la province qui travaillent dans le domaine de la santé, en éducation et dans d'autres secteurs publics, la police, les gardes de sécurité, le monde qui travaille dans les magasins de « groceries »—un gros remerciement pour l'ouvrage que vous faites, parce qu'on sait que, sans vous, cette vie serait beaucoup plus difficile.

**The Speaker (Hon. Ted Arnott):** Thank you very much.

Pursuant to the order of the House passed earlier today, I am now required to put the question. Mr. Lecce has moved second reading of Bill 189, An Act to amend various Acts to address the coronavirus (COVID-19).

Is it the pleasure of the House that the motion carry? Carried.

*Second reading agreed to.*

#### CORONAVIRUS (COVID-19) SUPPORT AND PROTECTION ACT, 2020

#### LOI DE 2020 SUR LES MESURES DE SOUTIEN ET DE PROTECTION LIÉES AU CORONAVIRUS (COVID-19)

Mr. Lecce moved third reading of the following bill:

Bill 189, An Act to amend various Acts to address the coronavirus (COVID-19) / Projet de loi 189, Loi modifiant diverses lois pour lutter contre le coronavirus (COVID-19).

**The Speaker (Hon. Ted Arnott):** Pursuant to the order of the House passed earlier today, I am now required to put the question. Mr. Lecce has moved third reading of Bill 189, An Act to amend various Acts to address the coronavirus (COVID-19).

Is it the pleasure of the House that the motion carry? Carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

*Third reading agreed to.*

#### EXTENSION OF EMERGENCY DECLARATION

**The Speaker (Hon. Ted Arnott):** I recognize, once again, the government House leader.

**Hon. Paul Calandra:** I move that:

Whereas an emergency was declared by order-in-council 518/2020 (O. Reg 50/20) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act; and

Whereas the emergency was extended past the end of March 31, 2020 for a further period of 14 days by O. Reg 84/20 on March 30, 2020 pursuant to subsection 7.0.7(2) of the act; and

Whereas the period of an emergency may be further extended only by resolution of the Legislative Assembly of Ontario pursuant to subsection 7.0.7(3) of the act; and

Whereas the Premier has recommended that the period of the emergency be extended for 28 days;

Therefore, the Legislative Assembly of Ontario hereby declares that the period of the emergency is extended past the end of April 14, 2020 for a further period of 28 days.

**The Speaker (Hon. Ted Arnott):** I want to read the motion once again for the benefit of the whole House.

Mr. Calandra has moved that:

Whereas an emergency was declared by order-in-council 518/2020 (O. Reg 50/20) on March 17, 2020 pursuant to section 7.0.1 of the Emergency Management and Civil Protection Act; and

Whereas the emergency was extended past the end of March 31, 2020 for a further period of 14 days by O. Reg 84/20 on March 30, 2020 pursuant to subsection 7.0.7(2) of the act; and

Whereas the period of an emergency may be further extended only by resolution of the Legislative Assembly of Ontario pursuant to subsection 7.0.7(3) of the act; and

Whereas the Premier has recommended that the period of the emergency be extended for 28 days;

Therefore, the Legislative Assembly of Ontario hereby declares that the period of the emergency is extended past the end of April 14, 2020 for a further period of 28 days.

Is it the pleasure of the House that the motion carry? Carried.

*Motion agreed to.*

**The Speaker (Hon. Ted Arnott):** Orders of the day.

**Hon. Paul Calandra:** No further business.

**The Speaker (Hon. Ted Arnott):** There being no further business, this House stands adjourned until Tuesday, May 12, 2020, at 9 a.m.

May God bless the people of Ontario.

*The House adjourned at 1449.*







**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenant-gouverneure: Hon. / L'hon. Elizabeth Dowdeswell, OC, OOnt.

Speaker / Président: Hon. / L'hon. Ted Arnott

Clerk / Greffier: Todd Decker

Deputy Clerk / Sous-greffier: Trevor Day

Clerks-at-the-Table / Greffiers parlementaires: Tonia Grannum, Valerie Quioic Lim, William Short

Sergeant-at-Arms / Sergente d'armes: Jacquelyn Gordon

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Anand, Deepak (PC)	Mississauga—Malton	
Andrew, Jill (NDP)	Toronto—St. Paul's	
Armstrong, Teresa J. (NDP)	London—Fanshawe	
<b>Arnott, Hon. / L'hon. Ted (PC)</b>	Wellington—Halton Hills	Speaker / Président de l'Assemblée législative
Arthur, Ian (NDP)	Kingston and the Islands / Kingston et les Îles	
Baber, Roman (PC)	York Centre / York-Centre	
Babikian, Aris (PC)	Scarborough—Agincourt	
Bailey, Robert (PC)	Sarnia—Lambton	
Barrett, Toby (PC)	Haldimand—Norfolk	
Begum, Doly (NDP)	Scarborough Southwest / Scarborough-Sud-Ouest	
Bell, Jessica (NDP)	University—Rosedale	
Berns-McGown, Rima (NDP)	Beaches—East York / Beaches—East York	
<b>Bethlenfalvy, Hon. / L'hon. Peter (PC)</b>	Pickering—Uxbridge	President of the Treasury Board / Président du Conseil du Trésor
Bisson, Gilles (NDP)	Timmins	Opposition House Leader / Leader parlementaire de l'opposition officielle
Blais, Stephen (LIB)	Orléans	
Bouma, Will (PC)	Brantford—Brant	
Bourgouin, Guy (NDP)	Mushkegowuk—James Bay / Mushkegowuk—Baie James	
Burch, Jeff (NDP)	Niagara Centre / Niagara-Centre	
<b>Calandra, Hon. / L'hon. Paul (PC)</b>	Markham—Stouffville	Minister Without Portfolio / Ministre sans portefeuille Government House Leader / Leader parlementaire du gouvernement
<b>Cho, Hon. / L'hon. Raymond Sung Joon (PC)</b>	Scarborough North / Scarborough-Nord	Minister for Seniors and Accessibility / Ministre des Services aux aînés et de l'Accessibilité
Cho, Stan (PC)	Willowdale	
<b>Clark, Hon. / L'hon. Steve (PC)</b>	Leeds—Grenville—Thousand Islands and Rideau Lakes / Leeds—Grenville—Thousand Islands et Rideau Lakes	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
Coe, Lorne (PC)	Whitby	
Collard, Lucille (LIB)	Ottawa—Vanier	
Coteau, Michael (LIB)	Don Valley East / Don Valley-Est	
Crawford, Stephen (PC)	Oakville	
Cuzzetto, Rudy (PC)	Mississauga—Lakeshore	
<b>Downey, Hon. / L'hon. Doug (PC)</b>	Barrie—Springwater—Oro-Medonte	Attorney General / Procureur général
<b>Dunlop, Hon. / L'hon. Jill (PC)</b>	Simcoe North / Simcoe-Nord	Associate Minister of Children and Women's Issues / Ministre associée déléguée au dossier de l'Enfance et à la Condition féminine Minister Without Portfolio / Ministre sans portefeuille
<b>Elliott, Hon. / L'hon. Christine (PC)</b>	Newmarket—Aurora	Deputy Premier / Vice-première ministre Minister of Health / Ministre de la Santé
<b>Fedeli, Hon. / L'hon. Victor (PC)</b>	Nipissing	Chair of Cabinet / Président du Conseil des ministres Minister of Economic Development, Job Creation and Trade / Ministre du Développement économique, de la Création d'emplois et du Commerce
Fee, Amy (PC)	Kitchener South—Hespeler / Kitchener-Sud—Hespeler	
Fife, Catherine (NDP)	Waterloo	

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
<b>Ford, Hon. / L'hon. Doug (PC)</b>	Etobicoke North / Etobicoke-Nord	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre
Fraser, John (LIB)	Ottawa South / Ottawa-Sud	
<b>French, Jennifer K. (NDP)</b>	Oshawa	Third Deputy Chair of the Committee of the Whole House / Troisième vice-présidente du comité plénier de l'Assemblée législative
<b>Fullerton, Hon. / L'hon. Merrilee (PC)</b>	Kanata—Carleton	Minister of Long-Term Care / Ministre des Soins de longue durée
Gates, Wayne (NDP)	Niagara Falls	
Gélinas, France (NDP)	Nickel Belt	
Ghamari, Goldie (PC)	Carleton	
Gill, Parm (PC)	Milton	
Glover, Chris (NDP)	Spadina—Fort York	
Gravelle, Michael (LIB)	Thunder Bay—Superior North / Thunder Bay—Supérieur-Nord	
<b>Gretzky, Lisa (NDP)</b>	Windsor West / Windsor-Ouest	First Deputy Chair of the Committee of the Whole House / Première vice-présidente du comité plénier de l'Assemblée
<b>Hardeman, Hon. / L'hon. Ernie (PC)</b>	Oxford	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Harden, Joel (NDP)	Ottawa Centre / Ottawa-Centre	
Harris, Mike (PC)	Kitchener—Conestoga	
Hassan, Faisal (NDP)	York South—Weston / York-Sud— Weston	
<b>Hatfield, Percy (NDP)</b>	Windsor—Tecumseh	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-président du comité plénier de l'Assemblée législative
Hillier, Randy (IND)	Lanark—Frontenac—Kingston	
Hogarth, Christine (PC)	Etobicoke—Lakeshore	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Official Opposition / Chef de l'opposition officielle
Hunter, Mitzie (LIB)	Scarborough—Guildwood	
<b>Jones, Hon. / L'hon. Sylvia (PC)</b>	Dufferin—Caledon	Solicitor General / Solliciteure générale
Kanapathi, Logan (PC)	Markham—Thornhill	
Karahalios, Belinda C. (PC)	Cambridge	
Karpoche, Bhutla (NDP)	Parkdale—High Park	
Ke, Vincent (PC)	Don Valley North / Don Valley-Nord	
Kernaghan, Terence (NDP)	London North Centre / London- Centre-Nord	
Khanjin, Andrea (PC)	Barrie—Innisfil	Deputy Government House Leader / Leader parlementaire adjointe du gouvernement
Kramp, Daryl (PC)	Hastings—Lennox and Addington	
Kusendova, Natalia (PC)	Mississauga Centre / Mississauga- Centre	
<b>Lecce, Hon. / L'hon. Stephen (PC)</b>	King—Vaughan	Minister of Education / Ministre de l'Éducation
Lindo, Laura Mae (NDP)	Kitchener Centre / Kitchener-Centre	
<b>MacLeod, Hon. / L'hon. Lisa (PC)</b>	Nepean	Minister of Heritage, Sport, Tourism and Culture Industries / ministre des Industries du patrimoine, du sport, du tourisme et de la culture
Mamakwa, Sol (NDP)	Kiiwetinoong	
Mantha, Michael (NDP)	Algoma—Manitoulin	
Martin, Robin (PC)	Eglinton—Lawrence	
Martow, Gila (PC)	Thornhill	
McDonell, Jim (PC)	Stormont—Dundas—South Glengarry	
McKenna, Jane (PC)	Burlington	
<b>McNaughton, Hon. / L'hon. Monte (PC)</b>	Lambton—Kent—Middlesex	Minister of Labour, Training and Skills Development / Ministre du Travail, de la Formation et du Développement des compétences
Miller, Norman (PC)	Parry Sound—Muskoka	
Miller, Paul (NDP)	Hamilton East—Stoney Creek / Hamilton-Est—Stoney Creek	
Mitas, Christina Maria (PC)	Scarborough Centre / Scarborough- Centre	
Monteith-Farrell, Judith (NDP)	Thunder Bay—Atikokan	
Morrison, Suze (NDP)	Toronto Centre / Toronto-Centre	
<b>Mulroney, Hon. / L'hon. Caroline (PC)</b>	York—Simcoe	Minister of Francophone Affairs / Ministre des Affaires francophones Minister of Transportation / Ministre des Transports

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Natyshak, Taras (NDP)	Essex	
<b>Nicholls, Rick (PC)</b>	Chatham-Kent—Leamington	Chair of the Committee of the Whole House / Président du comité plénier de l'Assemblée Deputy Speaker / Vice-président
Oosterhoff, Sam (PC)	Niagara West / Niagara-Ouest	
Pang, Billy (PC)	Markham—Unionville	
Park, Lindsey (PC)	Durham	
Parsa, Michael (PC)	Aurora—Oak Ridges—Richmond Hill	
Pettapiece, Randy (PC)	Perth—Wellington	
<b>Phillips, Hon. / L'hon. Rod (PC)</b>	Ajax	Minister of Finance / Ministre des Finances
Piccini, David (PC)	Northumberland—Peterborough South / Northumberland—Peterborough-Sud	
Rakocevic, Tom (NDP)	Humber River—Black Creek	
Rasheed, Kaleed (PC)	Mississauga East—Cooksville / Mississauga-Est—Cooksville	
<b>Rickford, Hon. / L'hon. Greg (PC)</b>	Kenora—Rainy River	Minister of Energy, Northern Development and Mines / Ministre de l'Énergie, du Développement du Nord et des Mines Minister of Indigenous Affairs / Ministre des Affaires autochtones
Roberts, Jeremy (PC)	Ottawa West—Nepean / Ottawa- Ouest—Nepean	
<b>Romano, Hon. / L'hon. Ross (PC)</b>	Sault Ste. Marie	Minister of Colleges and Universities / Ministre des Collèges et Universités
Sabawy, Sheref (PC)	Mississauga—Erin Mills	
Sandhu, Amarjot (PC)	Brampton West / Brampton-Ouest	
<b>Sarkaria, Hon. / L'hon. Prabmeet Singh (PC)</b>	Brampton South / Brampton-Sud	Associate Minister of Small Business and Red Tape Reduction / Ministre associé délégué au dossier des Petites Entreprises et de la Réduction des formalités administratives Minister Without Portfolio / Ministre sans portefeuille
Sattler, Peggy (NDP)	London West / London-Ouest	Deputy Opposition House Leader / Leader parlementaire adjointe de l'opposition officielle
Schreiner, Mike (GRN)	Guelph	
<b>Scott, Hon. / L'hon. Laurie (PC)</b>	Haliburton—Kawartha Lakes—Brock	Minister of Infrastructure
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
Simard, Amanda (LIB)	Glengarry—Prescott—Russell	
Singh, Gurratan (NDP)	Brampton East / Brampton-Est	
Singh, Sara (NDP)	Brampton Centre / Brampton-Centre	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
Skelly, Donna (PC)	Flamborough—Glanbrook	
Smith, Dave (PC)	Peterborough—Kawartha	
<b>Smith, Hon. / L'hon. Todd (PC)</b>	Bay of Quinte / Baie de Quinte	Minister of Children, Community and Social Services / Ministre des Services à l'enfance et des Services sociaux et communautaires
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	
<b>Surma, Hon. / L'hon. Kinga (PC)</b>	Etobicoke Centre / Etobicoke-Centre	Associate Minister of Transportation (GTA) / Ministre associée des Transports (RGT) Minister Without Portfolio / Ministre sans portefeuille
Tabuns, Peter (NDP)	Toronto—Danforth	
Tangri, Nina (PC)	Mississauga—Streetsville	
Taylor, Monique (NDP)	Hamilton Mountain	
Thanigasalam, Vijay (PC)	Scarborough—Rouge Park	
<b>Thompson, Hon. / L'hon. Lisa M. (PC)</b>	Huron—Bruce	Minister of Government and Consumer Services / Ministre des Services gouvernementaux et des Services aux consommateurs
<b>Tibollo, Hon. / L'hon. Michael A. (PC)</b>	Vaughan—Woodbridge	Associate Minister of Mental Health and Addictions / Ministre associé délégué au dossier de la Santé mentale et de la Lutte contre les dépendances Minister Without Portfolio / Ministre sans portefeuille
Triantafilopoulos, Effie J. (PC)	Oakville North—Burlington / Oakville-Nord—Burlington	
Vanthof, John (NDP)	Timiskaming—Cochrane	Deputy Leader, Official Opposition / Chef adjoint de l'opposition officielle
Wai, Daisy (PC)	Richmond Hill	

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
<b>Walker, Hon. / L'hon. Bill (PC)</b>	Bruce—Grey—Owen Sound	Associate Minister of Energy / Ministre associé de l'Énergie Minister Without Portfolio / Ministre sans portefeuille
West, Jamie (NDP)	Sudbury	
Wilson, Jim (IND)	Simcoe—Grey	
Wynne, Kathleen O. (LIB)	Don Valley West / Don Valley-Ouest	
<b>Yakubski, Hon. / L'hon. John (PC)</b>	Renfrew—Nipissing—Pembroke	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts
Yarde, Kevin (NDP)	Brampton North / Brampton-Nord	
<b>Yurek, Hon. / L'hon. Jeff (PC)</b>	Elgin—Middlesex—London	Minister of the Environment, Conservation and Parks / Ministre de l'Environnement, de la Protection de la nature et des Parcs

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

**Standing Committee on Estimates / Comité permanent des budgets des dépenses**

Chair / Président: Peter Tabuns  
Vice-Chair / Vice-président: Wayne Gates  
Lorne Coe, Wayne Gates  
Randy Hillier, Andrea Khanjin  
Jane McKenna, Judith Monteith-Farrell  
Michael Parsa, Randy Pettapiece  
Kaleed Rasheed, Peter Tabuns  
Effie J. Triantafilopoulos  
Committee Clerk / Greffier: Isaiah Thorning

**Standing Committee on Finance and Economic Affairs / Comité permanent des finances et des affaires économiques**

Chair / Président: Amarjot Sandhu  
Vice-Chair / Vice-président: Jeremy Roberts  
Ian Arthur, Stan Cho  
Sol Mamakwa, David Piccini  
Jeremy Roberts, Amarjot Sandhu  
Sandy Shaw, Donna Skelly  
Dave Smith  
Committee Clerk / Greffière: Julia Douglas

**Standing Committee on General Government / Comité permanent des affaires gouvernementales**

Chair / Présidente: Goldie Ghamari  
Vice-Chair / Vice-président: Daryl Kramp  
Robert Bailey, Jessica Bell  
Goldie Ghamari, Chris Glover  
Mike Harris, Daryl Kramp  
Sheref Sabawy, Amarjot Sandhu  
Mike Schreiner, Jennifer (Jennie) Stevens  
Daisy Wai  
Committee Clerk / Greffière: Julia Douglas

**Standing Committee on Government Agencies / Comité permanent des organismes gouvernementaux**

Chair / Président: John Vanthof  
Vice-Chair / Vice-président: Taras Natyshak  
Will Bouma, Lorne Coe  
Rudy Cuzzetto, Taras Natyshak  
Rick Nicholls, Billy Pang  
Marit Stiles, Nina Tangri  
John Vanthof  
Committee Clerk / Greffier: Eric Rennie

**Standing Committee on Justice Policy / Comité permanent de la justice**

Chair / Président: Roman Baber  
Vice-Chair / Vice-présidente: Effie J. Triantafilopoulos  
Roman Baber, Will Bouma  
Parm Gill, Natalia Kusendova  
Suze Morrison, Lindsey Park  
Gurratan Singh, Effie J. Triantafilopoulos  
Kevin Yarde  
Committee Clerk / Greffier: Christopher Tyrell

**Standing Committee on the Legislative Assembly / Comité permanent de l'Assemblée législative**

Chair / Président: Kaleed Rasheed  
Vice-Chair / Vice-président: Vijay Thanigasalam  
Rima Berns-McGown, Michael Coteau  
Faisal Hassan, Logan Kanapathi  
Jim McDonell, Christina Maria Mitas  
Sam Oosterhoff, Kaleed Rasheed  
Sara Singh, Donna Skelly  
Vijay Thanigasalam  
Committee Clerk / Greffière: Valerie Quioc Lim

**Standing Committee on Public Accounts / Comité permanent des comptes publics**

Chair / Présidente: Catherine Fife  
Vice-Chair / Vice-présidente: France Gélinas  
Deepak Anand, Jill Andrew  
Toby Barrett, Stan Cho  
Stephen Crawford, Catherine Fife  
John Fraser, France Gélinas  
Christine Hogarth, Norman Miller  
Michael Parsa  
Committee Clerk / Greffier: Christopher Tyrell

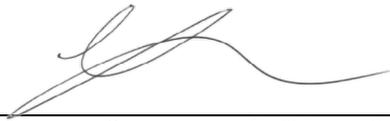
**Standing Committee on Regulations and Private Bills / Comité permanent des règlements et des projets de loi d'intérêt privé**

Chair / Président: Deepak Anand  
Vice-Chair / Vice-président: Will Bouma  
Deepak Anand, Toby Barrett  
Will Bouma, Stephen Crawford  
Mitzie Hunter, Laura Mae Lindo  
Gila Martow, Paul Miller  
Billy Pang, Dave Smith  
Jamie West  
Committee Clerk / Greffier: Isaiah Thorning

**Standing Committee on Social Policy / Comité permanent de la politique sociale**

Chair / Présidente: Natalia Kusendova  
Vice-Chair / Vice-président: Aris Babikian  
Aris Babikian, Jeff Burch  
Amy Fee, Michael Gravelle  
Joel Harden, Mike Harris  
Christine Hogarth, Belinda C. Karahalios  
Terence Kernaghan, Natalia Kusendova  
Robin Martin  
Committee Clerk / Greffier: Eric Rennie

This is Exhibit "O" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

COVID-19: Get the [latest updates](#) or take a [self-assessment](#).



## COVID-19: Stop the spread

What you need to do to help stop the spread of the novel coronavirus, how to self-isolate if you've travelled or have symptoms and how to care for someone with COVID-19.

[Take a self-assessment \(https://covid-19.ontario.ca/self-assessment\)](https://covid-19.ontario.ca/self-assessment)

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### Symptoms and treatment

Symptoms of COVID-19, which is the disease caused by the 2019 novel coronavirus, range from mild — like the flu and other common respiratory infections — to severe.

The most common symptoms include:

- fever
- cough
- difficulty breathing
- muscle aches
- fatigue
- headache
- sore throat
- runny nose

Complications from COVID-19 can include serious conditions, like pneumonia or kidney failure and, in some cases, death.

There is no specific treatment for COVID-19, and there is no vaccine that protects against the coronavirus that causes it. Most people who get COVID-19 will recover on their own. Typical treatment for common coronaviruses includes:

- drinking plenty of fluids
- getting as much rest and sleep as possible
- using a humidifier or taking a hot shower to help with a sore throat or cough

### If you start to feel symptoms of COVID-19

If you begin to feel [symptoms of COVID-19](#), you should stay home and [self-isolate](#) immediately and [take a self-assessment \(https://covid-19.ontario.ca/self-assessment\)](#) to help determine how to seek further care.

Only call 911 if it is an emergency.

## What you need to do

COVID-19 is spread mainly from person to person through close contact, for example, in a household, workplace or health care centre.

There is no vaccine available to protect against COVID-19, but there are things you should do to help prevent the spread of coronavirus that causes the disease.

### Everyday actions

Take these everyday steps to reduce exposure to the virus and protect your health:

- wash your hands often with soap and water or alcohol-based hand sanitizer
- sneeze and cough into your sleeve
- avoid touching your eyes, nose or mouth
- avoid contact with people who are sick
- stay home if you are sick

Poster: [What you need to know to help you and your family stay healthy \(PDF\)](https://files.ontario.ca/moh-coronavirus-pec-poster-en-2020-03-09.pdf) (<https://files.ontario.ca/moh-coronavirus-pec-poster-en-2020-03-09.pdf>)

### Physical distancing

Everyone in Ontario should practice physical distancing to reduce their exposure to other people — this means staying at least two metres away from anyone outside your household.

If you believe you have been exposed to someone with COVID-19 symptoms, you should begin to [self-monitor \(PDF\)](https://www.publichealthontario.ca/-/media/documents/ncov/factsheet-covid-19-self-monitor.pdf) (<https://www.publichealthontario.ca/-/media/documents/ncov/factsheet-covid-19-self-monitor.pdf>) for a period of 14 days. This means that, in addition to physical distancing, you should track how you feel by:

- taking your temperature daily
- logging any other symptoms that develop (for example, sore throat, new cough)

You can share these records with your primary care provider if you contact them for further advice.

## Face coverings and face masks

The best way to stop the spread of COVID-19 is by staying home and avoiding close contact with others outside of your household.

You may consider using a face covering (non-medical mask such as a cloth mask or bandana) to reduce the risk of transmission of COVID-19 in areas where physical distancing may be challenging or not possible, such as:

- public transit
- smaller grocery stores or pharmacies
- when you are receiving essential services

Medical masks (surgical, medical procedure face masks and respirators like N95 masks) should be reserved for use by health care workers and first responders.

**Face coverings will not protect you from getting COVID-19.** The best way to protect yourself is to:

- stay home except for essential reasons

- avoid close contact with others and keep at least two metres from others outside your household
- wash your hands regularly (or using alcohol-based hand sanitizer if soap and water are not available)
- practice proper cough and sneeze etiquette (for example, sneeze and cough into your sleeve and avoid touching your eyes, nose or mouth)

## Who should not use face coverings

Face coverings should not be placed on or used by:

- children under the age of two
- anyone who has trouble breathing
- anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance

## How to properly use, clean and dispose of face coverings

If you choose to use a face covering, you should:

- wash your hands immediately before putting it on and immediately after taking it off (practise good hand hygiene while you are wearing the face covering)
- make sure the face covering fits well around your nose and mouth
- avoid moving the mask around or adjusting it often
- avoid touching the covering while using it
- not share it with others

Face coverings should be changed when they get damp or soiled.

When removing a face covering, you should:

- throw it out into a lined garbage bin
- wash your hands

Do not leave any discarded face coverings in shopping carts or on the ground.

If the face covering **can be cleaned**, you should:

- put it directly into the washing machine or a bag that can be emptied into the washing machine
- wash with other items using a hot cycle with laundry detergent (no special soaps are needed), and dry thoroughly
- wash your hands after putting the face covering into the laundry

All face coverings **that cannot be cleaned** should be thrown out and replaced as soon as they get damp, soiled or crumpled.

## How to self-isolate

Self-isolating (quarantining) means staying at home and avoiding contact with other people to help prevent the spread of disease.

You should self-isolate if you are:

- over 70 years of age
- have a chronic medical condition (for example, diabetes, lung problems, immune deficiency)
- think you may have symptoms of COVID-19

This means that you should leave your home or see other people for essential reasons only. Where possible, you should try to get what you need:

- online
- over the phone
- from friends, family or neighbours

## **Stay home**

- do not use public transportation, taxis or rideshares
- do not go to work, school or other public places
- your health care provider will tell you when it is safe to leave

## **Limit the number of visitors in your home**

- only have visitors who you must see and keep the visits short
- do not visit with people who are most vulnerable to COVID-19, meaning:
  - seniors
  - people with chronic medical conditions (for example, diabetes, lung problems, immune deficiency)

## **Avoid contact with others**

- stay in a separate room, away from other people in your home, as much as possible and use a separate bathroom if you have one
- make sure that shared rooms have good airflow (for example, open windows)

## **Wear a mask**

- ensure the mask covers your nose and mouth and wear it:
  - if you leave your house to see a health care provider
  - when you are within two metres of other people

## **Keep distance**

- if you are in a room with other people, stay at least two metres away from each other and wear a mask that covers your nose and mouth
- if you cannot wear a mask, people should wear a mask when they are in the same room as you

## **Cover your coughs and sneezes**

- cover your mouth and nose with a tissue when you cough or sneeze
- if you don't have a tissue, cough or sneeze into your upper sleeve or elbow, not your hand
- throw used tissues in a wastebasket that's lined with a plastic bag
  - the plastic bag makes it safer and easier to empty the wastebasket
  - after emptying the wastebasket, wash your hands

## **Wash your hands**

- wash your hands often with soap and water
- dry your hands with a paper towel, or with your own cloth towel that no one else shares
- use an alcohol-based hand sanitizer if soap and water are not available

Read the Government of Canada's guidance on how to self-isolate if you have:

- [symptoms of COVID-19 \(https://www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-how-to-isolate-at-home.html\)](https://www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-how-to-isolate-at-home.html)
- [no symptoms \(https://www.canada.ca/en/public-health/services/publications/diseases-conditions/coronavirus-disease-covid-19-how-to-self-isolate-home-exposed-no-symptoms.html\)](https://www.canada.ca/en/public-health/services/publications/diseases-conditions/coronavirus-disease-covid-19-how-to-self-isolate-home-exposed-no-symptoms.html), but are in a high-risk group or have recently [returned from travel](#)

Poster: [How to self-isolate \(PDF\) \(https://www.publichealthontario.ca/-/media/documents/ncov/factsheet-covid-19-how-to-self-isolate.pdf?la=en\)](https://www.publichealthontario.ca/-/media/documents/ncov/factsheet-covid-19-how-to-self-isolate.pdf?la=en).

## If you experience domestic violence

During the province's state of emergency, [ministry-funded emergency shelters for women and children fleeing violence \(https://www.mcsc.gov.on.ca/en/mcsc/programs/community/helpingWomen/index.aspx\)](https://www.mcsc.gov.on.ca/en/mcsc/programs/community/helpingWomen/index.aspx) continue to operate and are available to support.

**If you are in immediate danger, call 911 or your local police.**

To find support in your area, you can call:

- one of the provincial crisis lines
- Ontario 211:
  - by phone at 2-1-1
  - Toll-free: 1-877-330-3213
  - Toll-free TTY: 1-888-340-1001

## How to care for someone with COVID-19

### Wash your hands often

- wash your hands with soap and water after each contact with the infected person
- use an alcohol-based hand sanitizer if soap and water are not available

### Wear a mask and gloves

- wear a mask and gloves when you have contact any of the person's bodily fluids including:
  - saliva
  - blood
  - vomit
  - urine
  - feces

### Throw out used gloves and masks

- take the gloves and mask off right after you provide care and throw them in a waste basket lined with a plastic bag
  - take off the gloves first and clean your hands with soap and water before taking off your mask
- clean your hands again with soap and water before touching your face or doing anything else

## Limit the number of visitors in your home

- only have visitors who you must see and keep the visits short
- ensure vulnerable people — seniors and people with chronic medical conditions (for example, diabetes, lung problems, and immune deficiency) — stay away from the infected person

## Avoid sharing household and personal items

- do not share dishes, drinking glasses, cups, eating utensils, towels, bedding or other items with the infected person
- after use, wash household items in a dishwasher, washing machine or by hand with soap or and warm water — you don't have to use a special type of soap
- do not share cigarettes

## Clean

- clean your home with regular household cleaners
- clean regularly touched items such as toilets, sink tap handles, doorknobs and bedside tables daily

## Wash laundry thoroughly

- wear gloves when handling an infected person's laundry
  - you can safely wash other laundry with the infected person's
  - wash your hands with soap and water immediately after taking your gloves off

## Be careful when touching waste

- all waste can go into regular garbage bins
  - line your wastebasket with a plastic bag — the plastic bag makes it safer and easier to empty the wastebasket
- after emptying the wastebasket, wash your hands

Poster: [Self-isolation: Guide for caregivers, household members and close contacts \(PDF\)](https://www.publichealthontario.ca/-/media/documents/ncov/factsheet-covid-19-guide-isolation-caregivers.pdf?la=en)  
(<https://www.publichealthontario.ca/-/media/documents/ncov/factsheet-covid-19-guide-isolation-caregivers.pdf?la=en>)

## Returning from travel

To slow the introduction and spread of COVID-19 in the country, the Government of Canada has put in place an emergency order under the [Quarantine Act \(https://laws-lois.justice.gc.ca/eng/acts/q-1.1/page-1.html\)](https://laws-lois.justice.gc.ca/eng/acts/q-1.1/page-1.html) that applies to all travellers arriving in Canada.

Under this order, **if you have recently returned to Canada you must self-isolate (quarantine) and stay home whether you have symptoms or not.** Even if you do not have symptoms right away, you are at risk of developing them and infecting others.

If you need it, you will get immediate medical attention when you arrive in Canada.

Learn about [travel advisories \(https://travel.gc.ca/travelling/health-safety/travel-health-notice\)](https://travel.gc.ca/travelling/health-safety/travel-health-notice) related to the 2019 novel coronavirus.

## Information in other languages (PDFs)



[COVID-19: Support for people \(https://www.ontario.ca/page/covid-19-support-people\)](https://www.ontario.ca/page/covid-19-support-people)

[COVID-19: Support for businesses \(https://www.ontario.ca/page/covid-19-support-businesses\)](https://www.ontario.ca/page/covid-19-support-businesses)

[COVID-19: Support for students and parents \(https://www.ontario.ca/page/covid-19-support-students-and-parents\)](https://www.ontario.ca/page/covid-19-support-students-and-parents)

[COVID-19: Support for workers \(https://www.ontario.ca/page/covid-19-support-workers\)](https://www.ontario.ca/page/covid-19-support-workers)

[COVID-19: Service changes \(https://www.ontario.ca/page/covid-19-service-changes\)](https://www.ontario.ca/page/covid-19-service-changes)

This is Exhibit "P" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*



[Français](#)

## Emergency Management and Civil Protection Act

### ONTARIO REGULATION 51/20

#### ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF ESTABLISHMENTS

**Note: This Order is revoked on April 23, 2020, unless it is extended. (See s. 7.0.8 of the Act , O. Reg. 106/20, Sched. 1 and O. Reg. 138/20, s. 1)**

**Consolidation Period:** From April 16, 2020 to the [e-Laws currency date](#).

Last amendment: [155/20](#).

Legislative History: [ + ]

***This is the English version of a bilingual regulation.***

WHEREAS an emergency was declared on March 17<sup>th</sup>, 2020 pursuant to Order in Council 518/2020 (Ontario Regulation 50/20);

AND WHEREAS the criteria set out in subsection 7.0.2 (2) of the *Emergency Management and Civil Protection Act* have been satisfied;

NOW THEREFORE, pursuant to subsection 7.0.2 (4), paragraph 5 of the Act ,

The following establishments are hereby ordered to be closed as of the date and time of this Order and this Order applies generally throughout Ontario:

1. All facilities providing indoor recreational programs,
2. All public libraries,
3. All private schools as defined in the *Education Act* ,
4. All child care centres within the meaning of the *Child Care and Early Years Act , 2014*, other than a child care centre that,
  - i. is identified for the purposes of this paragraph by the Minister of Education or his delegate in consultation with service system managers or First Nations, as those terms are defined under the *Child Care and Early Years Act , 2014*,
  - ii. provides care only for children whose parent or guardian is an individual set out in Schedule A, and
  - iii. ensures that a maximum of 50 persons, including any children, are present at any time at the child care centre.
5. All bars and restaurants, except to the extent that such facilities provide takeout food and delivery,
6. All theatres including those offering live performances of music, dance, and other art forms, as well as cinemas that show movies, and
7. Concert venues.

O. Reg. 51/20; O. Reg. 78/20, s. 1; O. Reg. 100/20, s. 2, 3.

#### SCHEDULE A

1. An individual who is,
  - i. a regulated health care professional, or
  - ii. an unregulated health care provider working in health care delivery, either directly or indirectly.
- 1.1 Individuals who work for manufacturers of pharmaceutical products and medical supplies, including medications, medical isotopes, vaccines and antivirals and medical devices.
2. A police officer as defined in the *Police Services Act* .
3. A member of a police force other than a police officer as defined in the *Police Services Act* .
- 3.1 A First Nations Constable appointed pursuant to section 54 of the *Police Services Act* .
4. An individual employed as a firefighter as defined in section 1 of the *Fire Protection and Prevention Act, 1997*.
5. An individual who is,
  - i. engaged in providing fire protection services as defined under section 1 of the *Fire Protection and Prevention Act, 1997*,
  - ii. employed in a fire department as defined under section 1 of the *Fire Protection and Prevention Act, 1997*, and
  - iii. employed in the Office of the Fire Marshal and whose duties include being a fire investigator or supervising or managing fire investigators.
6. A paramedic as defined in the *Ambulance Act* .
7. A coroner as defined in the *Coroners Act* .
8. A worker in a correctional institution as defined in the *Ministry of Correctional Services Act* and independent contractors who supply services to correctional institutions, including, but not limited to, employees of Trilcor.
- 8.1 Probation and parole officers as described in the *Ministry of Correctional Services Act* , including institutional liaison officers, court liaison officers, individuals employed as assistant area managers and area managers of staff at probation and parole offices and the administrative and support staff at these offices.
9. An individual employed in the Institutional Services Division of the Ministry of the Solicitor General, including a person employed in a correctional institution as defined in section 1 of the *Ministry of Correctional Services Act* .
10. An employee of Compass Group Canada Ltd. who works at or provides services in relation to the Cook Chill Food Production Centre.
11. An individual employed in the Ministry of the Solicitor General who performs one or more of the following functions for the Institutional Services Division or Community Services Division:
  - i. Performing electronic monitoring services.
  - ii. Performing CPIC searches.
  - iii. Preparing community supervision orders.
- 11.1 An individual employed by the Ministry of the Solicitor General at the Centre of Forensic Sciences who is involved in supporting and conducting forensic testing and analysis.
- 11.2 An individual employed by the Ministry of the Solicitor General at the Provincial Forensic Pathology Unit.
- 11.3 An individual employed at the Provincial Emergency Operations Centre or at the Ministry of the Solicitor General's Emergency Operations Centres.

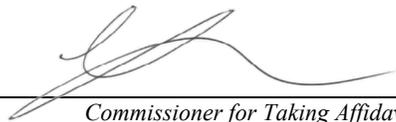
12. An animal welfare inspector appointed pursuant to the *Provincial Animal Welfare Services Act, 2019*.
13. An individual employed in the operation of,
  - i. a place of secure custody designated under section 24.1 of the *Young Offenders Act* (Canada), whether in accordance with section 88 of the *Youth Criminal Justice Act* (Canada) or otherwise, or
  - ii. a place of secure temporary detention as defined in subsection 2 (1) of the *Child, Youth and Family Services Act, 2017*.
14. Persons employed in the Direct Operated Facilities Branch of the Ministry of Children, Community and Social Services.
- 14.1 Persons, other than foster parents, who deliver or directly support the delivery of residential care, treatment and supervision to children and young persons residing in residential settings licensed under the *Child, Youth and Family Services Act, 2017*.
- 14.2 An individual employed by a children's aid society designated under section 34 of the *Child, Youth and Family Services Act, 2017* to provide services necessary for the performance of a children's aid society's functions, as set out in section 35 (1) of that Act.
- 14.3 An individual employed by a service agency as defined in section 1 of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*, to provide services and supports, within the meaning of section 4 of that Act, to adults with developmental disabilities.
- 14.4 An individual who is engaged in the delivery of services funded by the Ministry of Children, Community and Social Services under the Violence Against Women Support Services or the Anti-Human Trafficking Community Supports programs.
15. An individual who performs work that is essential to the delivery of core services in a municipality or First Nation community, as determined by the municipality or First Nation.
16. An individual who performs work of a critical nature in their service area or community, as determined by the Minister of Education or his delegate in consultation with the relevant service system manager or First Nation as those terms are defined under the *Child Care and Early Years Act, 2014*.
17. An individual who works in a child care centre authorized to operate pursuant to this Order.
18. An individual who is engaged in the delivery of frontline victim services funded by the Ministry of the Attorney General under the Ontario Victim Services program or Indigenous Justice Division program.
19. An individual who performs work that is essential to the operation of,
  - i. a municipal drinking water system as defined in section 2 of the *Safe Drinking Water Act, 2002*,
  - ii. a non-municipal year-round residential system as defined in section 1 of Ontario Regulation 170/03 (Drinking Water Systems) made under the *Safe Drinking Water Act, 2002*, or
  - iii. a wastewater treatment facility or a wastewater collection facility as those terms are defined in section 1 of Ontario Regulation 129/04 (Licensing of Sewage Works Operators) made under the *Ontario Water Resources Act* and to which that Regulation applies.
20. An individual who is employed by any of the following entities to carry out work that is deemed by the entity to be critical to the ongoing generation, transmission, distribution and storage of electricity sufficient to meet the demands of the province of Ontario:
  - i. The Independent Electricity System Operator.
  - ii. A generator, transmitter or distributor within the meaning of the *Electricity Act, 1998*.
21. An individual working in a homeless shelter or providing services to homeless persons.

22. Members, officers and special constables appointed under the *Royal Canadian Mounted Police Act* who are working in Ontario.
23. Officers as defined in the *Customs Act* (Canada) who are working in Ontario.
24. Employees of the Canada Post Corporation who are working in Ontario.

O. Reg. 78/20, s. 2; O. Reg. 155/20, s. 1.

Français

This is Exhibit "Q" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



[Français](#)

## Emergency Management and Civil Protection Act

### ONTARIO REGULATION 82/20

#### ORDER UNDER SUBSECTION 7.0.2 (4) — CLOSURE OF PLACES OF NON-ESSENTIAL BUSINESSES

**Note:** This Order is revoked on April 23, 2020, unless it is extended. (See s. 7.0.8 of the Act, O. Reg. 106/20, Sched. 1 and O. Reg. 138/20, s. 1)

**Consolidation Period:** From April 16, 2020 to the [e-Laws currency date](#).

Last amendment: [153/20](#).

Legislative History: [ + ]

***This is the English version of a bilingual regulation.***

Whereas an emergency has been declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the “Act”) and has been extended pursuant to section 7.0.7 of the Act ;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

And Whereas the temporary closure of places of non-essential business is necessary to help protect the health and safety of the people of Ontario in response to the declared emergency ;

And Whereas the supply chain with respect to essential goods, services and resources should continue to function to the full extent possible, subject to the *Occupational Health and Safety Act* and to the advice and recommendations of public health officials, including their recommendations about the importance of physical distancing;

Now Therefore, this Order is made pursuant to paragraphs 5 and 14 of subsection 7.0.2 (4) of the Act and the terms of this Order are set out in Schedules 1, 2 and 3;

And Further, this Order applies generally throughout Ontario.

O. Reg. 82/20; O. Reg. 119/20, s. 1-3.

#### SCHEDULE 1 CLOSURE OF PLACES OF BUSINESS

##### Effective date of amendments

**0.1** The amendments made by Ontario Regulation 119/20 take effect at 11:59 p.m. on Saturday, April 4, 2020.

##### Closures

**1.** (1) Beginning at 11:59 p.m. on Saturday, April 4, 2020, each person responsible for a place of business that is not listed in Schedule 2 shall ensure that the place of business is closed.

(2) Despite subsection (1), temporary access to a closed place of business that is not listed in Schedule 2 is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the place of business in order to comply with any applicable law;
- (b) allowing for inspections, maintenance and repairs to be carried out at the place of business;
- (c) allowing for security services to be provided at the place of business; and
- (d) attending at the place of business temporarily,
  - (i) to deal with other critical matters relating to the closure of the place of business, if the critical matters cannot be attended to remotely; or
  - (ii) to access materials, goods or supplies that may be necessary for the business to be operated remotely.

(3) Nothing in this Order precludes a business that is not listed in Schedule 2 from operating remotely, without attending at the place of business, for the purpose of,

- (a) providing goods by mail or other forms of delivery or making goods available for pick-up; and
- (b) providing services online, by telephone or other remote means.

(4) Nothing in this Order shall be read as authorizing a place of business to open if it has been ordered to be closed under Ontario Regulation 51/20 or any other Order made under the Act .

(5) Nothing in this Order precludes operations or delivery of services by the following in Ontario, regardless of whether or not they are listed in Schedule 2:

1. Any government.
2. Any person or publicly-funded agency or organization that delivers or supports government operations and services, including operations and services of the health care sector.

(6) For the purposes of this Order,

“essential business” means a business listed in Schedule 2.

O. Reg. 82/20, Sched. 1; O. Reg. 119/20, s. 4, 5.

## SCHEDULE 2 ESSENTIAL BUSINESSES

### Supply chains

1. Businesses that supply other essential businesses or essential services within Ontario, or that supply businesses or services that have been declared essential in a jurisdiction outside of Ontario, with the support, products, supplies, systems, or services, including processing, packaging, warehousing, distribution, delivery, and maintenance necessary to operate.

### Food

2. Businesses that primarily sell food, beverages and consumer products necessary to maintain households and businesses including:
  - i. Supermarkets and grocery stores.
  - ii. Convenience stores.
  - iii. Discount and big box retailers selling groceries.
  - iv. Restaurants (take-out, drive-through and delivery service only).
  - v. Beer and wine and liquor stores.

### Services

3. Pharmacies.
4. Gas stations and other fuel suppliers.
5. Laundromats and drycleaners.
6. Security services for residences, businesses and other properties.
7. Vehicle and equipment repair and essential maintenance and vehicle and equipment rental services.
8. Courier, postal, shipping, moving and delivery services.
9. Funeral and related services.
10. Staffing services including providing temporary help.
11. Veterinary services (urgent care only) and other businesses that provide for the health and welfare of animals, including farms, boarding kennels, stables, animal shelters, zoos, aquariums and research facilities.
12. Home child care services of up to six children as permitted under the *Child Care and Early Years Act, 2014*, and child care centres for essential workers authorized to operate in accordance with Ontario Regulation 51/20 (Order Under Subsection 7.0.2 (4) of the Act - Closure of Establishments) made under the Act .
13. Hotels, motels, other shared rental accommodation including student residences, except for any pools, fitness centres, meeting rooms and other recreational facilities that may be part of the operations of these businesses.
- 13.1 Seasonal campgrounds that are in compliance with section 3.1 of Schedule 3.
14. Cheque cashing services.

**Services restricted to alternative methods of sale except in exceptional circumstances**

15. Stores that sell any of the following items and that provide them to the customer only through an alternative method of sale such as curb side pick-up or delivery, except in exceptional circumstances:
  - i. Hardware products.
  - ii. Vehicle parts and supplies.
  - iii. Pet and animal supplies.
  - iv. Office supplies and computer products including computer repair.
  - v. Safety supplies.

**Financial services**

16. Businesses that provide the following financial services:
  - i. Capital markets and related securities trading and advisory services.
  - ii. Banking/credit union activities including credit intermediation.
  - iii. Insurance.
  - iv. Land registration services.
  - v. Real estate agent services.
  - vi. Pension and benefits payment services.
  - vii. Financial services including payroll and payment processing and accounting and tax services.

**Telecommunications and IT infrastructure/service providers**

17. Information Technology (IT) services, including online services, software products and the facilities necessary for their operation and delivery.
18. Telecommunications providers and services (phone, internet, radio, cell phones etc.) and facilities necessary for their operation and delivery.
19. Newspapers, radio and television broadcasting.

**Maintenance**

20. Maintenance, repair and property management services strictly necessary to manage and maintain the safety, security, sanitation and essential operation of institutional, commercial, industrial and residential properties and buildings.

**Transportation services**

21. Businesses and facilities that provide transportation services, including,
  - i. transportation services provided by air, water, road, and rail, including taxis and other private transportation providers, and
  - ii. support services for transportation services, including,
    - A. logistical support, distribution services, warehousing and storage, truck stops and tow operators,
    - B. services that support the operations and safety of transportation systems including maintenance and repairs, and
    - C. marinas, but only to the extent that the marina is necessary to enable individuals to access their primary place of residence.
22. Businesses that provide and support online retail, including by providing warehousing, storage and distribution of goods that are ordered online.

**Manufacturing**

23. Businesses that extract, manufacture, process and distribute goods, products, equipment and materials, including businesses that manufacture inputs to other manufacturers (e.g. primary metal/ steel, blow molding, component manufacturers, chemicals, etc. that feed the end-product manufacturer), regardless of whether those other manufacturers are inside or outside of Ontario, together with businesses that support and facilitate the movement of goods within integrated North American and global supply chains.

**Agriculture and food production**

24. Businesses that produce food and beverages, and agricultural products including plants, including by farming, harvesting, aquaculture, hunting and fishing.
25. Businesses that process, manufacture or distribute food, beverages, crops, agricultural products, animal products and by-products.
26. Businesses that support the food or agricultural products supply chains and the health and safety of food, animals and plants.

**Construction**

27. Construction projects and services associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space.
28. Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors beyond the day-to-day maintenance.
29. Critical industrial construction activities required for,
  - i. the maintenance and operations of petrochemical plants and refineries,

- ii. significant industrial petrochemical projects where preliminary work has already commenced,
- iii. industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and /or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the Covid-19 pandemic.

29.1 Construction projects that are due to be completed before October 4, 2020 and that would provide additional capacity in the production, processing, manufacturing or distribution of food, beverages or agricultural products.

30. Residential construction projects where,

- i. a footing permit has been granted for single family, semi-detached and townhomes,
- ii. an above grade structural permit has been granted for condominiums, mixed use and other buildings, or
- iii. the project involves renovations to residential properties and construction work was started before April 4, 2020.

31. Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.

#### **Resources and energy**

- 32. Businesses that provide and ensure the domestic and global continuity of supply of resources, including mining, forestry, aggregates, petroleum, petroleum by-products and chemicals.
- 33. Electricity generation, transmission, distribution and storage and natural gas distribution, transmission and storage.

#### **Community services**

34. Businesses that deliver or support the delivery of services including:

- i. Sewage treatment and disposal.
- ii. Collecting, transporting, storing, processing, disposing or recycling of any type of waste.
- iii. Potable drinking water.
- iv. Critical infrastructure repair and maintenance including roads, dams, bridges etc.
- v. Environmental rehabilitation, management and monitoring, and spill clean-up and response.
- vi. Administrative authorities that regulate and inspect businesses.
- vii. Professional and social services that support the legal and justice system.
- viii. Government services including but not limited to policing and law enforcement, fire and emergency services, paramedics, coroner and pathology services, corrections and court services, licences and permits.

#### **Research**

35. Businesses and organizations that maintain research facilities and engage in research, including medical research and other research and development activities.

#### **Health care and social services**

- 36. Organizations and providers that deliver home care services or personal support services to seniors and persons with disabilities.
- 37. Businesses that sell, rent or repair assistive/mobility/medical devices, aids and /or supplies.

38. Regulated health professionals (urgent care only) including dentists, optometrists, chiropractic services, ophthalmologists, physical and occupational therapists and podiatrists.
39. Organizations that provide health care including retirement homes, hospitals, clinics, long-term care facilities, independent health facilities and mental health and addictions counselling supports.
40. Laboratories and specimen collection centres.
41. Manufacturers, wholesalers, distributors and retailers of pharmaceutical products and medical supplies, including medications, medical isotopes, vaccines and antivirals, medical devices and medical supplies.
42. Manufacturers, distributors and businesses that provide logistical support of or for products and /or services that support the delivery of health care in all locations.
43. Not-for-profit organizations that provide critical personal support services in home or residential services for individuals with physical disabilities.
44. Not-for profit organizations that support the provision of food, shelter, safety or protection , and /or social services and other necessities of life to economically disadvantaged and other vulnerable individuals.

O. Reg. 119/20, s. 6; O. Reg. 136/20, s. 1; O. Reg. 153/20, s. 1, 2.

### SCHEDULE 3 REQUIREMENTS THAT APPLY TO BUSINESSES

#### **Compliance**

1. (1) The person responsible for a place of business that continues to operate shall ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a place of business that continues to operate shall operate the business in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

#### **Restricting access to businesses and providing alternative methods of sale**

2. (1) Subject to subsection (2), the person responsible for a place of business that continues to operate and that engages in retail sales to the public, except for pharmacies and businesses that primarily sell food and beverages at retail, shall, to the fullest extent possible, restrict public access to the place of business by providing alternative methods of sale such as curbside pick-up or delivery.

(2) The person responsible for a place of business described in paragraph 15 of Schedule 2 shall restrict public access to the place of business and shall provide all items to the public using an alternative method of sale such as curbside pick-up or delivery, except in exceptional circumstances.

#### **Short term rentals**

3. (1) Every person who provides short term rentals in rental accommodations shall ensure that any rentals booked after April 4, 2020 are only provided to individuals who are in need of housing during the emergency period.

(2) Subsection (1) does not apply in respect of hotels, motels and student residences.

#### **Seasonal campground requirements**

3.1 Every person who operates a seasonal campground shall ensure that,

- (a) campsites are provided only to individuals who do not have another residence in Canada and are in need of housing during the emergency period;
- (b) only campsites with electricity, water service and facilities for sewage disposal are provided for use;
- (c) campsites are made available only for trailers and recreational vehicles; and

(d) all recreational facilities in the campground, and all other shared facilities in the campground such as bathrooms, are closed.

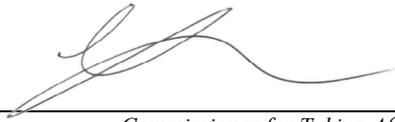
**Open houses prohibited**

4. Every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

O. Reg. 119/20, s. 7; O. Reg. 153/20, s. 3.

Français

This is Exhibit "R" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

COVID-19: Get the [latest updates](#) or take a [self-assessment](#).



## List of essential workplaces

Read the list of essential workplaces in response to COVID-19 (2019 novel coronavirus). If you have questions about what will be open or impacts to your business or employment, call the Stop the Spread Business Information Line at 1-888-444-3659.

Following advice from Ontario's Chief Medical Officer of Health, on April 3, 2020, Ontario updated the list of essential businesses that can remain open. The restrictions are aimed at further reducing contact between people and stopping the spread of COVID-19.

By 11:59 p.m. Saturday, April 4, 2020, businesses that are not identified on this list must close their physical locations.

For the purposes of this order, businesses include any for-profit, non-profit or other entity providing the goods and services described herein.

This does not preclude the provision of work and services by entities not on this list either online, by telephone or by mail/delivery. This also does not preclude the operation or delivery of services of any publicly funded agency or organization that delivers or supports government operations and services, including operations and services of the health care sector.

Teleworking and online commerce are permitted at all times for all businesses.

## Supply chains

1. Businesses that supply other essential businesses or essential services within Ontario, or that supply businesses or services that have been declared essential in a jurisdiction outside of Ontario, with the support, products, supplies, systems, or services, including processing, packaging, warehousing, distribution, delivery, and maintenance necessary to operate.

## Food

2. Businesses that primarily sell food, beverages and consumer products necessary to maintain households and businesses including:
  - i. Supermarkets and grocery stores.
  - ii. Convenience stores.
  - iii. Discount and big box retailers selling groceries.
  - iv. Restaurants (take-out, drive-through and delivery service only).

v. Beer and wine and liquor stores.

## Services

3. Pharmacies.
4. Gas stations and other fuel suppliers.
5. Laundromats and drycleaners.
6. Security services for residences, businesses and other properties.
7. Vehicle and equipment repair and essential maintenance and vehicle and equipment rental services.
8. Courier, postal, shipping, moving and delivery services.
9. Funeral and related services.
10. Staffing services including providing temporary help.
11. Veterinary services (urgent care only) and other businesses that provide for the health and welfare of animals, including farms, boarding kennels, stables, animal shelters, zoos, aquariums and research facilities.
12. Home child care services of up to six children as permitted under the *Child Care and Early Years Act, 2014*, and child care centres for essential workers authorized to operate in accordance with *Ontario Regulation 51/20* (Order Under Subsection 7.0.2 (4) of the Act - Closure of Establishments) made under the Act.
13. Hotels, motels, other shared rental accommodation including student residences, except for any pools, fitness centres, meeting rooms and other recreational facilities that may be part of the operations of these businesses.
131. Seasonal campgrounds that are in compliance with section 3.1 of Schedule 3.
14. Cheque cashing services.

## Services to the public that are restricted to alternative methods of sale

15. Stores that sell any of the following items and provide them to the customer only through an alternative method of sale such as curb side pick-up or delivery, except in exceptional circumstances:
  - i. Hardware products.
  - ii. Vehicle parts and supplies.
  - iii. Pet and animal supplies.
  - iv. Office supplies and computer products including computer repair.
  - v. Safety supplies.

## Financial services

16. Businesses that provide the following financial services:
  - i. Capital markets and related securities trading and advisory services.
  - ii. Banking/credit union activities including credit intermediation.
  - iii. Insurance.
  - iv. Land registration services.
  - v. Real estate agent services.
  - vi. Pension and benefits payment services.
  - vii. Financial services including payroll and payment processing and accounting and tax services.

## Telecommunications and IT infrastructure/service providers

17. Information Technology (IT) services, including online services, software products and the facilities necessary for their operation and delivery.
18. Telecommunications providers and services (phone, internet, radio, cell phones etc.) and facilities necessary for their operation and delivery.
19. Newspapers, radio and television broadcasting.

## Maintenance

20. Maintenance, repair and property management services strictly necessary to manage and maintain the safety, security, sanitation and essential operation of institutional, commercial, industrial and residential properties and buildings.

## Transportation services

21. Businesses and facilities that provide transportation services, including,
  - i. transportation services provided by air, water, road, and rail, including taxis and other private transportation providers, and
  - ii. support services for transportation services, including,
    - A. logistical support, distribution services, warehousing and storage, truck stops and tow operators,
    - B. services that support the operations and safety of transportation systems including maintenance and repairs, and
    - C. marinas, but only to the extent that the marina is necessary to enable individuals to access their primary place of residence.
22. Businesses that provide and support online retail, including by providing warehousing, storage and distribution of goods that are ordered online.

## Manufacturing

23. Businesses that extract, manufacture, process and distribute goods, products, equipment and materials, including businesses that manufacture inputs to other manufacturers, (e.g. primary metal/ steel, blow molding, component manufacturers, chemicals, etc. that feed the end-product manufacturer), regardless of whether those other manufacturers are inside or outside of Ontario, together with businesses that support and facilitate the movement of goods within integrated North American and global supply chains.

## Agriculture and food production

24. Businesses that produce food and beverages, and agricultural products including plants, including by farming, harvesting, aquaculture, hunting and fishing.
25. Businesses that process, manufacture or distribute food, beverages, crops, agricultural products, animal products and by-products.
26. Businesses that support the food or agricultural products supply chains and the health and safety of food, animals and plants.

## Construction

27. Construction projects and services associated with the healthcare sector, including new facilities, expansions, renovations and conversion of spaces that could be repurposed for health care space.
28. Construction projects and services required to ensure safe and reliable operations of, or to provide new capacity in, critical provincial infrastructure, including transit, transportation, energy and justice sectors

beyond the day-to-day maintenance.

29. Critical industrial construction activities required for,
  - i. the maintenance and operations of petrochemical plants and refineries,
  - ii. significant industrial petrochemical projects where preliminary work has already commenced,
  - iii. industrial construction and modifications to existing industrial structures limited solely to work necessary for the production, maintenance, and/or enhancement of Personal Protective Equipment, medical devices (such as ventilators), and other identified products directly related to combatting the COVID-19 pandemic.
- 29l. Construction projects that are due to be completed before October 4, 2020 and that would provide additional capacity in the production, processing, manufacturing or distribution of food, beverages or agricultural products.
30. Residential construction projects where,
  - i. a footing permit has been granted for single family, semi-detached and townhomes
  - ii. an above grade structural permit has been granted for condominiums, mixed use and other buildings, or
  - iii. the project involves renovations to residential properties and construction work was started before April 4, 2020.
31. Construction and maintenance activities necessary to temporarily close construction sites that have paused or are not active and to ensure ongoing public safety.

## Resources and energy

32. Businesses that provide and ensure the domestic and global continuity of supply of resources, including mining, forestry, aggregates, petroleum, petroleum by-products and chemicals.
33. Electricity generation, transmission, distribution and storage and natural gas distribution, transmission and storage.

## Community services

34. Businesses that deliver or support the delivery of services including:
  - i. Sewage treatment and disposal.
  - ii. Collecting, transporting, storing, processing, disposing or recycling of any type of waste.
  - iii. Potable drinking water.
  - iv. Critical infrastructure repair and maintenance including roads, dams, bridges etc.
  - v. Environmental rehabilitation, management and monitoring, and spill clean up and response.
  - vi. Administrative authorities that regulate and inspect businesses.
  - vii. Professional and social services that support the legal and justice system.
  - viii. Government services including but not limited to policing and law enforcement, fire and emergency services, paramedics, coroner and pathology services, corrections and court services, licences and permits.

## Research

35. Businesses and organizations that maintain research facilities and engage in research, including medical research and other research and development activities.

## Health care and social services

36. Organizations and providers that deliver home care services or personal support services to seniors and persons with disabilities.
37. Businesses that sell, rent or repair assistive/mobility/medical devices, aids and/or supplies.
38. Regulated health professionals (urgent care only) including dentists, optometrists, chiropractic services, ophthalmologists, physical and occupational therapists and podiatrists.
39. Organizations that provide health care including retirement homes, hospitals, clinics, long-term care facilities, independent health facilities and mental health and addictions counselling supports.
40. Laboratories and specimen collection centres.
41. Manufacturers, wholesalers, distributors and retailers of pharmaceutical products and medical supplies, including medications, medical isotopes, vaccines and antivirals, medical devices and medical supplies.
42. Manufacturers, distributors and businesses that provide logistical support of or for products and/or services that support the delivery of health care in all locations.
43. Not-for-profit organizations that provide critical personal support services in home or residential services for individuals with physical disabilities.
44. Not-for profit organizations that support the provision of food, shelter, safety or protection, and/or social services and other necessities of life to economically disadvantaged and other vulnerable individuals.

## Requirements that apply to businesses

### Compliance

1. (1) The person responsible for a place of business that continues to operate shall ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.  
(2) The person responsible for a place of business that continues to operate shall operate the business in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

### Restricting access to businesses and providing alternative methods of sale

2. (1) Subject to subsection (2), the person responsible for a place of business that continues to operate and that engages in retail sales to the public, except for pharmacies and businesses that primarily sell food and beverages at retail, shall, to the fullest extent possible, restrict public access to the place of business by providing alternative methods of sale such as curbside pick-up or delivery.  
(2) The person responsible for a place of business described in paragraph 15 of Schedule 2 shall restrict public access to the place of business and shall provide all items to the public using an alternative method of sale such as curbside pick-up or delivery, except in exceptional circumstances.

### Short term rentals

3. (1) Every person who provides short term rentals in rental accommodations shall ensure that any rentals booked after April 4, 2020 are only provided to individuals who are in need of housing during the emergency period.  
(2) Subsection (1) does not apply in respect of hotels, motels and student residences.

### Seasonal campground requirements

31. Every person who operates a seasonal campground shall ensure that,
  - a. campsites are provided only to individuals who do not have another residence in Canada and are in need of housing during the emergency period;
  - b. only campsites with electricity, water service and facilities for sewage disposal are provided for use;

- c. campsites are made available only for trailers and recreational vehicles; and
- d. all recreational facilities in the campground, and all other shared facilities in the campground such as bathrooms, are closed.

## **Open houses prohibited**

4. 1. Every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

Updated: April 16, 2020

Published: March 23, 2020

This is Exhibit "S" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



[Français](#)

## Emergency Management and Civil Protection Act

### ONTARIO REGULATION 52/20

#### ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS

**Note: This Order is revoked on April 23, 2020, unless it is extended. (See s. 7.0.8 of the Act , O. Reg. 106/20, Sched. 1 and O. Reg. 138/20, s. 1)**

**Consolidation Period:** From March 28, 2020 to the [e-Laws currency date](#).

Last amendment: [99/20](#).

Legislative History: [ + ]

***This is the English version of a bilingual regulation.***

WHEREAS an emergency was declared on March 17<sup>th</sup>, 2020 pursuant to Order in Council 518/2020 (Ontario Regulation 50/20);

AND WHEREAS the criteria set out in subsection 7.0.2 (2) of the *Emergency Management and Civil Protection Act* have been satisfied;

NOW THEREFORE, this Order is made pursuant to paragraph 14 of subsection 7.0.2 (4) of the Act , the terms of which are set out in Schedule 1;

AND FURTHER, this Order applies generally throughout Ontario. O. Reg. 52/20; O. Reg. 99/20, s. 2.

#### SCHEDULE 1 ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS

##### **Prohibition**

1. (1) Subject to subsection (3), no person shall attend,

- (a) an organized public event of more than five people, including a parade;
- (b) a social gathering of more than five people; or
- (c) a gathering of more than five people for the purposes of conducting religious services, rites or ceremonies.

(2) For greater certainty, subsection (1) applies to an event or gathering even if it is held at a private dwelling.

(3) Subsection (1) does not apply to the following:

- 1. A gathering of members of a single household.
- 2. A gathering for the purposes of a funeral service that is attended by not more than 10 persons. O. Reg. 99/20, s. 3.

[Français](#)



This is Exhibit "S" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



Français

**Emergency Management and Civil Protection Act**

**ONTARIO REGULATION 105/20**

**ORDER MADE UNDER THE ACT - EXTENSION OF EMERGENCY**

**Consolidation Period:** From March 30, 2020 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act");

And Whereas under subsection 7.0.7 (1) of the Act the emergency terminates at the end of March 31, 2020 unless extended;

And Whereas the emergency may be extended by order of the Lieutenant Governor in Council under subsection 7.0.7 (2) of the Act;

Now Therefore, the emergency is extended past the end of March 31, 2020 for a period of 14 days.

Français

This is Exhibit "U" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



Français

## Emergency Management and Civil Protection Act

### ONTARIO REGULATION 104/20

#### EMERGENCY ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CLOSURE OF OUTDOOR RECREATIONAL AMENITIES

**Note: This Order is revoked on April 23, 2020, unless it is extended. (See s. 7.0.8 of the Act , O. Reg. 106/20, Sched. 1 and O. Reg. 143/20, s. 1)**

**Consolidation Period:** From March 30, 2020 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act");

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act , in particular paragraphs 2, 5 and 14 of that subsection, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency , subject to section 7.0.8 of the Act .

#### SCHEDULE 1 CLOSURE OF OUTDOOR RECREATIONAL AMENITIES

##### Closures

1. (1) For the purposes of this Schedule,

"outdoor recreational amenities" means the following:

1. All outdoor playgrounds, play structures and equipment.
2. All outdoor sports facilities and multi-use fields, including,
  - i. baseball diamonds,
  - ii. soccer fields,
  - iii. frisbee golf locations,
  - iv. tennis, platform tennis, table tennis and pickleball courts,
  - v. basketball courts,
  - vi. BMX parks, and

vii. skate parks.

3. All off-leash dog areas.
4. All portions of park and recreational areas containing outdoor fitness equipment.
5. All outdoor allotment gardens and community gardens.
6. All outdoor picnic sites, benches and shelters in park and recreational areas.

(2) Outdoor recreational amenities that are intended for use by more than one family are closed, regardless of whether they are publicly or privately owned and regardless of whether they are attached to a park system.

(3) No person shall enter or use an outdoor recreational amenity described in subsection (2) except for a maintenance, safety, law enforcement or other similar purpose.

(4) For greater certainty, nothing in this Order precludes individuals from walking through or using portions of park and recreational areas that are not otherwise closed and that do not contain an outdoor recreational amenity described in subsection (2).

Français

This is Exhibit "V" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



Français

## Emergency Management and Civil Protection Act

### ONTARIO REGULATION 141/20

#### ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - TEMPORARY HEALTH OR RESIDENTIAL FACILITIES

**Note:** This Order is revoked on May 6, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)

**Consolidation Period:** From April 9, 2020 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act") and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

And Whereas in light of the impacts of the coronavirus (COVID 19), Ontario hospitals are experiencing severe space shortages and it is anticipated that there will be even further need to open up space and beds in hospitals in anticipation of a continued surge of patients who have the coronavirus (COVID-19);

And Whereas there is an urgent necessity to increase capacity and address pressures on the hospital system resulting from the coronavirus (COVID-19) pandemic, including supporting hospitals to find alternative accommodation or care for patients;

And Whereas a need has been identified to support municipalities to find alternative sleeping accommodations for individuals as part of the response to the coronavirus (COVID-19), including to help maintain physical distancing;

And Whereas it is necessary to address certain legislative provisions that are impeding the ability to quickly establish facilities for the care, welfare, safety and shelter of individuals, including emergency shelters and hospitals;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act, in particular paragraphs 4, 8 and 14 of that subsection, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order is retroactive to March 17, 2020;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

#### SCHEDULE 1

##### **Interpretation**

1. In this Order,

"construction" means doing anything in the erection, installation, extension or material alteration or repair of a building or structure and includes the installation of a building unit fabricated or moved from elsewhere;

"proponent" means a person or entity described in clause (a) or (b) of the definition of "temporary health or residential facility";

“temporary health or residential facility” means a building or structure that is used or intended to be used to provide, on a temporary basis for the purpose of responding to the declared emergency, health care or sleeping accommodation, by or on behalf of,

- (a) any health service provider as defined in paragraphs 1 to 5 of the definition of “health service provider” in subsection 1 (2) of the *Connecting Care Act, 2019*, or
- (b) any government, including, for greater certainty, a municipality.

#### **Exemption from complying with certain laws**

**2.** The construction of a temporary health or residential facility, the conversion of all or part of an existing building or structure to a temporary health or residential facility and the use of a temporary health or residential facility are exempt from the following requirements:

1. Obtaining a permit under section 8 or 10 of the *Building Code Act, 1992*.
2. Complying with Ontario Regulation 332/12 (Building Code) made under the *Building Code Act, 1992*.
3. Complying with any by-laws passed under section 34 or 38 of the *Planning Act*.
4. Complying with section 41 of the *Planning Act* or section 114 of the *City of Toronto Act, 2006*.

#### **Conditions for occupancy following construction**

**3.** Where construction is undertaken to establish a temporary health or residential facility, before the facility or a part of the facility can be occupied the following conditions must be satisfied:

1. An architect and a professional engineer, both of whom are licenced to practice in Ontario, have designed or taken responsibility for the design of the construction of the facility or the part of the facility and have provided the designs to the chief building official.
2. The chief building official has provided to the proponent an attestation that the chief building official has received the designs described in paragraph 1.
3. An architect and a professional engineer, both of whom are licenced to practice in Ontario, have,
  - i. undertaken a general review of the construction of the facility or the part of the facility,
  - ii. prepared written reports arising out of the general review, and
  - iii. provided the reports to the chief building official.
4. The chief building official has provided to the proponent an attestation that the chief building official has received the reports described in paragraph 3.

#### **Same**

**4.** Section 3 does not apply to a temporary health or residential facility or a part of the facility if the facility or the part of the facility was constructed and occupied on or before the day after April 9, 2020.

#### **Inspections**

**5.** A chief building official or an inspector appointed under the *Building Code Act, 1992* shall, in accordance with section 6, undertake an inspection of the temporary health or residential facility pursuant to subsection 15.9 (1) of the *Building Code Act, 1992* to determine whether the facility is unsafe as described in subsection 15.9 (2) of that Act.

#### **Same**

**6.** An inspection described in section 5 shall be undertaken on or before the following dates:

1. The date the facility is occupied, or, where the facility is occupied in stages, the date each part of the facility is occupied.

2. Despite paragraph 1, if the facility or part of the facility was occupied on or before April 9, 2020, the date that is two days after April 9, 2020.
3. A date that is not later than one month after the date of the previous inspection.

**Reports**

7. When undertaking an inspection required under section 5, the inspector may consider reports concerning whether the temporary health or residential facility or part of the facility is unsafe as described in subsection 15.9 (2) of the *Building Code Act, 1992*.

**Orders and actions by chief building official, etc.**

8. For greater certainty, nothing in this Order derogates from the power of a chief building official or inspector appointed under the *Building Code Act, 1992* to make an order or take any action under section 15.9 or 15.10 of that Act.

[Français](#)

This is Exhibit “W” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



Français

**Emergency Management and Civil Protection Act**

**ONTARIO REGULATION 106/20**

**ORDER MADE UNDER THE ACT - EXTENSIONS AND RENEWALS OF ORDERS**

**Consolidation Period:** From April 10, 2020 to the e-Laws currency date.

Last amendment: 143/20.

Legislative History: [ + ]

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act");

And Whereas Orders have been made under subsections 7.0.2 (4) and 7.1 (2) of the Act ;

And Whereas an Order made under subsection 7.0.2 (4) of the Act may be extended under section 7.0.8 of the Act ;

And Whereas an order made under subsection 7.1 (2) of the Act may be renewed under section 7.1 of the Act ;

Now Therefore, this Order provides for the extension of the Orders referred to in Schedule 1.

SCHEDULE 1  
EXTENSIONS OF ORDERS MADE UNDER SUBSECTION 7.0.2 (4) OF THE ACT

**Extensions**

1. An Order referred to in Column 1 of the following Table is extended under section 7.0.8 of the Act past its previously applicable revocation date, as set out in Column 2 of the Table opposite the Order, and is revoked on the date set out opposite the Order in Column 3, subject to any further extension under that section.

TABLE

Item	Column 1 Order in Council and date made	Column 2 Previously applicable revocation date	Column 3 Current revocation date
1.	Order in Council filed as O. Reg. 51/20 ( Emergency Order Under Subsection 7.0.2 (4) of the Act - Closure of Establishments), made March 17, 2020	April 13, 2020	April 23, 2020
2.	Order in Council filed as O. Reg. 52/20 ( Emergency Order Under Subsection 7.0.2 (4) of the Act - Organized Public Events, Certain Gatherings), made March 17, 2020	April 13, 2020	April 23, 2020

3.	Order in Council filed as O. Reg. 74/20 (Order Made Under Subsection 7.0.2 (4) of the Act ), made March 21, 2020	April 13, 2020	April 23, 2020
4.	Order in Council filed as O. Reg. 75/20 (Order Under Subsection 7.0.2 (4) of the Act - Drinking Water Systems and Sewage Works), made March 23, 2020	April 13, 2020	April 23, 2020
5.	Order in Council filed as O. Reg. 76/20 (Order Under Subsection 7.0.2 (4) of the Act - Electronic Service), made March 23, 2020	April 13, 2020	April 23, 2020
6.	Order in Council filed as O. Reg. 77/20 (Order Under Subsection 7.0.2 (4) of the Act - Work Deployment Measures in Long-Term Care Homes), made March 23, 2020	April 13, 2020	April 23, 2020
7.	Order in Council filed as O. Reg. 80/20 (Order Under Subsection 7.0.2 (4) of the Act - Electricity Price for RPP Consumers), made March 24, 2020	April 13, 2020	April 23, 2020
8.	Order in Council filed as O. Reg. 82/20 (Order Under Subsection 7.0.2 (4) - Closure of Places of Non-Essential Businesses), made March 24, 2020	April 13, 2020	April 23, 2020
9.	Order in Council filed as O. Reg. 89/20 (Order Under Subsection 7.0.2 (4) of the Act - Traffic Management ), made March 26, 2020	April 13, 2020	April 23, 2020
10.	Order in Council filed as O. Reg. 95/20 (Order Under Subsection 7.0.2 (4) of the Act - Streamlining Requirements for Long-Term Care Homes), made March 27, 2020	April 13, 2020	April 23, 2020
11.	Order in Council filed as O. Reg. 98/20 (Order Under Subsection 7.0.2 (4) - Prohibition on Certain Persons Charging Unconscionable Prices for Sales of Necessary Goods), made March, 27, 2020	April 13, 2020	April 23, 2020
11.1	Order in Council filed as O. Reg. 104/20 ( Emergency Order Under Subsection 7.0.2 (4) of the Act - Closure of Outdoor Recreational Amenities), made March 30, 2020	April 13, 2020	April 23, 2020
12.	Order in Council filed as O. Reg. 114/20 (Order Under Subsection 7.0.2 (4) of the Act - Enforcement of Orders), made March 31, 2020	April 14, 2020	April 23, 2020
13.	Order in Council filed as O. Reg. 116/20 (Order Under Subsection 7.0.2 (4) of the Act - Work Deployment Measures for Boards of Health), made April 1, 2020	April 15, 2020	April 23, 2020
14.	Order in Council filed as O. Reg. 118/20 (Order Under Subsection 7.0.2 (4) of the Act - Work Deployment Measures in Retirement Homes), made April 2, 2020	April 16, 2020	April 23, 2020

15.	Order in Council filed as O. Reg. 120/20 (Order Under Subsection 7.0.2 (4) of the Act - Access to COVID-19 Status Information by Specified Persons), made April 3, 2020	April 17, 2020	April 23, 2020
16.	Order in Council filed as O. Reg. 121/20 (Order Under Subsection 7.0.2 (4) of the Act - Service Agencies Providing Services and Supports to Adults with Developmental Disabilities), made April 3, 2020	April 17, 2020	April 23, 2020
17.	Order in Council filed as O. Reg. 128/20 (Order Under Subsection 7.0.2 (4) of the Act - Pick Up and Delivery of Cannabis), made April 7, 2020	April 21, 2020	April 23, 2020
18.	Order in Council filed as O. Reg. 129/20 (Order Under Subsection 7.0.2 (4) of the Act - Signatures in Wills and Powers of Attorney), made April 7, 2020	April 21, 2020	April 23, 2020
19.	Order in Council filed as O. Reg. 132/20 (Order Under Subsection 7.0.2 (4) of the Act - Use of Force and Firearms in Policing Services), made April 8, 2020	April 22, 2020	April 23, 2020

O. Reg. 106/20, Sched. 1, s. 1; O. Reg. 138/20, s. 1; O. Reg. 143/20, s. 1.

Français

This is Exhibit "X" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



Français

## Emergency Management and Civil Protection Act

### ONTARIO REGULATION 177/20

#### ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - CONGREGATE CARE SETTINGS

**Note: This Order is revoked on May 8, 2020, unless it is extended. (See s. 7.0.8 of the Act)**

**Consolidation Period:** From April 24, 2020 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act") and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

And Whereas section 50.1 of the *Employment Standards Act, 2000* provides for emergency leave for employees in declared emergencies and infectious disease emergencies;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act, in particular paragraphs 8, 9, 10, 12 and 14 of that subsection, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

#### SCHEDULE 1

##### **Interpretation**

1. (1) In this Order,

"congregate care setting service agency" means a service agency or transfer payment recipient to which this Order applies under section 2.

(2) A reference in this Order to a "staff member" of a congregate care setting service agency includes a person who performs work for the agency as an employee or as temporary staff, including a person hired through an employment agency or other third party to perform work directly at a residence operated by the agency.

(3) Despite anything else in this Order, the requirements of this Order do not apply with respect to a staff member who can perform all of their work for congregate care setting service agencies by working or providing services remotely.

##### **Application, service agencies and transfer payment recipients**

2. This Order applies to service agencies and transfer payment recipients in the following sectors:

##### **Developmental services sector**

1. Service agencies as defined under the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* that provide,
  - i. residential services and supports to adults with developmental disabilities who reside in supported group living residences or intensive support residences, as defined in that Act, or
  - ii. specialized residential accommodation pursuant to an agreement with the Ministry of Children, Community and Social Services, other than specialized accommodation services that support residential living outside of group living arrangements operated by the service agency.

**Violence against women/anti-human trafficking sector**

2. Transfer payment recipients funded by the Ministry of Children, Community and Social Services that provide residential or emergency residential services under the Violence Against Women Support Services program or the Anti-Human Trafficking Community Supports program.

**Intervenor sector**

3. Transfer payment recipients funded by the Ministry of Children, Community and Social Services that provide intervenor services for persons who are deafblind in a residential setting.

**Employee's notice**

3. (1) This section applies to any person who performs work as a staff member of a congregate care setting service agency in a residence operated by the agency if the person also performs work as a staff member of a congregate care setting service agency in a residence operated by a different congregate care setting service agency in the same sector.

(2) As soon as reasonably possible, and in any event no later than 9 a.m. on Monday, April 27, 2020, a person to whom this section applies shall inform each congregate care setting service agency of whom they are a staff member that they are subject to this Order.

**Limit on work locations**

4. Beginning at 12:01 a.m. on Thursday, April 30, 2020, a staff member of a congregate care setting service agency who performs work in a residence operated by the agency shall not also perform work as a staff member of a different congregate care setting service agency in the same sector in a residence operated by the different agency.

**Effect of compliance**

5. For greater certainty,

- (a) subsection 7.0.2 (6) of the Act applies with respect to a staff member to whom this Order applies; and
- (b) a staff member to whom this Order applies shall comply with sections 3 and 4 even if doing so would not be in compliance with the provisions of a collective agreement.

**Limit on work, service agencies**

6. Beginning at 12:01 a.m. on Thursday, April 30, 2020, a congregate care setting service agency shall ensure that any of its staff members who perform work in a residence operated by the agency do not also perform work as a staff member in a residence operated by a different congregate care setting service agency in the same sector.

**Posting of Order**

7. (1) A congregate care setting service agency shall ensure that a copy of this Order is posted in each of its residences in a conspicuous and easily accessible location.

(2) For greater certainty, this Order is essential information for the purposes of posting.

**Work at one location during outbreak**

8. (1) Where, during the time this order is in force, there is an outbreak of coronavirus (COVID-19) in a residence operated by a congregate care setting service agency, the congregate care setting service agency shall,

(a) report to the local medical officer of health; and

(b) ensure that any staff members who are determined to be exposed to the virus at the residence may be scheduled to work only at that residence until such time as the outbreak is over.

(2) For greater clarity, an occurrence of an outbreak, whether a staff member has been exposed, and whether an outbreak is over shall be determined in accordance with the advice, recommendations and instructions of public health officials

**Compliance with guidelines**

**9.** Every congregate care setting service agency shall follow any guidance, advice or recommendations from the Ministry of Health or the Chief Medical Officer of Health respecting coronavirus (COVID-19) that applies to congregate care setting service agencies to which this Order applies.

**This order prevails**

**10.** Where there is a conflict between a requirement of this Order and any other Order applying to congregate care setting service agencies, including, for greater certainty, Ontario Regulations 121/20 and 145/20, the requirement in this Order prevails.

Français

This is Exhibit "Y" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

COVID-19: Get the [latest updates](#) or take a [self-assessment](#).



# COVID-19 action plan: protecting vulnerable Ontarians

Read the COVID-19 action plan for vulnerable Ontarians - and those who care for them

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Vulnerable Ontarians in residential settings, and the workers caring for them, face heightened risk during the COVID-19 outbreak. This is a source of serious concern and worry for our government, those individuals, their friends and families and the community as whole.

The Ontario government is taking immediate action and building upon previous measures to better protect our most vulnerable and the frontline staff who care for them. We are working with our partners who operate these homes and facilities, including working with our partners who operate these homes and facilities municipalities, agencies and the federal government to do everything we can to ensure the safety of these vulnerable communities during COVID-19.

The province is implementing a *COVID-19 Action Plan for Vulnerable People* to better protect those living in high risk settings including homes serving those with developmental disabilities, shelters for survivors of gender-based violence and human trafficking and children's residential settings. This includes Indigenous residential settings on and off reserve.

Within 48 hours, starting with our developmental services sites, new measures will be put in place to enhance screening and testing, helping to reduce exposure to COVID-19, prevent the spread of the virus and increase infection control measures. This plan builds upon the initiatives that were put in place at the outset of the COVID-19 outbreak.

This plan also supports high risk locations in managing the COVID-19 outbreak by providing assistance with staffing and additional training and support.

The province will also move immediately to solicit ideas on additional actions and measures that can be taken now to further support vulnerable Ontarians and staff in high risk settings.

In this state of emergency, the *COVID-19 Action Plan for Vulnerable People* leverages all available resources and builds on actions already underway to protect Ontario's most vulnerable people and those who care for them.

## Actions taken by the government to date

### April 23

- To support young people in Ontario who were formerly in care, providing up to \$1.5 million in funding to the Children's Aid Foundation of Canada's COVID-19 Youth Support Fund.
- Expanding the list of eligible expenses under Special Services at Home and for Passport funding. We will also continue to assist families and provide greater clarity about what expenses are eligible under the

Ontario Autism program: including Childhood Budgets and Interim one-time funding, for the duration of the COVID-19 outbreak.

## April 21

- Enabled by the expanded guidelines that include enhanced COVID-19 testing at group homes and homeless shelters, among other vulnerable populations, Ontario processed well over 10,000 tests in a single day.

## April 20

- Announced an \$11 million partnership with the [Ontario Community Support Association \(OCSA\)](http://www.ocsa.on.ca/) (<http://www.ocsa.on.ca/>) to launch a new Ontario Community Support Program to expand existing Meals on Wheels services to reach low-income seniors and people with disabilities and chronic medical conditions across Ontario. The program will also develop the capacity of community organizations and others to help deliver medication and other essentials.
- Extended the deadline for families to spend their Ontario Autism Program Childhood Budget by 6 months.

## April 17

- Expanded the list of essential [workers eligible to receive emergency child care](https://news.ontario.ca/opo/en/2020/04/ontario-offers-emergency-child-care-to-more-frontline-staff.html) (<https://news.ontario.ca/opo/en/2020/04/ontario-offers-emergency-child-care-to-more-frontline-staff.html>) to offer support to those providing a variety of critical services including people who assist vulnerable communities, emergency response and law enforcement sector staff, more health and safety workers, and certain federal employees.
- Issued [new temporary emergency orders](https://news.ontario.ca/opo/en/2020/04/ontario-takes-further-action-to-protect-vulnerable-people-from-covid-19.html) (<https://news.ontario.ca/opo/en/2020/04/ontario-takes-further-action-to-protect-vulnerable-people-from-covid-19.html>) under the *Emergency Management and Civil Protection Act* to help stop the spread of COVID-19 among the province's most vulnerable citizens and ensure frontline services can continue to be delivered in priority areas (implementation dates vary). These emergency orders provided municipalities and District Social Service Administration Boards with the flexibility to offer reassignments to certain staff to where there is local need during the outbreak, including child care, by-law enforcement, and public health services.

## April 15

- To enable the full implementation of the next phase of Ontario's COVID-19 testing strategy, expanded testing guidelines to include residents of and staff working in homeless shelters and group homes, among other congregate care settings and vulnerable populations.

## April 7

- Is providing \$37 million to support outbreak planning, prevention and mitigation efforts to ensure the health and well-being of Indigenous peoples and communities — particularly those in remote and far-northern regions.

## April 4

- Is providing \$40 million to support organizations that provide residential services for children and youth, people with developmental disabilities and emergency shelters for women and families fleeing domestic violence.

## March 26

- Issued a moratorium on children aging out of the child welfare system to ensure Children's Aid Societies continue to provide services to children who may age out during the health emergency.

## March 25

- Announced \$20.4 million in increased funding for Special Services at Home to support an additional 4,700 children with special needs this fiscal year.

## March 23

- Announced [\\$200 million in social services relief funding \(https://news.ontario.ca/opo/en/2020/03/ontario-protecting-the-most-vulnerable-during-covid-19-crisis.html\)](https://news.ontario.ca/opo/en/2020/03/ontario-protecting-the-most-vulnerable-during-covid-19-crisis.html) - \$148 million to help municipalities and social service providers such as shelters, food banks, emergency services, charities and non-profits continue to deliver their critical services, hire additional staff, and find ways to promote social distancing and self-isolation to keep clients safe and healthy.
- The remaining \$52 million is being invested in expanding the emergency assistance program through Ontario Works to provide more support for those facing serious financial difficulties - right now.
- Announced an \$8 million partnership with Feed Ontario to launch the Emergency Food Boxes program which helps food banks across Ontario continue to support their communities.

## Next actions by the government include

- [Enhanced screening and reduced exposure to prevent spread](#)
- [Infection control - managing outbreaks and limiting spread](#)
- [Sustaining existing staff and managing critical staff shortages](#)

### Enhanced screening and reduced exposure to prevent spread

#### Goal

Increased screening, tighter visitor restrictions, reduced staff mobility between high risk settings.

#### Actions

#### Enhanced screening for residents and staff

- Improved screening of visitors to reduce COVID-19 exposure to staff and residents
- Screening of all staff and residents for COVID-19 symptoms to aid in early identification of infection on-site

#### Tighter visitor restrictions in all high-risk settings

- Limiting non-essential visitors to limit exposure

#### Use of personal protective equipment (PPE)

- Use of masks in congregate care settings to boost prevention
- Additional training and guidance on PPE conservation and usage

#### Limitations on staff mobility

- Restrictions on the number and kind of additional sites staff in developmental services, Intervenor, Violence Against Women and Anti Human Trafficking work at to reduce spread across multiple high risk

sources

## **Infection control: managing outbreaks and limiting spread**

### **Goal**

Reduce the number of outbreaks in high-risk settings and contain future outbreaks.

### **Actions**

#### **Enhanced testing**

- Test symptomatic staff and clients to identify the need for isolation and additional infection control measures on-site
- Work with the local Public Health Unit to determine if testing of asymptomatic people with a known contact should be included in facilities with medically fragile people

#### **Contact tracing**

- Report positive cases of COVID-19 to Public Health Units to support contact tracing of known people who may have been exposed

#### **Restrict staff to work at a single location**

- Limiting staff to working at a single location in cases of an outbreak to reduce the spread of the virus to multiple sites, across developmental services, Intervenor, Violence Against Women and Anti Human Trafficking.

#### **Enhanced guidance of PPE conservation and usage**

- Ensure PPE (gowns, masks, gloves) is available to staff and they are educated on conservation and usage during an outbreak

#### **Training and education to help staff dealing with an outbreak**

- Additional training and support for high-risk settings dealing with an outbreak, including guidance on how to isolate clients

#### **Establishing alternate residential sites**

- Identifying alternate locations to provide additional temporary residential capacity

#### **Sustaining staffing and managing staff shortages**

### **Goals**

Fewer high-risk locations reporting critical staffing challenges and supporting and maintaining appropriate staffing levels.

### **Actions**

#### **Support high-risk setting workforce stability and capacity**

- Leveraging workers with equivalent skills from other community agencies

## Support for Indigenous communities

Indigenous-led congregate care facilities are located both in on-reserve First Nations and off-reserve and in urban or rural communities, focusing on service provision to Indigenous clientele across the range of settings considered high risk. Indigenous individuals are also likely to be accessing programming from mainstream congregate care settings across the province and will benefit from the initiatives set out in this Action Plan.

These actions will also support on-reserve shelters and the government will work with Indigenous communities to provide guidance and support to off-reserve services.

## Support for Homeless Shelters

Municipalities and District Social Services Administration Boards oversee Ontario's homeless shelters, as they understand their communities' unique needs. We've provided \$148 million in social services relief funding to help them expand their services and supports and shared public health guidance materials. We've also issued emergency orders to allow staff to be redeployed to where they're most needed and supported expanded access to emergency child care services for shelter workers.

We have implemented a risk assessment survey for all sites and are creating an Ontario Shelter System Response Table with local officials, to look at additional interventions based on individual shelter needs.

## Additional measures

- Continuing to work collaboratively across government, with our sector partners and agencies to explore additional measures that can be taken to protect the health and safety of vulnerable Ontarians and those who care for them
- Continue to ensure that vulnerable Ontarians receive the critical services on which they rely, and to support Ontario's dedicated community and social service workers in providing this care

Updated: April 23, 2020

Published: April 23, 2020

This is Exhibit "Z" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Ministry of Health

# COVID-19 Guidance: Homeless Shelters

Version 1 – April 1, 2020

This guidance document provides basic information only. It is not intended to take the place of medical advice, diagnosis, or treatment.

This document is intended to assist with the minimizing of COVID-19 transmissions among Ontarians experiencing homelessness and to help plan for, prevent and manage individual cases and outbreaks of COVID-19 and flu-like symptoms in shelters and facilities that support homeless individuals. This guidance is also applicable to 24-hour drop-in locations as well as 24-hour respite centres.

Please check the Ministry of Health's [COVID-19 website](#) regularly for updates to this document, case definition, FAQs, and other information.

## General Advice

There are several things that shelters can do to protect their staff, volunteers and clients:

- Implement organizational pandemic and/or business continuity plans as appropriate. These should include plans to address situations when staff, volunteers and/or clients are unwell.
- Review infection prevention and control/occupational health and safety policies and procedures with all staff and volunteers. Particularly related to:
  - Proper hand hygiene - washing hands frequently with soap and water or using alcohol-based hand sanitizer;
  - Respiratory etiquette - appropriately covering coughs and sneezes (i.e., coughing into their sleeves and not their hands or using a tissue followed by using hand sanitizer);
  - Avoid touching face with unwashed hands; and
  - Promoting physical distancing between staff and clients – at a minimum 2 metres (6 feet) should be kept between all individuals regardless if they are well or unwell.

- Offer education regarding proper hand hygiene and respiratory etiquette for clients. Discourage clients from sharing items with other clients that touch the mouth or nose (e.g., straws, utensils, cigarettes, drinks, drug paraphernalia).
- Communicate that anyone who feels unwell with fever, cough or symptoms of COVID-19 should report to the shelter staff for official screening.
- Consider possible ways to increase physical distancing within the shelter. Optimally, a minimum of 2 metres (6 feet) should always be kept between individuals.
  - When possible, stagger eating times and set up tables, so clients are not directly facing each other.
  - When clients are sleeping, beds/cots/mattresses should be at least 2 metres (6 feet) apart. Bunks beds should not be used.
- Clients should be provided with the necessary means to physically distance without creating social isolation. Computers and tablets should be provided wherever possible for socializing and group activities should be provided on virtual platforms and should be cleaned frequently. If possible, keep shared spaces well ventilated.
- In addition to routine cleaning, surfaces that have frequent contact with hands should be [cleaned and disinfected](#) twice per day and when visibly dirty. Special attention should be paid to commonly touched surfaces such as doorknobs, elevator buttons, light switches, toilet handles, counters, hand rails, touch screen surfaces and keypads.
- Consider specialist services that may be required (e.g., mental health services, harm reduction and addictions support/programming, social workers) for psychosocial support to clients. Although challenging to implement, services provided should be delivered virtually if possible, and if not, maintaining physical separation and avoiding face-to-face discussion.

## 1. Planning

In order to support the homeless population, collaboration is key between shelter providers, community organizations, municipalities, etc. in order to develop plans and organize sites for quarantining shelter clients, isolating those requiring testing and isolating those who have tested positive for COVID-19.

Planning should also consider:

- How health care can be organized within the shelter.
- How to reach out to the local public health unit to assist with the planning.
- How to access extra staff and volunteers to cover for unwell staff and volunteers.
- How to transport symptomatic clients in non-emergency situations (e.g., those that do not require hospital care).
- How to access extra cleaning products that may be needed and how often to conduct frequent cleaning.
- How to access personal protective equipment (PPE) and what kind is needed.
- How to secure other supplies that may be needed to continue to provide services to shelter clients.

## 2. Prevention

There are many things you can do to prevent spread of respiratory illness in the shelter, particularly by facilitating proper [hand hygiene](#), respiratory etiquette and physical distancing:

- Ensure there are enough supplies on hand for proper hand hygiene, including pump soap, warm running water and paper towels or hot air dryers.
- If possible, consider adding alcohol-based hand sanitizer stations that mount to the wall to supplement hand washing. Use foam alcohol-based hand rubs with greater than 70% alcohol.
- Provide tissues and lined garbage bins for use by staff and clients. No-touch garbage cans (such as garbage cans with a foot pedal) are preferred for disposal of items.
- Remind clients, staff and volunteers of the importance of hand hygiene and respiratory etiquette, encouraging them to avoid touching eyes, nose and mouth and the need for physical distancing at all times.
- [Signage](#) should be posted throughout the shelter reminding staff, volunteers and clients about the signs and symptoms of COVID-19, hand hygiene, etc.

- Communicate with clients about the risk of COVID-19 and about the steps being taken in the shelter and community to address the risks. [Messaging and resources](#) should be simple and easy to understand.
- If toilet or bathroom facilities are shared, consideration should be given to developing a schedule for washing or bathing. These areas, as well as frequently touched surfaces, should be thoroughly [cleaned and disinfected](#) at least twice per day and when visibly dirty.
- Mattresses should be cleaned and disinfected between clients and clean bedding should be provided to new clients. Clean towels should be provided to each client with instructions not to share.
- Up to date information about clients should be kept, including name, times when they come in and leave the shelter as well as where they are in the shelter (e.g. room location if in individual rooms). This will assist in contacting clients who may have been exposed to COVID-19. Similarly, information about staff and volunteers working in the shelter should be kept.

### 3. Screening

- All shelters should undertake active (ask screening questions) and passive (signage) screening for staff, volunteers and clients. Screening should be done on intake and daily for all staff, volunteers and clients for:
  - Fever (if possible);
  - New cough or change in cough;
  - Shortness of breath; and
  - Other symptoms compatible with COVID-19 (e.g., muscle aches, headache, sore throat, runny nose).
- On intake, clients should be screened for exposures to individuals who are unwell and may have COVID-19, as well as any underlying health conditions (e.g., cardiovascular disease, diabetes, chronic lung disease) or immune suppression (e.g., cancer).
- Individuals conducting screening should ideally be behind a physical barrier (e.g., Plexiglas) or stand 2 metres (6 feet) away from a client. If possible, 1-2 screeners should be placed at the entrance of the shelter to screen all individuals wanting to access the shelter.

- Masks and gloves are only required when screening staff, volunteers and clients at the door if no physical barrier (e.g., Plexiglas) is available to separate the screeners from those entering the shelter (see Active Screening below for further information). Hand sanitizer should be available.
- Masks should only be worn inside the shelter if a staff person must have direct contact (less than 2 metres) with an unwell client.

### Active Screening for Staff and Volunteers

- Shelters should instruct all staff and volunteers to [self-monitor](#) for COVID-19 at home as well as for any potential exposure risks that require self-monitoring or self-isolation. All staff and volunteers should be aware of early signs and symptoms of COVID-19 (such as fever, cough or shortness of breath).
- Staff and volunteers who have symptoms that align with COVID-19 should complete the ministry's [self-assessment tool](#). If required, they should go to an Assessment Centre for testing.
- All staff and volunteers who are required to self-isolate must not come to work. Anyone with symptoms of an acute respiratory illness must not come to work and must report their symptoms to the manager at the shelter immediately by phone.
- All staff and volunteers who have been exposed to someone with COVID-19 outside of work should be required to self-isolate and must not come to work. They should contact their [local public health unit](#) for advice.

### Active Screening for Clients

- Shelters should screen all clients for respiratory symptoms including potential COVID-19 exposures using the ministry's [self-assessment tool](#).
- Clients should be monitored for new symptoms of illness such as:
  - Fever (if possible);
  - New or change in cough;
  - Shortness of breath; and
  - Other symptoms compatible with COVID-19 (e.g., muscle aches, headache, sore throat, runny nose).

- [Signage](#) at the entrance and throughout the shelter should advise clients to inform staff immediately if they are feeling unwell.
- Shelters should contact the [local public health unit](#) if more than one client is unwell in the shelter, as this may indicate an outbreak in the shelter.

## 4. Positive Screening: What to Do

- Staff and volunteers who become unwell on site at the shelter, should tell their manager immediately and separate themselves from others. They should be sent home (avoiding public transit) and advised to contact their primary care provider, Telehealth (1-866-797-0000) or the [local public health unit](#).
- Symptomatic staff, volunteers and clients in shelters are included in priority groups for COVID-19 testing in Ontario. They should advise the health care workers at the Assessment Centre that they use or work in a shelter.

### A. Client Becomes Unwell While in Shelter

- If a client develops a new cough or change in cough, has difficulty breathing, has fever and/or has been exposed to a case of COVID-19 in the past 14 days, instruct the client to wear a surgical/procedure mask and use alcohol-based hand sanitizer. Place the client in a room with the door closed or in an isolated area (try to keep them away from other clients), where possible, to avoid contact with other clients in a common area of the shelter. Clients should complete the ministry's [self-assessment tool](#).
- If secluded space in the shelter is limited and if more than one client is unwell, consideration should be given to grouping (cohorting) them together in the same space.
- Shelter staff should try to maintain physical distance between themselves and the client (i.e., 2 metres or more) while monitoring and providing assistance to them. If direct care is being provided to the unwell individual (less than 2 metres between staff and client), staff should wear appropriate personal protective equipment (at a minimum a mask and gloves).
- Coordinate with affiliated shelters or congregate living facilities in the municipality to plan to cohort those who are unwell recognizing that those with severe symptoms should be transported via emergency medical services

(EMS) to hospital rather than using alternative transportation services. Inform EMS of the client's symptoms when calling for assistance.

- In addition to routine cleaning, surfaces that have frequent contact with hands should be [cleaned and disinfected](#) twice per day and when visibly dirty.

## **B. Client has Been to an Assessment Centre and is Awaiting Test Results**

- Any client that has been tested at an Assessment Centre will need to be isolated or grouped (cohorted) with others who have been tested and are awaiting test results.
- Coordinate with affiliated shelters or congregate living facilities in the municipality to plan to cohort those who are awaiting test results, recognizing that those with severe symptoms should be transported via EMS to hospital versus alternative transportation services. Inform EMS of the client's symptoms when calling for assistance.
- Any client who receives a positive COVID-19 test result should be moved to a designated location within the municipality for homeless individuals who are COVID-19 positive where they are housed in separate rooms and have dedicated bathrooms.
- In addition to routine cleaning, surfaces that have frequent contact with hands should be [cleaned and disinfected](#) twice per day and when visibly dirty.

## **C. Client is Positive for COVID-19 and Does Not Require Hospital Care**

- Any client that has tested positive for COVID-19 needs to be isolated in a private room or can share a room with others who have also tested positive (cohorting). These clients may have mild to moderate symptoms.
- Clients should remain in their room, receive meals in their room and not share a bathroom with others. They should be monitored frequently to ensure that their symptoms do not worsen.
- Coordinate with affiliated shelters or congregate living facilities in the municipality to provide a facility for positive COVID-19 cases to be housed in separate rooms and have dedicated bathrooms.

- Any transportation required to move an unwell client who does not require hospitalization between locations, should be private (public transportation should not be used).
- If a COVID-19 positive case's symptoms get worse, they should be transported via EMS to hospital versus alternative transportation services. Inform EMS of the client's symptoms when calling for assistance.
- In addition to routine cleaning, surfaces that have frequent contact with hands should be [cleaned and disinfected](#) twice per day and when visibly dirty.

## 5. Reporting of Positive Screening

- Shelter staff should contact their [local public health unit](#) to report a staff member, volunteer or client suspected to have COVID-19. The local public health unit will provide specific advice on what control measures should be implemented to prevent further spread in the shelter, and how to monitor for other possible infected clients, volunteers and staff.
- Shelter staff may need to connect with the receiving facility (e.g., Assessment Centre or hospital) and provide information as to where the client will be going if they are not returning to the shelter.
- All referrals to hospital should be made through emergency department triage. If a client is referred to a hospital, the shelter should call ahead to the emergency department triage and paramedic services and inform them that the client has symptoms of COVID-19 and whether they have been tested. This ensures safe arrangements for travel can be made that maintain the client in appropriate isolation.

## 6. Occupational Health & Safety

- If COVID-19 is suspected or diagnosed in shelter staff, return to work should be determined in consultation with their health care provider and the local [public health unit](#). The staff must report to Occupational Health and Safety or notify their supervisor prior to return to work. Detailed general occupational health and safety guidelines for COVID-19 are available on the ministry's [COVID-19 website](#).
- Advise all staff and volunteers to stay home if they are unwell. If they have symptoms, they should use the [self-assessment tool](#) to inform whether they

should go to an Assessment Centre. They should also consult their local public health unit or health care provider.

- Individuals with respiratory symptoms, even if they have not travelled, are asked to stay home until 14 days have passed from the start of their symptoms. This may impact staffing levels but is a precaution to prevent spread of illness in the shelter and community.
- Consult with the local public health unit on return to work for staff, including testing and clearance guidelines.
- Staff or volunteers doing cleaning, including handling laundry, should wear gloves and gowns.

### **Optimizing the Use of Personal Protective Equipment (PPE) Within the Shelter**

- Shelter staff must be trained on the safe use, care and limitations of PPE, including the [donning \(putting on\) and doffing \(taking off\) of PPE](#) as well as proper disposal.
  - Gloves should be removed first, and hand hygiene should be performed immediately after removing gloves. The mask should then be removed, and hand hygiene performed again.
- Administrative areas and administrative tasks that do not involve contact with a client with suspected or confirmed COVID-19 do not require the use of PPE.

## **7. Transportation**

- If a client has severe symptoms, they should be transported by EMS to the hospital.
- Private vehicles (e.g., municipal vans) can be used to transport clients between shelters, to and from the Assessment Centres, etc.
  - Driver should wear a surgical/procedure mask.
  - Clients being transported should wear a surgical/procedure mask and be placed as far as possible from the driver (e.g., should sit in the rear passenger seat) with the window open (weather permitting).
  - Surfaces that have been touched by the unwell client should be cleaned and disinfected afterwards.
  - Public transportation should not be used.

## 8. Other Considerations

- Shelter staff should consider contingency plans for situations such as:
  - Reduced or interrupted supply of medicines, or access to them.
  - Reduced access to or interrupted supply of street drugs or alcohol.
  - Greater risk for infection because of the group living setting in a shelter and greater vulnerability to severe infection because of underlying medical conditions and/or age.

### Food Preparation

- Shelters should reinforce routine food safety and sanitation practices. As much as possible, implement measures to minimize client handling of shared food and utensils. Specific measures include:
  - Provide waterless hand wash (e.g., alcohol-based hand sanitizer) to clients before meals;
  - Dispense food onto plates for clients;
  - Minimize client handling of multiple sets of eating utensils by providing individually wrapped utensils or having staff hand out utensils;
  - Remove shared food containers from dining areas (e.g., shared pitchers of water, shared coffee cream dispensers, salt & pepper shakers, etc.);
  - Dispense snacks directly to clients and use pre-packaged snacks or dispense snacks onto a plate before handing it to the client;
  - Ensure there is adequate spacing between clients/staff while eating (at least 2 metres (6 feet) apart);
  - Ensure that food handling staff are in good health and practice good hand hygiene;
  - Ensure that all surfaces of the tables and chairs (including the underneath edge of the chair seat) are cleaned and disinfected after each meal; and
  - If possible, staff assigned to housekeeping duties should not be involved in food preparation or food service.

This is Exhibit "AA" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

DIRECTIVES		
Date	Directive	Description
March 22, 2020 and April 8, 2020, updated on April 15, 2020	Directive # 3	<p>Directive for Long-Term Care Homes under the Long-Term Care Homes Act, 2007 Issued under Section 77.7 of the Health Protection and Promotion Act (HPPA), R.S.O. 1990, c. H.7. Long-term care homes must immediately implement the following precautions and procedures including:</p> <ul style="list-style-type: none"> <li>• <b>Staff and Resident Cohorting.</b> Long-term care homes must use staff and resident cohorting to prevent the spread of COVID-19. Resident cohorting may include one or more of the following: alternative accommodation in the home to maintain physical distancing of 2 metres, resident cohorting of the well and unwell, utilizing respite and palliative care beds and rooms, or utilizing other rooms as appropriate. Staff cohorting may include: designating staff to work with either ill residents or well residents. In smaller long-term care homes or in homes where it is not possible to maintain physical distancing of staff or residents from each other, all residents or staff should be managed as if they are potentially infected, and staff should use droplet and contact precautions when in an area affected by COVID-19.</li> </ul>
March 31, 2020 updated on April 10, 2020	Directive # 5	<p>Directive for Public hospitals within the meaning of the Public Hospitals Act and long-term care homes within the meaning of the Long-Term Care Homes Act, 2007 referenced in section 77.7(6), paragraphs 4 and 10 of the Health Protection and Promotion Act.</p> <p>All public hospitals and long-term care homes must immediately implement the following precautions and procedures, as applicable to regulated health professionals as defined under the Regulated Health Professions Act, 1991 (“health care worker”) employed by or in public hospitals and long-term care homes and, where specified, other employees employed by or in public hospitals and long-term care homes (“other employees”) dealing with suspected, presumed, or confirmed COVID-19 patients or residents:</p> <ul style="list-style-type: none"> <li>• For long term care homes only, all staff and essential visitors must wear surgical/procedure masks at all times for the duration of full shifts or visits in the long-term care home. For further clarity this is required regardless of whether the home is in outbreak or not. During breaks, staff may remove</li> </ul>

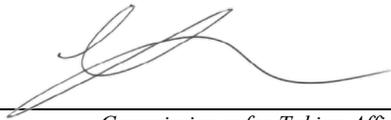
		<p>their surgical/procedure mask but must remain two metres away from other staff to prevent staff to staff transmission of COVID19. This is to be implemented in conjunction with all other requirements contained in Directive #3 dated April 8th 2020 or as amended</p> <ul style="list-style-type: none"> <li>• All health care workers or other employees who are within two metres of suspected, presumed or confirmed COVID-19 patients or residents shall have access to appropriate PPE. This will include access to: surgical/procedure masks, fit tested NIOSH-approved N-95 respirators or approved equivalent or better protection, gloves, face shields with side protection (or goggles) and appropriate isolation gowns.</li> </ul>
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<b>ORDERS</b>		
<b>Date</b>	<b>Order</b>	<b>Description</b>
March 24	74/20 – Work deployment for health service providers	Pursuant to the declared emergency, a new order was issued for health sector workers, including long-term care workers. The order allows for the redeploying of staff to or between locations, changing work assignments, changing shift assignments, deferring or cancelling vacations and leaves, employing extra temporary or part-time staff, greater use of volunteers, and the provision of new education and training of individuals in new roles.
March 27	95/20 – Streamlining requirements for long-term care homes	Ontario will implement an emergency order to address restrictions around staffing, reporting complaints, and documentation to help ensure there are enough staff to care for residents in long-term care homes. The order will also redeploy inspectors to critical areas.
April 15	146/20 – Limiting work to a single long-term care home	The Government of Ontario restricted long-term care staff from working in more than one long-term care home, retirement home or health care setting.
April 25	77/20 – Work deployment for long-term care homes	The Government of Ontario introduced new measures and amended previous emergency orders to allow for the redeployment of staff, including those working in long-term care homes, to ensure they can work where they are needed most during the COVID-19 outbreak.

<b>MEMOS</b>		
<b>Date</b>	<b>Memo</b>	<b>Description</b>
April 15	Memo- Temporary Pause on Transitioning Hospital Patients to Long-Term Care and Retirement Homes	To protect the residents of long-term care homes and retirement homes across Ontario, we are asking Ontario hospitals to temporarily stop transferring patients to long-term care and retirement homes. This action builds on the government's COVID-19 Action Plan for Protecting Long-Term Care Homes that was released today.
April 15	Memo- COVID-19 Action Plan for Protecting Long-Term Care Homes	<p>In response, the government has launched the COVID-19 Action Plan for Protecting Long-Term Care Homes. Through this plan, the Ontario government is committed to using every resource we have to support the province's LTC homes as we work to stop the spread of COVID-19. This plan includes the following immediate actions:</p> <ul style="list-style-type: none"> <li>• Aggressive Testing, Screening, and Surveillance</li> <li>• Managing Outbreaks and Spread of the Disease</li> </ul> <p>Growing our Heroic Long-Term Care Workforce - Redeploying health care workers from areas in the health sector experiencing fewer patient volumes, including hospital and home care resources, into long-term care homes</p>
April 17	Memo - Hospital Supports for Long-Term Care	<p>The Ministry of Health, Ministry of Long-Term Care (MLTC), and Ontario Health (OH) are requesting the assistance of hospitals to support Ontario's long-term care (LTC) homes during our COVID-19 response by voluntarily identifying staffing resources that can provide infection prevention and control (IPAC) assistance, medication administration, along with nursing and personal support worker staffing for homes facing critical staffing shortages.</p> <p>Public Health has confirmed that hospital workers who complete shifts within a LTC home can work in multiple locations.</p>
April 21	Memo - Testing in Long - Term Care	The Ministry of Health (MOH) and the Ministry of Long-Term Care (MLTC) have been closely monitoring the impact of COVID-19 in the province's long-term care homes. As part of the COVID-19 Action Plan for Protecting Long-Term Care Homes, the Command Table has taken action to increase testing in the province's long-term care homes. The province will immediately begin proactive surveillance testing to understand the current

		status of COVID-19 in individual homes, including the targeted testing of asymptomatic residents and staff
April 26	Memo - Regional COVID-19 staffing response in support of Long-Term Care Homes	<p>As you know, the challenges we are facing with the COVID-19 pandemic in congregate care settings in Ontario continue. These include long term care (LTC) homes, retirement homes and other congregate settings, such as institutions providing care to vulnerable populations. We are implementing further actions to enable our partners across the health system to continue to take action to ensure that local plans are better able to support patient care needs across the continuum of care.</p> <p>On April 24, 2020, the Minister of Health announced new measures, including an Emergency Order that will enable hospitals to better support the staffing needs of long term care. The OH Regions will work with hospitals, to identify numbers of staff that can be made available for work in an LTC home; the roster of staff for each hospital will need to be established over the next few days. The rosters will be used to determine where and how to deploy staff when required, so when necessary resources can move quickly should a situation escalate. The creation of these rosters is in addition to the work already underway with federal colleagues, the RNAO and the provincial volunteer database.</p>

This is Exhibit "BB" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

## COVID-19

### **Directive #3 for Long-Term Care Homes under the *Long-Term Care Homes Act, 2007***

### **Issued under Section 77.7 of the Health Protection and Promotion Act (HPPA), R.S.O. 1990, c. H.7**

**THIS DIRECTIVE REPLACES THE DIRECTIVE #3 ISSUED ON APRIL 8, 2020. THE DIRECTIVE #3 ISSUED ON April 8, 2020 IS REVOKED AND THE FOLLOWING SUBSTITUTED:**

**WHEREAS** under section 77.7(1) of the HPPA, if the Chief Medical Officer of Health (CMOH) is of the opinion that there exists or there may exist an immediate risk to the health of persons anywhere in Ontario, he or she may issue a directive to any health care provider or health care entity respecting precautions and procedures to be followed to protect the health of persons anywhere in Ontario;

**AND WHEREAS** pursuant to O. Reg 68/20 made under the *Retirement Homes Act, 2010*, as part of the prescribed infection prevention and control program, all reasonable steps are required to be taken in a retirement home, to follow any directive pertaining to COVID-19 that is issued to long-term care homes under section 77.7 of the HPPA;

**AND HAVING REGARD TO** the emerging evidence about the ways this virus transmits between people as well as the potential severity of illness it causes in addition to the declaration by the World Health Organization (WHO) on March 11, 2020 that COVID-19 is a pandemic virus and the spread of COVID-19 in Ontario, and the technical guidance provided on March 12, 2020 by Public Health Ontario on scientific recommendations by the WHO regarding infection prevention and control measures for COVID-19;

**AND HAVING REGARD TO** the declaration by the Premier of Ontario and Cabinet of an emergency in Ontario under the *Emergency Management and Civil Protection Act* on March 17<sup>th</sup>, 2020 due to the outbreak of COVID-19 in Ontario and the extension of that emergency in Ontario on April 14<sup>th</sup>;

**AND HAVING REGARD TO** residents in long-term care homes and retirement homes being older, and more medically complex than the general population, and therefore being more susceptible to infection from COVID-19;

**AND HAVING REGARD TO** the immediate risk to residents of COVID-19 in long-term care homes and retirement homes, the necessary, present, and urgent requirement to implement additional measures for the protection of staff and residents, including, but not limited to, the

active screening of residents, staff and visitors, active and ongoing surveillance of all residents, screening for new admissions, managing essential visitors, changes to when an outbreak of COVID-19 is declared at a home, including when it is over, and specimen collection and testing for outbreak management;

**I AM THEREFORE OF THE OPINION** that there exists or may exist an immediate risk to the health of persons anywhere in Ontario from COVID-19;

**AND DIRECT** pursuant to the provisions of section 77.7 of the HPPA that:

**Directive #3 for Long-Term Care Homes under the *Long-Term Care Homes Act, 2007*, dated April 8, 2020 is revoked and replaced with this Directive.**

## **Directive#3 for Long-Term Care Homes under the Long-Term Care Homes Act, 2007**

**Date of Issuance:** April 15, 2020

**Effective Date of Implementation:** April 15, 2020

**Issued To:** Long-Term Care Homes under the *Long-Term Care Homes Act, 2007* referenced in section 77.7(6), paragraph 10 of the *Health Protection and Promotion Act*.

### **Introduction:**

Coronaviruses (CoV) are a large family of viruses that cause illness ranging from the common cold to more severe diseases such as Middle East Respiratory Syndrome (MERS-CoV), Severe Acute Respiratory Syndrome (SARS-CoV), and COVID-19. A novel coronavirus is a new strain that has not been previously identified in humans.

On December 31, 2019, the World Health Organization (WHO) [was informed](#) of cases of pneumonia of unknown etiology in Wuhan City, Hubei Province in China. A novel coronavirus (COVID-19) [was identified](#) as the causative agent by Chinese authorities on January 7, 2020.

On March 11, 2020 the WHO announced that COVID-19 is classified as a [pandemic](#) virus. This is the first pandemic caused by a coronavirus.

On March 17, 2020 the Premier and Cabinet declared an emergency in Ontario under the *Emergency Management and Civil Protection Act* due to the outbreak of COVID-19 in Ontario and Cabinet made emergency orders to implement my recommendations of March 16, 2020.

On March 22, 2020, I issued a Directive to Long-Term Care Homes (Directive #3) requiring that short-stay absences not be permitted and that employers should work with employees to limit the number of different work locations that employees are working at. That Directive was

replaced on March 30, 2020 by more specific requirements for COVID-19. That Directive is now replaced by this Directive.

## Symptoms of COVID-19

For signs and symptoms of COVID-19 please refer to the update on guidance for testing issued April 15, 2020.

Complications from COVID-19 can include serious conditions, like pneumonia or kidney failure, and in some cases, death.

## Required Precautions and Procedures

Long-term care homes must immediately implement the following precautions and procedures:

- **Active Screening.** Long-term care homes must immediately implement active screening of all staff, essential visitors and anyone else entering the home for COVID-19 with the exception of emergency first responders, who should, in emergency situations, be permitted entry without screening. Screening must include twice daily (at the beginning and end of the day or shift) symptom screening, including temperature checks. Anyone showing symptoms of COVID-19 should not be allowed to enter the home and should go home immediately to self-isolate. Staff responsible for occupational health at the home must follow up on all staff who have been advised to self-isolate based on exposure risk.
- **Active Screening of All Residents.** Long-term care homes must conduct active screening of all residents, at least twice daily (at the beginning and end of the day) to identify if any resident has fever, cough or other symptoms of COVID-19, including temperature checks. Residents with symptoms (including mild respiratory and/or atypical symptoms) must be isolated and tested for COVID-19. For typical and atypical symptoms, please refer to the update on guidance for testing issued on April 15, 2020 or as amended.
- **Admission and Re-Admissions.** Long-term care homes must screen new admissions and re-admissions for symptoms and potential exposure to COVID-19. All new residents must be placed in isolation under contact and droplet precautions upon admission to the home and tested within 14 days of admission. If test results are negative, they must remain in isolation for 14 days from arrival. If test results are positive, refer to sections on Receiving positive test results and Management of a Single Case in a Resident. Hospitals are being asked to temporarily stop transfers to long-term care and retirement homes. However, in the unlikely event that a transfer is still required, patients transferred from a hospital to a long-term care home or retirement home must be tested, and results received, prior to transfer. A negative result does not rule out the potential for incubating illness and all patients should remain under droplet and contact precautions for a 14-day isolation period following transfer.
- **Short-Stay Absences.** Long-term care homes must not permit residents to leave the home for short-stay absences to visit family and friends. Instead, residents who wish to go outside of the home must be told to remain on the home's property and maintain safe physical distancing.
- **Ensure appropriate Personal Protective Equipment (PPE).** Long-term care homes are expected to follow COVID-19 Directive #1 for Health Care Providers and Health Care Entities.

- **Staff and Essential Visitor Masking.** Long-term care homes should immediately implement that all staff and essential visitors wear surgical/procedure masks at all times for source control for the duration of full shifts or visits in the long-term care home. For further clarity this is required regardless of whether the home is in outbreak or not. During breaks, staff may remove their surgical/procedure mask but must remain two metres away from other staff to prevent staff to staff transmission of COVID-19.
- **Managing Essential Visitors.** Long-term care homes must be closed to visitors, except for essential visitors. Essential visitors include a person performing essential support services (e.g. food delivery, phlebotomy testing, maintenance, family or volunteers providing care services and other health care services required to maintain good health) or a person visiting a very ill or palliative resident. If an essential visitor is admitted to the home, the following steps must be taken: 1. The essential visitor must be screened on entry for symptoms of COVID-19, including temperature checks and not admitted if they show any symptoms of COVID-19. 2. The essential visitor must also attest to not be experiencing any of the typical and atypical symptoms. The essential visitor must only visit the one resident they are intending to visit, and no other resident. 3. The essential visitor must wear a mask while visiting a resident that does not have COVID-19. 4. For any essential visitor in contact with a resident who has COVID-19, appropriate PPE should be worn in accordance with Directive #1.
- **Limiting Work Locations:** Wherever possible, employers should work with staff, contractors and volunteers to limit the number of work locations that staff, contractors and volunteers are working at, to minimize risk to residents of exposure to COVID-19. In addition, with respect to employees, a reminder that long-term care home employers must also comply with Ontario Regulation 146/20 made pursuant to the Emergency Management and Civil Protection Act.
- **Staff and Resident Cohorting.** Long-term care homes must use staff and resident cohorting to prevent the spread of COVID-19. Resident cohorting may include one or more of the following: alternative accommodation in the home to maintain physical distancing of 2 metres, resident cohorting of the well and unwell, utilizing respite and palliative care beds and rooms, or utilizing other rooms as appropriate. Staff cohorting may include: designating staff to work with either ill residents or well residents. In smaller long-term care homes or in homes where it is not possible to maintain physical distancing of staff or residents from each other, all residents or staff should be managed as if they are potentially infected, and staff should use droplet and contact precautions when in an area affected by COVID-19. Additional environmental cleaning is recommended for frequently touched surfaces, including trolleys and other equipment that move around the home, and consideration given to increasing the frequency of cleaning. Policies and procedures regarding staffing in Environmental Services (ES) departments should allow for surge capacity (e.g., additional staff, supervision, supplies, equipment). See PIDAC's [Best Practices for Prevention and Control Infections in all Health Care Settings](#) for more details.
- **Triggering an outbreak assessment.** Once at least one resident or staff has presented with new symptoms compatible with COVID-19, the long-term care home should immediately trigger an outbreak assessment and take the following steps: 1. Place the symptomatic resident under contact/droplet precautions. 2. Test the symptomatic resident immediately. 3. Contact the local public health unit to notify them of the suspect outbreak. 4. Test those residents who were in close contact (i.e., shared room) with the symptomatic resident and anyone else deemed high risk by the local public health unit. 5. In

collaboration with the local public health unit, review the Ministry of Health COVID-19 Outbreak Guidance for Long-Term Care Homes (LTCH) and prepare for cohorting practices to limit the potential spread of COVID-19. 6. Enforce enhanced screening measures among residents and staff.

- **Receiving negative test results.** If the long-term care home receives negative test results on the initial person who was tested, the long-term care home can immediately end the suspect outbreak assessment related steps.
- **Receiving positive test results.** Long-term care homes must consider a single, laboratory confirmed case of COVID-19 in a resident or staff member as a confirmed respiratory outbreak in the home. Once an outbreak has been declared, residents, staff or visitors, who were in close contact with the infected resident, or those within that resident's unit/hub of care, should be identified. Further testing on those identified should be assessed, in collaboration with the local public health unit, using a risk-based approach based on exposures. In consultation with the local public health unit, in a new admission or re-admission who tests positive, it may not be necessary to declare an outbreak if they have been in isolation under contact and droplet precautions since entering the home.
- **Management of a Single Case in a Resident.** Long-term care homes must isolate the resident, in a single room if possible, and take appropriate contact and droplet precautions. Staff who have had contact with high risk exposure to COVID-19 without appropriate PPE must self-isolate for 14 days. In exceptional circumstances staff may be deemed critical, by all parties, to continued operations in the home, if staff are continuing to work, they must undergo regular screening, use appropriate PPE, and undertake self-monitoring for 14 days. Staff who have had contact with medium risk exposure to COVID-19 should be self-monitoring for 14 days.
- **Management of a Single Case in Staff.** Long-term care homes must immediately implement outbreak control measures for a suspect outbreak. Even if the staff exposure was to a specific area of the long-term care home, consideration must be given to applying outbreak control measures to the entire home. Staff who have tested positive and symptomatic cannot attend work. In exceptional circumstances when a staff member has been deemed critical, the staff member who has tested positive and whose symptoms have resolved, or they remain asymptomatic may return to work under work self-isolation after a certain number of days. For details refer to the COVID-19 Quick Reference Public Health Guidance on Testing and Clearance April 10, 2020, or as amended.
- **Required Steps in an Outbreak.** If an outbreak is declared at the long-term care home, the following measures must be taken: 1. New resident admissions are not allowed until the outbreak is over. 2. No re-admission of residents in the home or outbreak area, per the specific outbreak, until the outbreak is over. Refer to the Recommendations for the Control of Respiratory Infection Outbreaks in Long-Term Care Homes. 3. If residents are taken by family out of the home, they may not be readmitted until the outbreak is over. 4. For residents that leave the home for an out-patient visit, the home must provide a mask and the resident, if tolerated, wear a mask while out and screened upon their return. 5. Discontinue all non-essential activities. For example, pet visitation programs must be stopped for the duration of the outbreak.
- **Testing.** Please refer to the update on guidance for testing issued on April 15, 2020 or as amended.
- **Ensure LTC Home's COVID-19 Preparedness.** Long-term care homes, in consultation with their Joint Health and Safety Committees or Health and Safety Representatives, if any,

must ensure measures are taken to prepare the home for a COVID-19 outbreak including: ensuring outbreak swab kits are available, ensuring sufficient PPE is available, ensuring appropriate stewardship and conservation of PPE is followed, training of staff on the use of PPE, reviewing advanced directives for all residents, reviewing communications protocols, reviewing staffing schedules, reviewing internal activities to ensure social distancing and reviewing environmental cleaning protocols, develop policies to manage staff who may have been exposed to COVID-19.

- **Communications.** Long-term care homes must keep staff, residents and families informed about COVID-19. Staff must be reminded to monitor themselves for COVID-19 symptoms at all times, and to immediately self isolate if they develop symptoms. Signage in the Long-Term Care home must be clear about COVID-19, including signs and symptoms of COVID-19, and steps that must be taken if COVID-19 is suspected or confirmed in staff or a resident. Issuing a media release to the public is the responsibility of the institution but should be done in collaboration with the public health unit.
- **Food and Product Deliveries.** Food and product deliveries should be dropped in an identified area and active screening of delivery personnel should be done prior to entering the home.

In accordance with O. Reg 68/20 made under the *Retirement Homes Act*, retirement homes must take all reasonable steps to follow the required precautions and procedures outlined in this Directive.

**Note:** As this outbreak evolves, there will be continual review of emerging evidence to understand the most appropriate measures to take. This will continue to be done in collaboration with health system partners and technical experts from Public Health Ontario and with the health system.

## Questions

Long-term care homes, retirement homes and HCWs may contact the ministry's Health Care Provider Hotline at 1-866-212-2272 or by email at [emergencymanagement.moh@ontario.ca](mailto:emergencymanagement.moh@ontario.ca) with questions or concerns about this Directive.

**Long-Term Care homes, retirement homes and HCWs are also required to comply with applicable provisions of the [Occupational Health and Safety Act](#) and its Regulations.**



David C. Williams, MD, MHSc, FRCPC  
Chief Medical Officer of Health



## COVID-19

### Directive #3 for Long-Term Care Homes under the *Long-Term Care Homes Act, 2007*

#### Issued under Section 77.7 of the Health Protection and Promotion Act (HPPA), R.S.O. 1990, c. H.7

**WHEREAS** under section 77.7(1) of the HPPA, if the Chief Medical Officer of Health (CMOH) is of the opinion that there exists or there may exist an immediate risk to the health of persons anywhere in Ontario, he or she may issue a directive to any health care provider or health care entity respecting precautions and procedures to be followed to protect the health of persons anywhere in Ontario;

**AND WHEREAS** pursuant to O. Reg 68/20 made under the *Retirement Homes Act*, as part of the prescribed infection prevention and control program, all reasonable steps are required to be taken in a retirement home, to follow any directive pertaining to COVID-19 that is issued to long-term care homes under section 77.7 of the HPPA;

**AND HAVING REGARD TO** the emerging evidence about the ways this virus transmits between people as well as the potential severity of illness it causes in addition to the declaration by the World Health Organization (WHO) on March 11, 2020 that COVID-19 is a pandemic virus and the spread of COVID-19 in Ontario, and the technical guidance provided on March 12, 2020 by Public Health Ontario on scientific recommendations by the WHO regarding infection prevention and control measures for COVID-19;

**AND HAVING REGARD TO** the declaration by the Premier of Ontario and Cabinet of an emergency in Ontario under the *Emergency Management and Civil Protection Act* on March 17<sup>th</sup>, 2020 due to the outbreak of COVID-19 in Ontario;

**AND HAVING REGARD TO** residents in long-term care homes and retirement homes being older, more frail, and more medically complex than the general population, and therefore being more susceptible to infection from COVID-19;

**I AM THEREFORE OF THE OPINION** that there exists or may exist an immediate risk to the health of persons anywhere in Ontario from COVID-19;

**AND DIRECT** pursuant to the provisions of section 77.7 of the HPPA that:

# COVID-19 #3 for Long-Term Care Homes under the Long-Term Care Homes Act

**Date of Issuance:** March 22, 2020

**Effective Date of Implementation:** March 22, 2020

**Issued To:** Long-Term Care Homes under the *Long-Term Care Homes Act, 2007* referenced in section 77.7(6), paragraph 10 of the *Health Protection and Promotion Act*.

## Introduction:

Coronaviruses (CoV) are a large family of viruses that cause illness ranging from the common cold to more severe diseases such as Middle East Respiratory Syndrome (MERS-CoV), Severe Acute Respiratory Syndrome (SARS-CoV), and COVID-19. A novel coronavirus is a new strain that has not been previously identified in humans.

On December 31, 2019, the World Health Organization (WHO) [was informed](#) of cases of pneumonia of unknown etiology in Wuhan City, Hubei Province in China. A novel coronavirus (COVID-19) [was identified](#) as the causative agent by Chinese authorities on January 7, 2020.

On March 11, 2020 the WHO announced that COVID-19 is classified as a [pandemic](#) virus. This is the first pandemic caused by a coronavirus.

On March 17, 2020 the Premier and Cabinet declared an emergency in Ontario under the *Emergency Management and Civil Protection Act* due to the outbreak of COVID-19 in Ontario and Cabinet made emergency orders to implement my recommendations of March 16, 2020.

## Symptoms of COVID-19

Symptoms range from mild – like the flu and other common respiratory infections – to severe, and can include:

- fever
- cough
- difficulty breathing

Complications from COVID-19 can include serious conditions, like pneumonia or kidney failure, and in some cases, death.

There are no specific treatments for coronaviruses, and there is no vaccine that protects against coronaviruses. Most people with common human coronavirus illnesses will recover on their own.

## Required Precautions and Procedures

Long-term care homes should immediately implement the following precautions and procedures for residents:

- Residents of long-term care homes should not be permitted to leave the home for short-stay absences to visit family and friends. Instead, residents who wish to go outside of

the home should remain on the home's property and maintain safe social distancing from any family and friends who visit them.

- Wherever possible, employers should work with employees to limit the number of different work locations that employees are working at, to minimize risk to patients of exposure to COVID-19.

In accordance with O. Reg 68/20 made under the *Retirement Homes Act*, retirement homes must take all reasonable steps to follow the required precautions and procedures outlined in this Directive.

**Note:** As this outbreak evolves, there will be continual review of emerging evidence to understand the most appropriate measures to take. This will continue to be done in collaboration with health system partners and technical experts from Public Health Ontario and with the health system.

## Questions

Long-term care homes, retirement homes and HCWs may contact the ministry's Health Care Provider Hotline at 1-866-212-2272 or by email at [emergencymanagement.moh@ontario.ca](mailto:emergencymanagement.moh@ontario.ca) with questions or concerns about this Directive.

**Long-Term Care homes and HCWs are also required to comply with applicable provisions of the [Occupational Health and Safety Act](#) and its Regulations.**



David C. Williams, MD, MHSc, FRCPC  
Chief Medical Officer of Health

This is Exhibit "CC" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

## COVID-19

### **Directive #5 for Hospitals within the meaning of the *Public Hospitals Act* and Long-Term Care Homes within the meaning of the *Long-Term Care Homes Act, 2007***

### **Issued under Section 77.7 of the Health Protection and Promotion Act (HPPA), R.S.O. 1990, c. H.7**

**THIS DIRECTIVE REPLACES THE DIRECTIVE #5 ISSUED ON MARCH 31, 2020. THE DIRECTIVE #5 ISSUED ON MARCH 31, 2020 IS REVOKED AND THE FOLLOWING SUBSTITUTED:**

**WHEREAS** under section 77.7(1) of the HPPA, if the Chief Medical Officer of Health (CMOH) is of the opinion that there exists or there may exist an immediate risk to the health of persons anywhere in Ontario, he or she may issue a directive to any health care provider or health care entity respecting precautions and procedures to be followed to protect the health of persons anywhere in Ontario;

**AND WHEREAS** pursuant to O. Reg 68/20 made under the *Retirement Homes Act*, as part of the prescribed infection prevention and control program, all reasonable steps are required to be taken in a retirement home, to follow any directive pertaining to COVID-19 that is issued to long-term care homes under section 77.7 of the HPPA;

**AND WHEREAS**, under section 77.7(2) of the HPPA, for the purposes of section 77.7(1), the CMOH must consider the precautionary principle where in the opinion of the CMOH there exists or there may exist an outbreak of an infectious or communicable disease and the proposed directive relates to worker health and safety in the use of any protective clothing, equipment or device;

**AND HAVING REGARD TO** the emerging evidence about the ways this virus transmits between people as well as the potential severity of illness it causes in addition to the declaration by the World Health Organization (WHO) on March 11, 2020 that COVID-19 is a pandemic virus and the spread of COVID-19 in Ontario, and the technical guidance provided by Public Health Ontario on scientific recommendations by the WHO regarding infection prevention and control measures for COVID-19 which is required to be followed by health care providers and health care entities, including hospitals and long-term care homes, in Directive #1, dated March 12, 2020 and revised on March 30, 2020;

**AND HAVING REGARD TO** the precautionary principle, which in my opinion has been met, in that this directive will protect health care workers' health and safety in the use of any protective clothing, equipment and device in public hospitals and long-term care homes and the failure to adhere to this directive may put worker health and safety at risk;

**I AM THEREFORE OF THE OPINION** that there exists or may exist an immediate risk to the health of persons anywhere in Ontario from COVID-19;

**AND DIRECT** pursuant to the provisions of section 77.7 of the HPPA that:

## **Directive #5 for Public Hospitals within the meaning of the *Public Hospitals Act* and Long-Term Care Homes within the meaning of the *Long-Term Care Homes Act, 2007***

**Date of Issuance:** April 10, 2020

**Effective Date of Implementation:** April 10, 2020

**Issued To:** Public hospitals within the meaning of the *Public Hospitals Act* and long-term care homes within the meaning of the *Long-Term Care Homes Act, 2007* referenced in section 77.7(6), paragraphs 4 and 10 of the *Health Protection and Promotion Act*.

### **Introduction:**

Coronaviruses (CoV) are a large family of viruses that cause illness ranging from the common cold to more severe diseases such as Middle East Respiratory Syndrome (MERS-CoV), Severe Acute Respiratory Syndrome (SARS-CoV), and COVID-19. A novel coronavirus is a new strain that has not been previously identified in humans.

On December 31, 2019, the World Health Organization (WHO) [was informed](#) of cases of pneumonia of unknown etiology in Wuhan City, Hubei Province in China. A novel coronavirus (COVID-19) [was identified](#) as the causative agent by Chinese authorities on January 7, 2020.

On March 11, 2020 the WHO announced that COVID-19 is classified as a [pandemic](#) virus. This is the first pandemic caused by a coronavirus.

### **Related Directive**

On March 12, 2020 I issued a Directive on Personal Protective Equipment (PPE) (Directive #1) which directed the use of droplet and contact precautions for the routine care of patients or residents with suspected or confirmed COVID-19, and airborne precautions when aerosol generating medical procedures (AGMPs) are planned or anticipated on patients or residents with suspected or confirmed COVID-19. That Directive was revoked and replaced with Directive #1 dated March 30, 2020.

**To the extent that anything in this Directive conflicts with Directive #1, this Directive prevails.**

On March 17, 2020 the Premier and Cabinet declared an emergency in Ontario under the *Emergency Management and Civil Protection Act* due to the outbreak of COVID-19 in Ontario and Cabinet made emergency orders to implement my recommendations of March 16, 2020. On March 30<sup>th</sup> 2020, the emergency declaration was extended.

## **Symptoms of COVID-19**

For signs and symptoms of COVID-19 please refer to the update on guidance for testing issued on April 8, 2020.

Complications from COVID-19 can include serious conditions, like pneumonia or kidney failure, and in some cases, death. Complications from COVID-19 can include serious conditions, like pneumonia or kidney failure, and in some cases, death.

## **Required Precautions and Procedures**

All public hospitals and long-term care homes must immediately implement the following precautions and procedures, as applicable to regulated health professionals as defined under the *Regulated Health Professions Act, 1991* (“health care worker”) employed by or in public hospitals and long-term care homes and, where specified, other employees employed by or in public hospitals and long-term care homes (“other employees”) dealing with suspected, presumed, or confirmed COVID-19 patients or residents:

- Public hospitals and long-term care homes, health care workers and other employees must engage on the conservation and stewardship of personal protective equipment (PPE). Public hospitals and long-term care homes must provide all health care workers and other employees with information on the safe utilization of all PPE and all health care workers and other employees must be appropriately trained to safely don and doff all PPE.
- Hospitals and long-term care homes must assess the available supply of PPE on an ongoing basis. Public hospitals and long-term care homes must explore all available avenues to obtain and maintain a sufficient supply of PPE.
- In the event that the supply of PPE reaches a point where utilization rates indicate that a shortage will occur, the government and employers, as appropriate, will be responsible for developing contingency plans, in consultation with affected labour unions, to ensure the safety of health care workers and other employees.
- The public hospital’s or long-term care home’s Organizational Risk Assessment must be continuously updated to ensure that it assesses the appropriate health and safety control measures to mitigate the transmission of infections, including engineering, administrative and PPE measures. This must be communicated to the Joint Health and Safety Committee including the review of the hospital or long-term care environment when a material change occurs.
- A point-of-care risk assessment (PCRA) must be performed by every health care worker before every patient or resident interaction in a public hospital or long-term care home.

- If a health care worker determines, based on the PCRA, and based on their professional and clinical judgement, that health and safety measures may be required in the delivery of care to the patient or resident, then the public hospital or long-term care home must provide that health care worker with access to the appropriate health and safety control measures, including an N95 respirator. The public hospital or long-term care home will not unreasonably deny access to the appropriate PPE.
- At a minimum, for health care workers and other employees in a hospital or a long-term care home, contact and droplet precautions must be used by health care workers and other employees for all interactions with suspected, presumed or confirmed COVID-19 patients or residents. Contact and droplet precautions includes gloves, face shields or goggles, gowns, and surgical/procedure masks.
- For long term care homes only, all staff and essential visitors must wear surgical/procedure masks at all times for the duration of full shifts or visits in the long-term care home. For further clarity this is required regardless of whether the home is in outbreak or not. During breaks, staff may remove their surgical/procedure mask but must remain two metres away from other staff to prevent staff to staff transmission of COVID-19. This is to be implemented in conjunction with all other requirements contained in Directive #3 dated April 8<sup>th</sup> 2020 or as amended.
- All health care workers or other employees who are within two metres of suspected, presumed or confirmed COVID-19 patients or residents shall have access to appropriate PPE. This will include access to: surgical/procedure masks, fit tested NIOSH-approved N-95 respirators or approved equivalent or better protection, gloves, face shields with side protection (or goggles) and appropriate isolation gowns.
- The PCRA by the health care worker should include the frequency and probability of routine or emergent Aerosol Generating Medical Procedures (AGMPs) being required. N95 respirators, or approved equivalent or better protection, must be used by all health care workers in the room where AGMPs are being performed, are frequent or probable.

AGMPs include but are not limited to; Intubation and related procedures (e.g. manual ventilation, open endotracheal suctioning), cardio pulmonary resuscitation during airway management, bronchoscopy, sputum induction, non-invasive ventilation (i.e. BiPAP), open respiratory/airway suctioning, high frequency oscillatory ventilation, tracheostomy care, nebulized therapy/aerosolized medication administration, high flow heated oxygen therapy devices (e.g. ARVO, optiflow) and autopsy. Any change to this list is to be based on the Technical Brief "Updated IPAC Recommendations for Use of Personal Protective Equipment for Care of Individuals with Suspect or Confirmed COVID-19" dated March 25, 2020 as amended from time to time which has been prepared by Public Health Ontario

In accordance with O. Reg 68/20 made under the *Retirement Homes Act*, retirement homes must take all reasonable steps to follow the required precautions and procedures outlined in this Directive.

**Note:** As this outbreak evolves, there will be continual review of emerging evidence to understand the most appropriate measures to take. This will continue to be done in collaboration with health system partners and technical experts from Public Health Ontario and with the health system.

## Questions

Hospitals, Long-term care homes and HCWs may contact the ministry's Health Care Provider Hotline at 1-866-212-2272 or by email at [emergencymanagement.moh@ontario.ca](mailto:emergencymanagement.moh@ontario.ca) with questions or concerns about this Directive.

**Hospitals, long-term care homes and HCWs are also required to comply with applicable provisions of the [Occupational Health and Safety Act](#) and its Regulations.**



David C. Williams, MD, MHSc, FRCPC  
Chief Medical Officer of Health

This is Exhibit "DD" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



[Français](#)

## Emergency Management and Civil Protection Act

### ONTARIO REGULATION 77/20

#### ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - WORK DEPLOYMENT MEASURES IN LONG-TERM CARE HOMES

**Note: This Order is revoked on May 6, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)**

**Consolidation Period:** From April 14, 2020 to the [e-Laws currency date](#).

Last amendment: [147/20](#).

Legislative History: [ + ]

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act") and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, an Order is made pursuant to paragraphs 8, 9, 10, 12 and 14 of subsection 7.0.2 (4) of the Act, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act. O. Reg. 77/20; O. Reg. 147/20, s. 1.

#### SCHEDULE 1 LONG-TERM CARE HOMES

1. This Order applies to the following, province-wide:

1. Health service providers within the meaning of paragraph 4 of subsection 1 (2) of the *Connecting Care Act, 2019*.
2. Health service providers within the meaning of paragraph 5 of subsection 1 (2) of the *Connecting Care Act, 2019* but only in relation to long-term care homes they maintain.

2. Health service providers shall and are authorized to take, with respect to work deployment and staffing, any reasonably necessary measure to respond to, prevent and alleviate the outbreak of the coronavirus (COVID-19) (the "Virus") for residents.

3. Without limiting the generality of section 2 of this Schedule, and despite any other statute, regulation, order, policy, arrangement or agreement, including a collective agreement, health service providers shall and are authorized to do the following:

- i. Identify staffing priorities and develop, modify and implement redeployment plans, including the following:

- A. Redeploying employees so that any particular employee is not providing services at more than one long-term care home operated or maintained by the health service provider.
- B. Changing the assignment of work, including assigning non-bargaining unit employees or contractors to perform bargaining unit work.
- C. Changing the scheduling of work or shift assignments.
- D. Deferring or cancelling vacations, absences or other leaves, regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise.
- E. Employing extra part-time or temporary staff or contractors, including for the purposes of performing bargaining unit work.
- F. Using volunteers to perform work, including to perform bargaining unit work.
- G. Providing appropriate training or education as needed to staff and volunteers to achieve the purposes of a redeployment plan.

For greater certainty, a health service provider may implement redeployment plans without complying with provisions of a collective agreement, including lay-off, seniority/service or bumping provisions.

- ii. Conduct any skills and experience inventories of staff to identify possible alternative roles in any area.
- iii. Require and collect information from staff or contractors about their availability to provide services for the health service provider.
- iv. Require the provision of and collect information from staff or contractors about their likely or actual exposure to the Virus, or about any other health conditions that may affect their ability to provide services.
- v. Suspend, for the duration of this Order, any grievance process with respect to any matter referred to in this Order. O. Reg. 77/20; O. Reg. 147/20, s. 2.

Français

This is Exhibit "EE" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

**Emergency Management and Civil Protection Act  
Loi sur la protection civile et la gestion des situations d'urgence**

**ONTARIO REGULATION 95/20**

**ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - STREAMLINING REQUIREMENTS FOR  
LONG-TERM CARE HOMES**

**Note:** This Order is revoked on May 6, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)

**Consolidation Period:** From March 27, 2020 to the [e-Laws currency date](#).

No amendments.

***This Regulation is made in English only.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the “Act”);

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act, in particular paragraphs 8, 12 and 14 of that subsection, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

SCHEDULE 1

**Definition**

1. For the purposes of this Order,

“licensee” means a licensee within the meaning of subsection 2 (1) of the *Long-Term Care Homes Act, 2007* (“LTCHA”).

**Authority to take necessary measures**

2. Licensees shall and are authorized to take any reasonably necessary measure in accordance with this Order to respond to, prevent and alleviate the outbreak of the coronavirus (COVID-19) in a long-term care home.

**Same**

3. Without limiting the generality of section 2, and despite any requirement set out in the LTCHA or Ontario Regulation 79/10 (General), made under that Act, or any other statute, regulation, order or policy, licensees shall and are authorized to do the following during the emergency, or are not required to do the following during the emergency, as the case may be:

i. Reporting:

A. Licensees are not required to report any complaints or other information to the Director, other than critical incident reports and mandatory reports required under the LTCHA and Ontario Regulation 79/10.

ii. Documentation:

A. Licensees are not required to document information unless it involves an incident of a significant nature or is required to ensure the proper care and safety of a resident.

B. Licensees are not required to immediately document changes to a resident’s plan of care required under the LTCHA unless they involve changes of a significant nature or unless there are changes that staff members and others need to be aware of immediately.

C. Licensees are not required to conduct any survey.

D. Licensees are not required to post any information in the long-term care home except essential information, such as material related to COVID-19 from the Ministry of Long-Term Care or others.

E. Regulated documents under the LTCHA are not required to be certified by a lawyer.

iii. Staffing:

- A. Licensees may fill any staff position with the person who, in their reasonable opinion, has the adequate skills, training and knowledge to perform the duties required of that position.
  - B. Licensees are not required to ensure that the minimum number of staffing hours set out in the LTCHA and Ontario Regulation 79/10 are met for a position provided that all of the care requirements associated with that position are met.
  - C. Licensees are not required to meet the screening measures set out in the LTCHA and Ontario Regulation 79/10 provided that they adopt other measures that ensure resident care and safety.
  - D. Licensees are not required to meet the training and orientation requirements set out in the LTCHA and Ontario Regulation 79/10 provided that they ensure staff and volunteers take measures to ensure resident care and safety.
- iv. Care requirements:
- A. Licensees are not required to hold care conferences at intervals set out in Ontario Regulation 79/10 provided that they ensure care conferences take place based on the clinical needs of the resident.
  - B. Licensees are not required to ensure that a physical examination of a resident occurs annually, but must ensure that a physical examination occurs within a reasonable period of time after the resident's last examination.
- v. Admissions, transfers and discharges:
- A. Licensees may use flexible processes for the admission, transfer and discharge of persons but nothing derogates from the requirements under the LTCHA to seek consent from such persons.
- vi. Licences and management contracts:
- A. Licensees are not required to follow all steps under the LTCHA and Ontario Regulation 79/10 when seeking approval from the Director to obtain a licence or management contract under the LTCHA, unless otherwise required by the Director.
- vii. Administration of drugs:
- A. Licensees may adopt flexible practices related to the administration of drugs to residents provided that the practices are consistent with and within the scope of practice of the person administering the drug. Nothing in this Order prevents a resident from self-administering a drug where they are already permitted to do so under Ontario Regulation 79/10.

**Safe and secure environment**

4. Nothing in this Order derogates from a licensee's responsibility under the LTCHA to ensure a safe and secure environment for residents.

**Licensees shall comply with *Health Protection and Promotion Act***

5. Despite anything in this Order, licensees shall comply with any order or directive issued under the *Health Protection and Promotion Act*.

Back to top

This is Exhibit "FF" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



Français

**Emergency Management and Civil Protection Act**

**ONTARIO REGULATION 146/20**

**ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - LIMITING WORK TO A SINGLE LONG-TERM CARE HOME**

**Note:** This Order is revoked on May 6, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)

**Consolidation Period:** From April 14, 2020 to the e-Laws currency date.

No amendments.

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act") and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

And Whereas section 50.1 of the *Employment Standards Act, 2000* provides for emergency leave for employees in declared emergencies and infectious disease emergencies;

Now Therefore, this Order is made pursuant to subsection 7.0.2 (4) of the Act, in particular paragraphs 8, 12 and 14 of that subsection, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

SCHEDULE 1

**Interpretation**

1. In this Order,

"health service provider" has the same meaning as in subsection 1 (2) of the *Connecting Care Act, 2019*, subject to section 2; ("fournisseur de services de santé")

"long-term care home" has the same meaning as in subsection 2 (1) of the *Long-Term Care Homes Act, 2007*; ("foyer de soins de longue durée")

"long-term care provider" means a health service provider within the meaning of paragraphs 4 and 5 of subsection 1 (2) of the *Connecting Care Act, 2019*; ("fournisseur de soins de longue durée")

"retirement home" means a retirement home within the meaning of the *Retirement Homes Act, 2010*. ("maison de retraite")

**Application, municipal long-term care homes**

2. This Order applies to a health service provider within the meaning of paragraph 5 of subsection 1 (2) of the *Connecting Care Act, 2019* only in relation to long-term care homes the health service provider maintains.

**Employee's notice**

3. (1) This section applies to any person who performs work as an employee of a long-term care provider if the person also performs work as an employee of,

- (a) any other health service provider; or
- (b) a retirement home.

(2) As soon as reasonably possible, and in any event no later than 5:00 p.m. on Friday, April 17, 2020, a person to whom this section applies shall inform each of the person's employers that they are subject to this Order.

(3) A person's obligation to inform employers under this section only applies with respect to the person's employers that are health service providers or retirement homes.

**Limit on work locations**

4. Beginning at 12:01 a.m. on Wednesday, April 22, 2020, an employee of a long-term care provider who performs work in a long-term care home operated or maintained by the long-term care provider shall not also perform work,

- (a) in another long-term care home operated or maintained by the long-term care provider;
- (b) as an employee of any other health service provider; or
- (c) as an employee of a retirement home.

**Effect of compliance**

5. For greater certainty,

- (a) subsection 7.0.2 (6) of the Act applies with respect to an employee to whom this Order applies; and
- (b) an employee to whom this Order applies shall comply with sections 3 and 4 even if doing so would not be in compliance with the provisions of a collective agreement.

**Limit on work locations, long-term care provider**

6. Beginning at 12:01 a.m. on Wednesday, April 22, 2020, a long-term care provider shall ensure that any employee who performs work in a long-term care home it operates or maintains is not also performing work,

- (a) in another long-term care home operated or maintained by the long-term care provider;
- (b) as an employee of any other health service provider; or
- (c) as an employee of a retirement home.

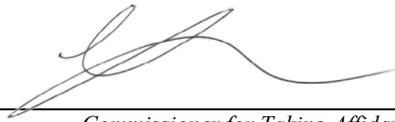
**Posting of Order**

7. (1) A long-term care provider shall ensure that a copy of this Order is posted in the long-term care home in a conspicuous and easily accessible location in a manner that complies with the regulations made under the *Long-Term Care Homes Act, 2007*.

(2) For greater certainty, this Order is essential information for the purposes of posting.

Français

This is Exhibit "GG" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



[Français](#)

**Emergency Management and Civil Protection Act**

**ONTARIO REGULATION 77/20**

**ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - WORK DEPLOYMENT MEASURES IN LONG-TERM CARE HOMES**

**Note: This Order is revoked on May 6, 2020, unless it is extended. (See s. 7.0.8 of the Act and O. Reg. 106/20, Sched. 1)**

**Consolidation Period:** From April 14, 2020 to the e-Laws currency date.

Last amendment: 147/20.

Legislative History: [ + ]

***This is the English version of a bilingual regulation.***

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the "Act") and has been extended pursuant to section 7.0.7 of the Act;

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, an Order is made pursuant to paragraphs 8, 9, 10, 12 and 14 of subsection 7.0.2 (4) of the Act, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act. O. Reg. 77/20; O. Reg. 147/20, s. 1.

SCHEDULE 1  
LONG-TERM CARE HOMES

1. This Order applies to the following, province-wide:

- 1. Health service providers within the meaning of paragraph 4 of subsection 1 (2) of the *Connecting Care Act, 2019*.
- 2. Health service providers within the meaning of paragraph 5 of subsection 1 (2) of the *Connecting Care Act, 2019* but only in relation to long-term care homes they maintain.

2. Health service providers shall and are authorized to take, with respect to work deployment and staffing, any reasonably necessary measure to respond to, prevent and alleviate the outbreak of the coronavirus (COVID-19) (the "Virus") for residents.

3. Without limiting the generality of section 2 of this Schedule, and despite any other statute, regulation, order, policy, arrangement or agreement, including a collective agreement, health service providers shall and are authorized to do the following:

- i. Identify staffing priorities and develop, modify and implement redeployment plans, including the following:

- A. Redeploying employees so that any particular employee is not providing services at more than one long-term care home operated or maintained by the health service provider.
- B. Changing the assignment of work, including assigning non-bargaining unit employees or contractors to perform bargaining unit work.
- C. Changing the scheduling of work or shift assignments.
- D. Deferring or cancelling vacations, absences or other leaves, regardless of whether such vacations, absences or leaves are established by statute, regulation, agreement or otherwise.
- E. Employing extra part-time or temporary staff or contractors, including for the purposes of performing bargaining unit work.
- F. Using volunteers to perform work, including to perform bargaining unit work.
- G. Providing appropriate training or education as needed to staff and volunteers to achieve the purposes of a redeployment plan.

For greater certainty, a health service provider may implement redeployment plans without complying with provisions of a collective agreement, including lay-off, seniority/service or bumping provisions.

- ii. Conduct any skills and experience inventories of staff to identify possible alternative roles in any area.
- iii. Require and collect information from staff or contractors about their availability to provide services for the health service provider.
- iv. Require the provision of and collect information from staff or contractors about their likely or actual exposure to the Virus, or about any other health conditions that may affect their ability to provide services.
- v. Suspend, for the duration of this Order, any grievance process with respect to any matter referred to in this Order. O. Reg. 77/20; O. Reg. 147/20, s. 2.

Français

This is Exhibit "HH" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

April 15, 2020

**MEMORANDUM TO: Health System Organizations and Providers**

**SUBJECT: COVID-19 Action Plan for Protecting Long-Term Care Homes**

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Long-term care (LTC) homes in Ontario are facing unprecedented tragedy. In response, the government has launched the [COVID-19 Action Plan for Protecting Long-Term Care Homes](#). Through this plan, the Ontario government is committed to using every resource we have to support the province's LTC homes as we work to stop the spread of COVID-19. This plan includes the following immediate actions:

**1. Aggressive Testing, Screening, and Surveillance**

- Testing all symptomatic residents and staff. Additionally, for long-term care homes in outbreak, also test asymptomatic residents and staff who have been in contact with cases.
- Public health units conduct contact tracing for all cases in long-term care homes to ensure all contacts are identified and followed up, as well as to understand origins of the exposure.
- Working with public health units to implement broader surveillance activities to proactively stop the spread of the infection.

**2. Managing Outbreaks and Spread of the Disease**

- Supporting long-term care homes with Public Health and infection prevention and control (IPAC) expertise to contain existing outbreaks and prevent future outbreaks.
- Providing enhanced guidance to support homes on usage of personal protective equipment (PPE), including on what PPE to use in what circumstances, and continue to prioritize distribution of PPE to long-term care homes that are in need.
- A new emergency order to limit work sites for long-term care home employees.
- Training and education to support staff working in outbreak situations, including supporting staff with IPAC education and on use of PPE.

### 3. Growing our Heroic Long-Term Care Workforce

- Redeploying health care workers from areas in the health sector experiencing fewer patient volumes, including hospital and home care resources, into long-term care homes.
- Using the [job matching portal](#) to identify available resources for homes experiencing shortages.
- Providing emergency funding for hiring additional or replacement staff, or for topping up part-time workers to full-time hours, along with other options.
- Working with the federal government to determine how their recently announced initiative to top-up wages for essential health care workers can be used in Ontario to support our long-term care home staff.

We are getting the whole health system to stand behind our long-term care homes and support them through this crisis. Beyond the activities announced in the Action Plan, the government is also moving forward with the following additional measures:

- Public health units will be working with each individual long-term care home to assess immediate needs for support – for testing, outbreak management, or staffing.
- Asking hospitals to temporarily stop transferring hospital patients to long-term care and retirement homes, leveraging current capacity in the hospital sector.

Supporting those who care for our most vulnerable will require a whole-system response. We look to all partners across the health system to lend their support and collaboration to aid the government to advance this plan. Similar actions are also being undertaken for other vulnerable populations in congregate care settings.

Thank you for your support.

Sincerely,

*(original signed by)*

Helen Angus  
Deputy Minister  
Ministry of Health

Richard Steele  
Deputy Minister  
Ministry of Long-  
Term Care

Dr. David Williams  
Chief Medical Officer  
of Health  
Ministry of Health

Matthew Anderson  
President and CEO  
Ontario Health

This is Exhibit "II" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

April 15, 2020

**MEMORANDUM TO:** Chief Executive Officers of Ontario Public Hospitals

**FROM:** **Matthew Anderson**  
President & CEO, Ontario Health

**Helen Angus**  
Deputy Minister, Ministry of Health

**Richard Steele**  
Deputy Minister, Ministry of Long-Term Care

**Denise Cole**  
Deputy Minister, Ministry for Seniors and Accessibility

**RE:** **Temporary Pause on Transitioning Hospital Patients to Long-Term Care and Retirement Homes**

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To protect the residents of long-term care homes and retirement homes across Ontario, we are asking Ontario hospitals to temporarily stop transferring patients to long-term care and retirement homes. This action builds on the government's [COVID-19 Action Plan for Protecting Long-Term Care Homes](#) that was released today.

We understand hospitals work to discharge patients to the next step in their care journey in order to help the patient receive appropriate levels of care and to create additional bedded capacity within the hospital. However, with hospital acute care capacity across Ontario at 64.1% as of April 13<sup>th</sup>, we believe hospitals can continue to care for these patients safely given the risk of COVID-19 in LTC and retirement home settings.

This guidance does not prohibit hospitals from discharging other designated ALC patients to appropriate, safe destinations. If this action will cause a critical patient flow issue in your hospital, please contact your Regional Lead at OH. We will communicate back to you at a future date when transfers to long-term care and retirement homes should be reactivated.

Thank you for your understanding and for your extraordinary efforts at this time.

- c: Dr. David Williams, Chief Medical Officer of Health
- Melanie Fraser, Associate Deputy Minister, Ministry of Health
- Mike Heenan, Assistant Deputy Minister, Hospitals and Capital Division
- Brian Pollard, Assistant Deputy Minister, Long Term Care
- Anthony Dale, Ontario Hospital Association
- Donna Duncan, Ontario Long Term Care Association
- Jay O'Neil, Retirement Homes Regulatory Authority
- Cathy Hecimovich, Ontario Retirement Communities Association
- Lisa Levin, AdvantAge Ontario

This is Exhibit "JJ" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

**Ministry of Health**

Office of the Deputy Minister

777 Bay Street, 5<sup>th</sup> Floor  
Toronto ON M7A 1N3  
Tel.: 416 327-4300  
Fax: 416 326-1570**Ministère de la Santé**

Bureau du sous-ministre

777, rue Bay, 5e étage  
Toronto ON M7A 1N3  
Tél. : 416 327-4300  
Télééc. : 416 326-1570

April 17, 2020

**MEMORANDUM TO:** Chief Executive Officers of Ontario Public Hospitals**FROM:** Helen Angus  
Deputy Minister, Ministry of HealthMatthew Anderson  
President & CEO, Ontario HealthRichard Steele  
Deputy Minister, Ministry of Long-Term CareDr. Barbara Yaffe  
Associate Chief Medical Officer of Health**RE:** **Hospital Supports for Long-Term Care**

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The Ministry of Health, Ministry of Long-Term Care (MLTC), and Ontario Health (OH) are requesting the assistance of hospitals to support Ontario's long-term care (LTC) homes during our COVID-19 response by voluntarily identifying staffing resources that can provide infection prevention and control (IPAC) assistance, medication administration, along with nursing and personal support worker staffing for homes facing critical staffing shortages.

To facilitate the deployment of hospital staff into LTC homes, no new regulatory changes are required. Given resources are being voluntarily identified, hospitals will enter into agreements with LTC homes whereby staff would be seconded and by extension maintain their employment status with the hospital.

Public Health has confirmed that hospital workers who complete shifts within a LTC home can work in multiple locations. Further, hospital workers deployed to a LTC home in an outbreak can return to their home facility and self-monitor for symptoms if asymptomatic and appropriate IPAC precautions were followed, with no breaches in PPE use. If there have been breaches in PPE or the staff is symptomatic/being tested for COVID-19, the staff must self-isolate for 14 days from last exposure (or at least 24 hours symptom-free if symptomatic).

Once hospitals have identified the resources they can offer, we are asking hospitals to notify their OH regional leads who will coordinate the connecting of hospitals with the MLTC response teams. This will enable OH and MLTC to facilitate local response and identify regional resources that may be deployed throughout an OH region.

In follow up, the Ontario Hospital Association will issue support materials to its members.

In the coming days, we may also seek hospital assistance related to further support in retirement and congregate care settings. Thank you for your ongoing support and dedication to our COVID-19 response.

Sincerely,

*(original signed by)*

Helen Angus  
Deputy Minister  
Ministry of Health

Matthew Anderson  
President & CEO  
Ontario Health

Richard Steele  
Deputy Minister  
Ministry of Long-Term Care

Dr. Barbara Yaffe  
Associate Chief  
Medical Officer of  
Health

c: Dr. David Williams, Chief Medical Officer of Health  
Melanie Fraser, Associate Deputy Minister, Ministry of Health  
Anthony Dale, President & CEO, Ontario Hospital Association  
Donna Duncan, President & CEO, Ontario Long Term Care Association  
Ontario Health, Regional Leads

This is Exhibit "KK" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

April 21, 2020

**MEMORANDUM TO:** Health System Organizations and Providers

**FROM:** **Helen Angus**  
Deputy Minister, Ministry of Health

**Richard Steele**  
Deputy Minister, Ministry of Long-Term Care

**Dr. David Williams**  
Chief Medical Officer of Health, Ministry of Health

**RE:** **Testing in Long-Term Care Homes**

---

The Ministry of Health (MOH) and the Ministry of Long-Term Care (MLTC) have been closely monitoring the impact of COVID-19 in the province's long-term care homes. As part of the COVID-19 Action Plan for Protecting Long-Term Care Homes, the Command Table has taken action to increase testing in the province's long-term care homes.

The province will immediately begin proactive surveillance testing to understand the current status of COVID-19 in individual homes, including the targeted testing of asymptomatic residents and staff.

Each Public Health Unit (PHU) should immediately begin developing a local implementation plan, in coordination with the Ontario Health region and MLTC region, to facilitate testing of every resident and staff at each long-term care home. While testing of residents should be a priority, the implementation plan should also enable an understanding of the prevalence of COVID-19 amongst staff, particularly asymptotically.

It is expected that this plan be implemented as soon as possible. PHUs should prioritize homes with a 'red' status and homes currently in outbreak with residents or staff showing symptoms. PHUs can also use their clinical judgment to identify additional information available to prioritize additional testing. PHUs should draw on local supports to increase capacity to support this initiative, such as engaging with local community paramedics.

This point-in-time testing will enable homes, PHUs, and the province to better understand the prevalence of COVID-19 in long-term care homes and inform future planning. Testing is

an important component of a comprehensive response plan being implemented to address COVID-19 in this vulnerable population in order to ensure that these facilities have every resource needed to stop the spread of COVID-19.

Sincerely,

*(original signed by)*

Helen Angus  
Deputy Minister  
Ministry of Health

Richard Steele  
Deputy Minister  
Ministry of Long-Term Care

Dr. David Williams  
Chief Medical Officer of Health  
Ministry of Health

This is Exhibit "LL" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

April 26, 2020

**MEMORANDUM TO:** Chief Executive Officers of Ontario Public Hospitals  
Home Health Care Providers/Service Provider Organizations  
Ontario Health Regional Leads  
Ontario Health Long Term Care Leads

**FROM:** Kevin Smith, Executive Lead, COVID-19 LTC Incident Management Response Team  
Matthew Anderson, President and CEO, Ontario Health  
Mike Heenan, ADM, Incident Commander, COVID-19 LTC Incident Management Response Team

**RE:** **Regional COVID-19 staffing response in support of Long Term Care Homes**

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As you know, the challenges we are facing with the COVID-19 pandemic in congregate care settings in Ontario continue. These include long term care (LTC) homes, retirement homes and other congregate settings, such as institutions providing care to vulnerable populations. We are implementing further actions to enable our partners across the health system to continue to take action to ensure that local plans are better able to support patient care needs across the continuum of care.

In support of regional efforts to address the challenges that LTC homes are facing, the Ontario Health (OH) Regions will be leading regional and local efforts -- with partners from hospitals, home care, public health units, Ministry of Long-Term Care and elsewhere in the health system -- to plan and support the needs of long term care homes to provide staff, and other supports for homes, and ensure resident care is stabilized. Notably, these plans are expected to include resourcing for staffing, infection prevention and control, testing, and any other needs as identified as a result of COVID-19.

On April 24, 2020, the Minister of Health announced new measures, including an Emergency Order (<https://files.ontario.ca/solgen-oic-amend-74-20.pdf>) that will enable hospitals to better support the staffing needs of long term care. The OH Regions will work with hospitals, to identify numbers of staff that can be made available for work in an LTC home; the roster of staff for each hospital will need to be established over the next few days. The rosters will be used to determine where and how to deploy staff when required, so when necessary resources can move quickly should a situation escalate. The creation of these rosters is in addition to the work already underway with federal colleagues, the RAO and the provincial volunteer database.

Further to the Emergency Order noted above, the Minister of Long-Term Care issued a Directive requiring all long term care homes in outbreak to cooperate with Ontario Health and to provide access for any resources being made available from the provincial government, public hospitals, or federal government.

[http://www.health.gov.on.ca/en/pro/programs/ltc/directive\\_supporting\\_ltch\\_20200424.aspx](http://www.health.gov.on.ca/en/pro/programs/ltc/directive_supporting_ltch_20200424.aspx);

[http://www.health.gov.on.ca/fr/pro/programs/ltc/directive\\_supporting\\_ltch\\_20200424.aspx](http://www.health.gov.on.ca/fr/pro/programs/ltc/directive_supporting_ltch_20200424.aspx)

LTC homes are being continually monitored by region, and the data are updated daily. The staffing needs for LTC homes, will vary by home size, numbers of staff available to work, types of workers needed, etc. The OH Regions are working with homes to understand their needs, and are working with various HR approaches to support homes in their staffing capacity.

The determination of when and how many staff will be deployed to meet the needs of an identified home, will be a decision that is made in partnership with the OH Region, Ministry of Long-Term Care, the hospitals and the long term care home. Together the homes, hospitals, and OH regions will implement plans to support care in homes in the region. Home healthcare providers will be requested to provide OH with staffing plans for redeployment and create a roster so they too are better enabled to support the delivery of care into identified long term care homes.

OH Regional Leads will provide information to you in the coming days, on how you may help to inform data collection and reporting. All efforts will be made to streamline and simplify reporting. While this current effort is heavily focussed on LTC homes; expansion, particularly in IPAC and testing is also being rolled out the other congregate settings.

To support the implementation of this critical work, each OH Region has identified one LTC lead for each Region to establish and implement regional plans in response to this urgent need. We have provided the attached list of OH Regional CEOs and LTC leads for your information.

The OH Regional COVID Response Tables, in partnership with health system providers and leaders throughout the regions, have done tremendous work in meeting the regional and local needs in their areas in preparing for and response to the COVID pandemic. The OH Regional tables have been focused on long term care since the start, with increasing emphasis over the last many weeks; today marks the implementation of additional tools and efforts to further strengthen and utilize the value the regional collaborations can bring to LTC homes and other congregate settings across Ontario.

Thank you for your continued support and partnership as we navigate this unprecedented time.

Sincerely,

*(original signed by)*

Kevin Smith  
Executive Lead,  
COVID-19 LTC Incident  
Management Response Team

Matthew Anderson  
President and CEO  
Ontario Health

Mike Heenan  
ADM and Incident  
Commander

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Mr. Richard Steele, Deputy Minister, Ministry of Long Term Care  
Mr. Anthony Dale, President, Ontario Hospital Association  
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This is Exhibit "MM" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

COVID-19: Get the [latest updates](#) or take a [self-assessment](#).



# COVID-19 action plan: long-term care homes

Read the COVID-19 action plan for long term care homes.

Version 1 — April 15, 2020

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Long-term care homes in Ontario are facing unprecedented tragedy.

The Ontario government is committed to using every resource we have to support the province's long-term care homes as we work to stop the spread of COVID-19.

This plan outlines the actions that the government is taking to protect residents and staff in long-term care homes.

Long-term care homes have become the front-line of the fight against COVID-19 around the globe. Ontario is no different, and in our grief, we must fight back fiercely.

The *COVID-19 Action Plan for Protecting Long-Term Care Homes* consolidates actions taken to date, starting in February 2020, and adds aggressive new measures to prevent further outbreaks and deaths from COVID-19 in our long-term care homes.

## Actions to date

### April 13

- Providing same-day deliveries of supplies and equipment to hospitals, long-term care and retirement homes and other facilities to support essential workers in all settings and ensure supplies are expedited to those most in need.

### April 8

- The Chief Medical Officer of Health issued an updated directive (#3) for long-term care homes to immediately implement that all staff and essential visitors wear surgical/procedure masks at all times for the duration of full shifts or visits in the long-term care home as well as to ask long-term care homes to save and securely store used PPE, including masks. The directive includes rigorous direction for staff and resident cohorting, the limitation of staff workplaces, COVID-19 testing and the latest protocol for outbreak management, among other critical guidance.
- The Chief Medical Officer of Health issued an updated directive (#3) for long-term care homes to immediately begin more aggressive screening – upgraded to twice daily – of staff, essential visitors and residents.

### March 27

- Issued a second temporary order for long-term care homes to provide further flexibility for long-term care homes and allow homes to redirect their staffing and financial resources to essential tasks during the COVID-19 crisis.

## March 25

- Launched *Ontario's Action Plan: Responding to COVID-19*, a \$17 billion emergency relief package to provide relief to families and certainty to businesses. This includes \$3.3 billion in additional resources for the health care system, specifically \$243 million for long-term care.

## March 24

- Amended regulations to allow for a streamlined long-term care admissions, discharge and re-admissions process, freeing up much-needed capacity in hospitals and ensuring residents who leave their long-term care home during the COVID-19 pandemic are prioritized for re-admission, giving them peace of mind.

## March 23

- Issued a temporary order for long-term care homes to support increased staffing flexibility, enabling homes to be able to respond to, prevent and alleviate an outbreak of COVID-19.
- Suspended short-stays in long-term care homes and provided guidance to homes on how to use short-stay beds to maximize capacity for applicants waiting for admission to a long-stay bed in a long-term care.

## March 22

- The Chief Medical Officer of Health issued a directive (#3) to long-term care homes to immediately implement the following:
  - To not permit residents to leave the home for short-stay absences to visit family and friends
  - To wherever possible limit the number of work locations that employees are working at

## March 20

- Amended regulations to allow for increased flexibility in staffing at long-term care homes, making it easier for qualified staff to be hired and for homes to prioritize skills where they are needed most. These measures allowed for homes to quickly bring in more and new staff, to prevent potential staffing shortages, and to allow staff to spend more time on direct care to residents.

## March 18

- Recommended that retirement homes only allow essential visitors, such as those visiting the very ill or end-of-life visits, upon the advice of the CMOH

## March 17

- Enhanced the province's response to COVID-19 with up to \$304 million in funding including building additional hospital capacity, supporting public health units with testing and screening, purchasing additional personal protective equipment for frontline workers and ventilators, providing 24/7 screening at long-term care homes, and dedicated supports for rural, remote, Northern, and Indigenous communities.

## March 11

- Instructed long-term care homes to begin active screening of visitors, volunteers, staff and new residents for symptoms of COVID-19.
- Long-term care home respiratory tests will now be additionally screened for COVID-19.

## March 9

- Issued guidance to all long-term care operators via a memo to actively screen all visitors, residents, re-admissions and returning residents to long-term care homes. (Memo was subsequently amended on March 11 to also include staff and volunteers.)

## February 11

- Released updated guidance on COVID-19 prevention and screening in long-term care.

## February 3

- Released guidance on COVID-19 prevention and screening in long-term care.

## Next actions

1. [Aggressive Testing, Screening, and Surveillance](#)
2. [Managing Outbreaks and Spread of the Disease](#)
3. [Growing our Heroic Long-Term Care Workforce](#)

## 1. Aggressive testing, screening, and surveillance

### Goal:

- Increased testing of LTC home residents and staff

### Actions:

1. **Testing:** To protect people, enhanced testing that will include:
  - For all homes: test all symptomatic residents and staff in accordance with expanded symptom list (ongoing)
  - For long-term care homes in outbreak, also include asymptomatic residents and staff who have been in contact with cases (ongoing)
  - For all cases in long-term care, public health units conduct contact tracing to ensure all contacts are aware of their potential exposure and to understand origins of the exposure
  - Plan to expand LTC testing for residents and staff. Public health units plus additional health sector resources including hospital staff and paramedics are being deployed to support additional testing
2. **Surveillance:** To proactively stop the spread, undertake broader surveillance activities.
  - Testing of asymptomatic residents and staff in select homes across the province. This will help to inform understanding of spread in long-term care homes and inform future adjustments to the plan. This testing is underway in select homes.
  - A sample of homes not in outbreak will be tested to determine presence of COVID-19, as part of surveillance. Public health unit assessments will inform an expanded plan for surveillance of homes not in outbreak, which will be implemented in the next 48 hours.

## 2. Managing outbreaks and spread of the disease

## Goals:

- Reduce the number of outbreaks in LTC homes
- Contain outbreaks in LTC homes, so they do not affect as many residents

## Actions:

1. Support LTC homes with public health and infection control expertise to contain existing outbreaks and prevent future outbreaks. This will include:
  - i. **Risk assessment:**
    - Public Health Unit assess risks for all homes to determine homes for priority focus on outbreak management and other homes for prevention supports (assessment underway).
    - Capacity assessment of public health units to determine how additional health system resources (e.g., hospital infection and control experts) can support public health units to address long-term care home outbreaks.
  - ii. **Support teams**
    - Infection prevention and control expertise from across health sector staged and ready to go in 24-48 hours
      - Ontario Health working with Public Health Units will assemble regional teams to support individual homes
      - Public health units to supplement one another is underway
      - Infection prevention and control teams will be deployed to highest risk homes starting within 48 hours
2. **Personal Protective Equipment**
  - Enhanced guidance to support homes on usage of PPE, including on what PPE to use in what circumstances, will be released shortly
  - Continue to prioritize distribution of PPE to homes that are in need. The Ministry of Health's Emergency Operations Centre is responding to every escalated request for PPE from LTC homes and retirement homes within 24 hours. This resulted in 102 LTC homes and 16 retirement homes receiving supplies over the April 11<sup>th</sup> weekend.
3. **New emergency order to limit work sites for long-term care employees**
  - Directing long-term care employers to ensure their employees including registered nurses, registered practical nurses, personal support workers, kitchen and cleaning staff only work in one long-term care home. This means that employees cannot work in multiple locations such as a retirement home, or other health care setting.
  - Long-term care workers who must temporarily give up a job in another care setting as a result of this order are protected from losing that job because they are entitled to an unpaid leave of absence.
  - Long-term care homes are encouraged to use emergency funds to bring part-time staff to full-time hours to meet staffing needs
4. **Training and education** to support staff working in outbreak situations, including supporting staff with IPAC education for homes in outbreak on use of PPE (underway)

## 3. Growing our heroic long-term care workforce

### Goals:

- Fewer long-term care homes reporting critical staffing challenges
- Limiting long-term care employees to work in only one location

### Actions:

1. **Supplement long-term care home capacity by:**

- Redeploying health care workers from areas in the health sector experiencing fewer patient volumes, including hospital and home care resources, into long-term care homes
- Utilizing the [job matching portal \(https://healthcloudtrialmaster-15a4d-17117fe91a8.force.com/matchingportal/s/?language=en\\_US\)](https://healthcloudtrialmaster-15a4d-17117fe91a8.force.com/matchingportal/s/?language=en_US) to identify available resources for homes experiencing shortages (more than 190 homes have used it to date). Supplement with the Federal government HR portal when it goes live
- Providing emergency funding for infection prevention and containment to homes. This funding can be used for hiring additional or replacement staff, or for topping up part-time workers to full-time hours, along with other options.
- Working with the federal government to determine how their recently announced initiative to top-up wages for essential health care workers can be used in Ontario to support our long-term care staff.

## Additional measures

- Every option is on the table and additional measures will be taken as we address this fast-changing outbreak.
- To augment current planned actions additional measures are under development, including approaches to help older homes with challenging facilities better isolate sick residents
- Ministry of Health, Ministry of Long-Term Care, Public Health and Public Health Ontario are working together to assess options
  - This could include movement of patients to other facilities to improve isolation capacity

Updated: April 15, 2020

Published: April 15, 2020

This is Exhibit "NN" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

Consolidation Period: From July 1, 2019 to the e-Laws currency date.

Last amendment: 2019, c. 7, Sched. 17, s. 84.

Legislative History: [ + ]

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**PART I  
INTERPRETATION**

**Interpretation**

1 (1) In this Act,

"Board" means the Health Services Appeal and Review Board under the *Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998*; ("Commission")

"board of health" means a board of health established or continued under this Act and includes,

- (a) the regional municipalities of Durham, Halton, Niagara, Peel, Waterloo and York,
- (b) a single-tier municipality that, under the Act establishing or continuing it, has the powers, rights and duties of a local board of health or a board of health established under this Act, and
- (c) an agency, board or organization prescribed by regulation; ("conseil de santé")

"Chief Medical Officer of Health" means the Chief Medical Officer of Health under this Act; ("médecin-hygiéniste en chef")

"communicable disease" means a disease designated as a communicable disease by regulation made by the Minister; ("maladie transmissible")

"disease of public health significance" means a disease designated as a disease of public health significance by regulation made by the Minister; ("maladie importante sur le plan de la santé publique")

"dwelling unit" means real property used or designed for use as a home or as a place in which one or more persons may sleep; ("logement")

"food" means food or drink for human consumption, and includes an ingredient of food or drink for human consumption; ("aliment")

"food premise" means a premises where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale, but does not include a room actually used as a dwelling in a private residence; ("dépôt d'aliments")

"health hazard" means,

- (a) a condition of a premises,
- (b) a substance, thing, plant or animal other than man, or
- (c) a solid, liquid, gas or combination of any of them,

that has or that is likely to have an adverse effect on the health of any person; ("risque pour la santé")

"health unit" means an area that, by or under any Act, is the area of jurisdiction of a board of health; ("circonscription sanitaire")

"mandatory", in relation to a health program or service, means a health program or service mentioned in section 5; ("obligatoire")

"medical officer of health" means a medical officer of health of a board of health; ("médecin-hygiéniste")

"milk" means milk from cows, goats or sheep; ("lait")

"Minister" means Minister of Health and Long-Term Care; ("ministre")

"Ministry" means Ministry of Health and Long-Term Care; ("ministère")

"municipal member", in relation to a board of health, means a person appointed to the board of health by the council of a municipality; ("membre municipal")

"obligated municipality" means, in relation to a health unit, any upper-tier municipality or single-tier municipality that is situated, in whole or in part, in the area that comprises the health unit; ("municipalité assujettie")

"occupier" includes,

- (a) a person who is in physical possession of premises,
- (b) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, or
- (c) a person for the time being receiving the rent of premises, whether as principal or as agent or trustee for another person, or who would so receive the rent if the premises were let, or who is responsible for the payment of municipal taxes,

although there is more than one occupier of the same premises; ("occupant")

"operator", in relation to a food premise and small drinking water system, means a person who has responsibility for and control over an activity carried on at the food premise or the small drinking water system, although there is more than one operator of the same food premise or small drinking water system; ("exploitant")

"person" includes a board of health, a municipality and any other corporation; ("personne")

"personal service setting" means a premises at which personal services are offered where there is a risk of exposure to blood or body fluids and includes premises at which hairdressing and barbering, tattooing, body piercing, nail services, electrolysis and other aesthetic services are offered; ("établissement de services personnels")

"physician" means a legally qualified medical practitioner; ("médecin")

"premises" means lands and structures, or either of them, and includes,

- (a) water,
- (b) ships and vessels,

(c) trailers and portable structures designed or used for residence, business or shelter,

(d) trains, railway cars, vehicles and aircraft; ("lieu")

"public health inspector" means a public health inspector of a board of health; ("inspecteur de la santé")

"public health nurse" means a public health nurse of a board of health; ("infirmière-hygiéniste")

"public health standard" means a standard published by the Minister under section 7; ("norme de santé publique")

"public pool" means a structure, basin, chamber or tank containing or intended to contain an artificial body of water for swimming, water sport, water recreation or entertainment, but does not include,

(a) one that is located on a private residential property under the control of the owner or occupant and that is limited to use for swimming or bathing by the owner or occupant, members of their family and their visitors, or

(b) one that is used solely for commercial display and demonstration purposes; ("piscine publique")

"registered nurse in the extended class" means a member of the College of Nurses of Ontario who is a registered nurse holding an extended certificate of registration under the *Nursing Act, 1991*; ("infirmière autorisée ou infirmier autorisé de la catégorie supérieure")

"regulations" means regulations made under this Act; ("règlements")

"reportable disease" means a disease specified as a reportable disease by regulation made by the Minister; ("maladie à déclaration obligatoire")

"residential building" means a structure that contains one or more dwelling units; ("immeuble d'habitation")

"sanitary facilities" means a room or rooms containing one or more toilets and one or more washbasins; ("installations sanitaires")

"school" means a private school and a school as defined in the *Education Act*; ("école")

"school board" means a board as defined in the *Education Act*; ("conseil scolaire")

"sexually transmitted disease" means a disease caused by an infectious agent usually transmitted during sexual contact; ("maladie sexuellement transmissible")

"small drinking water system" means a small drinking water system as specified by regulation; ("petit réseau d'eau potable")

"virulent disease" means a disease designated as a virulent disease by regulation made by the Minister. ("maladie virulente") R.S.O. 1990, c. H.7, s. 1 (1); 1997, c. 30, Sched. D, s. 1; 1998, c. 18, Sched. G, s. 55 (1); 2000, c. 5, s. 14 (1); 2001, c. 25, s. 477 (1-3); 2006, c. 19, Sched. L, s. 11 (2, 3); 2007, c. 10, Sched. D, s. 1 (1, 2); 2007, c. 10, Sched. F, s. 1; 2009, c. 33, Sched. 18, ss. 12 (1), 17 (2); 2017, c. 25, Sched. 3, s. 1 (4), 2.

#### Closing of premises

(2) An order under this Act that requires the closing of premises is an order,

(a) to shut the premises so as to prevent entrance or access to the premises by any person; and

(b) to suspend the operation of any enterprise or activity on or in the premises,

except by such persons or for such purposes as are specified in the order. R.S.O. 1990, c. H.7, s. 1 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Purpose

**2** The purpose of this Act is to provide for the organization and delivery of public health programs and services, the prevention of the spread of disease and the promotion and protection of the health of the people of Ontario. R.S.O. 1990, c. H.7, s. 2.

##### Act binds Crown

**3** This Act binds the Crown. R.S.O. 1990, c. H.7, s. 3.

## PART II HEALTH PROGRAMS AND SERVICES

##### Duty of board of health

**4** Every board of health,

(a) shall superintend, provide or ensure the provision of the health programs and services required by this Act and the regulations to the persons who reside in the health unit served by the board; and

(b) shall perform such other functions as are required by or under this or any other Act. R.S.O. 1990, c. H.7, s. 4.

##### Mandatory health programs and services

**5** Every board of health shall superintend, provide or ensure the provision of health programs and services in the following areas:

1. Community sanitation, to ensure the maintenance of sanitary conditions and the prevention or elimination of health hazards.

1.1 The provision of safe drinking water by small drinking water systems.

2. Control of infectious diseases and diseases of public health significance, including provision of immunization services to children and adults.

3. Health promotion, health protection and disease and injury prevention, including the prevention and control of cardiovascular disease, cancer, AIDS and other diseases.

4. Family health, including,

i. counselling services,

ii. family planning services,

iii. health services to infants, pregnant women in high risk health categories and the elderly,

iv. preschool and school health services, including dental services,

v. screening programs to reduce the morbidity and mortality of disease,

vi. tobacco use prevention programs, and

vii. nutrition services.

4.1 Collection and analysis of epidemiological data.

4.2 Such additional health programs and services as are prescribed by the regulations.

5. REPEALED: 1994, c. 26, s. 71.

R.S.O. 1990, c. H.7, s. 5; 1994, c. 26, s. 71; 1997, c. 30, Sched. D, s. 2; 2007, c. 10, Sched. D, s. 1 (3); 2017, c. 25, Sched. 3, s. 3.

#### Section Amendments with date in force (d/m/y) [ + ]

##### School pupils

**6** (1) Every board of health shall provide such of the health programs and services as are prescribed by the regulations for the purposes of this section to the pupils attending schools within the health unit served by the board of health. R.S.O. 1990, c. H.7, s. 6 (1).

##### Consent of school

(2) Subsection (1) does not apply in respect of pupils attending a school unless the person or organization that operates the school has agreed to the provision of the particular health program or service to the pupils attending the school. R.S.O. 1990, c. H.7, s. 6 (2).

##### Application of subs. (1)

(3) Subsection (1) applies only in respect of the classifications of pupils prescribed by the regulations in respect of a health program or service. R.S.O. 1990, c. H.7, s. 6 (3).

##### Prohibition

(4) Where a board of health is required by this Act or the regulations, on request of a person or organization that operates a school, to provide or ensure the provision of a health program or service, no person or organization that operates a school in the health unit served by the board of health shall provide or ensure the provision of the health program or service to a pupil in the school without the approval of the medical officer of health for the health unit. R.S.O. 1990, c. H.7, s. 6 (4).

##### Separate school rights preserved

(5) Subsections (1) to (4) shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the *Constitution Act, 1867* and the *Education Act*. R.S.O. 1990, c. H.7, s. 6 (5).

##### Public health standards

**7** (1) The Minister may publish public health standards for the provision of mandatory health programs and services and every board of health shall comply with them. 2017, c. 25, Sched. 3, s. 4 (1).

##### Idem

(2) Public health standards shall be transmitted to each board of health and shall be available for public inspection at the Ministry. R.S.O. 1990, c. H.7, s. 7 (2); 2017, c. 25, Sched. 3, s. 1 (2), 4 (2).

##### Not regulations

(3) A public health standard is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. R.S.O. 1990, c. H.7, s. 7 (3); 2006, c. 21, Sched. F, s. 136 (1); 2017, c. 25, Sched. 3, s. 1 (1).

##### Conflict

(4) In the event of conflict between a regulation and a public health standard, the regulation prevails. R.S.O. 1990, c. H.7, s. 7 (4); 2017, c. 25, Sched. 3, s. 1 (1).

##### Adoption of codes

(5) A public health standard may adopt by reference, in whole or in part, with such changes as are specified in the public health standard, any code, formula, protocol or procedure and may require compliance with the code, formula, protocol or procedure so adopted. 2007, c. 10, Sched. D, s. 1 (4); 2017, c. 25, Sched. 3, s. 1 (1).

##### Rolling incorporation

(6) If a public health standard under subsection (5) so provides, a code, formula, protocol or procedure adopted by reference shall be a reference to it as amended from time to time and whether the amendment was made before or after the public health standard was made. 2007, c. 10, Sched. D, s. 1 (4); 2017, c. 25, Sched. 3, s. 1 (1).

**When effective**

(7) The adoption of an amendment to a code, formula, protocol or procedure that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment and transmitting the notice to each board of health. 2007, c. 10, Sched. D, s. 1 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Extent of programs and services**

8 A board of health is not required by this Part to provide or ensure the provision of a mandatory health program or service referred to in this Part except to the extent and under the conditions prescribed by the regulations and the public health standards. R.S.O. 1990, c. H.7, s. 8; 2017, c. 25, Sched. 3, s. 1 (2).

**Section Amendments with date in force (d/m/y) [ + ]****Optional health programs and services**

9 A board of health may provide any other health program or service in any area in the health unit served by the board of health if,

- (a) the board of health is of the opinion that the health program or service is necessary or desirable, having regard to the needs of persons in the area; and
- (b) the councils of the municipalities in the area approve of the provision of the health program or service. R.S.O. 1990, c. H.7, s. 9.

**PART III  
COMMUNITY HEALTH PROTECTION**

**Duty to inspect**

10 (1) Every medical officer of health shall inspect or cause the inspection of the health unit served by him or her for the purpose of preventing, eliminating and decreasing the effects of health hazards in the health unit. R.S.O. 1990, c. H.7, s. 10 (1).

**Idem**

(2) The duty of every medical officer of health under subsection (1) includes, but is not limited to, the duty to inspect or cause the inspection of the following:

1. Food premises and any food and equipment thereon or therein.
2. Premises used or intended for use as a boarding house or lodging house. R.S.O. 1990, c. H.7, s. 10 (2).

**Complaint re health hazard related to occupational or environmental health**

11 (1) Where a complaint is made to a board of health or a medical officer of health that a health hazard related to occupational or environmental health exists in the health unit served by the board of health or the medical officer of health, the medical officer of health shall notify the ministry of the Government of Ontario that has primary responsibility in the matter and, in consultation with the ministry, the medical officer of health shall investigate the complaint to determine whether the health hazard exists or does not exist. R.S.O. 1990, c. H.7, s. 11 (1).

**Report**

(2) The medical officer of health shall report the results of the investigation to the complainant, but shall not include in the report personal health information within the meaning of the *Personal Health Information Protection Act, 2004* in respect of a person other than the complainant, unless consent to the disclosure is obtained in accordance with that Act. 2004, c. 3, Sched. A, s. 86.

**Conflict**

(3) The obligation imposed on the medical officer of health under subsection (2) prevails despite anything to the contrary in the *Personal Health Information Protection Act, 2004*. 2004, c. 3, Sched. A, s. 86.

**Section Amendments with date in force (d/m/y) [ + ]****Duty of M.O.H. re occupational and environmental health**

12 (1) Every medical officer of health shall keep himself or herself informed in respect of matters related to occupational and environmental health. R.S.O. 1990, c. H.7, s. 12 (1).

**Provision of information to M.O.H.**

(2) The Ministry of the Environment, the Ministry of Health and Long-Term Care, the Ministry of Labour or a municipality shall provide to a medical officer of health such information in respect of any matter related to occupational or environmental health as is requested by the medical officer of health, is in the possession of the ministry or municipality and the ministry or municipality is not prohibited by law from disclosing. R.S.O. 1990, c. H.7, s. 12 (2); 2006, c. 19, Sched. L, s. 11 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Authority of M.O.H. re small drinking water systems**

12.1 (1) A medical officer of health may, in respect of small drinking water systems, vary requirements in prescribed provisions of the regulations on a temporary basis and may establish interim requirements with which an owner or operator of the small drinking water system must comply. 2007, c. 10, Sched. D, s. 1 (5).

**Limitation on power of M.O.H.**

(2) In exercising his or her authority under subsection (1), a medical officer of health shall ensure that the risk to the users of the small drinking water system is not increased by the variance in the requirements or by the establishment of interim requirements. 2007, c. 10, Sched. D, s. 1 (5).

**Section Amendments with date in force (d/m/y) [ + ]****Order by M.O.H. or public health inspector re health hazard**

13 (1) A medical officer of health or a public health inspector, in the circumstances mentioned in subsection (2), by a written order may require a person to take or to refrain from taking any action that is specified in the order in respect of a health hazard. R.S.O. 1990, c. H.7, s. 13 (1).

**Condition precedent to order**

(2) A medical officer of health or a public health inspector may make an order under this section where he or she is of the opinion, upon reasonable and probable grounds,

- (a) that a health hazard exists in the health unit served by him or her; and
- (b) that the requirements specified in the order are necessary in order to decrease the effect of or to eliminate the health hazard. R.S.O. 1990, c. H.7, s. 13 (2).

**Time**

(3) In an order under this section, a medical officer of health or a public health inspector may specify the time or times when or the period or periods of time within which the person to whom the order is directed must comply with the order. R.S.O. 1990, c. H.7, s. 13 (3).

**Idem**

(4) An order under this section may include, but is not limited to,

- (a) requiring the vacating of premises;
- (b) requiring the owner or occupier of premises to close the premises or a specific part of the premises;
- (c) requiring the placarding of premises to give notice of an order requiring the closing of the premises;
- (d) requiring the doing of work specified in the order in, on or about premises specified in the order;
- (e) requiring the removal of anything that the order states is a health hazard from the premises or the environs of the premises specified in the order;
- (f) requiring the cleaning or disinfecting, or both, of the premises or the thing specified in the order;
- (g) requiring the destruction of the matter or thing specified in the order;
- (h) prohibiting or regulating the manufacturing, processing, preparation, storage, handling, display, transportation, sale, offering for sale or distribution of any food or thing;
- (i) prohibiting or regulating the use of any premises or thing. R.S.O. 1990, c. H.7, s. 13 (4).

**Person directed**

(5) An order under this section may be directed to a person,

- (a) who owns or is the occupier of any premises but where an order is directed to the occupier, the person making the order shall deliver or cause the delivery of a copy of the order to the owner of the premises;
- (b) who owns or is in charge of any substance, thing, plant or animal or any solid, liquid, gas or combination of any of them; or
- (c) who is engaged in or administers an enterprise or activity,

in the health unit served by the medical officer of health or the public health inspector. R.S.O. 1990, c. H.7, s. 13 (5).

**Reasons for order**

(6) An order under this section is not effective unless the reasons for the order are set out in the order. R.S.O. 1990, c. H.7, s. 13 (6).

**Oral order**

(7) Where the delay necessary to put an order under this section in writing will or is likely to increase substantially the hazard to the health of any person, the medical officer of health or the public health inspector may make the order orally and subsection (6) does not apply to the order. R.S.O. 1990, c. H.7, s. 13 (7).

**Description of person directed**

(8) It is sufficient in an order under this section to direct the order to a person or persons described in the order, and an order under this section is not invalid by reason only of the fact that a person to whom the order is directed is not named in the order. R.S.O. 1990, c. H.7, s. 13 (8).

**Directions by M.O.H.**

14 (1) A medical officer of health, in the circumstances specified in subsection (2), may give directions in accordance with subsection (3) to the persons whose services are engaged by or to agents of the board of health of the health unit served by the medical officer of health. R.S.O. 1990, c. H.7, s. 14 (1).

**When M.O.H. may give directions**

(2) A medical officer of health may give directions in accordance with subsection (3) where the medical officer of health is of the opinion, upon reasonable and probable grounds, that a health hazard exists in the health unit and the person to whom an order is or would be directed under section 13,

- (a) has refused to or is not complying with the order;

- (b) is not likely to comply with the order promptly;
- (c) cannot be readily identified or located and as a result the order would not be carried out promptly; or
- (d) requests the assistance of the medical officer of health in eliminating or decreasing the effect of the health hazard. R.S.O. 1990, c. H.7, s. 14 (2).

**Contents of directions**

(3) Under this section, a medical officer of health may direct the persons whose services are engaged by or the agents of the board of health of the health unit served by the medical officer of health to take such action as is specified in the directions in respect of eliminating or decreasing the health hazard. R.S.O. 1990, c. H.7, s. 14 (3).

**Idem**

(4) Directions under this section may include, but are not limited to,

- (a) authorizing and requiring the placarding of premises specified in the directions to give notice of the existence of a health hazard or of an order made under this Act, or both;
- (b) requiring the doing of work specified in the directions in, on or about any premises;
- (c) requiring the removal of anything that the directions state is a health hazard from premises or the environs of premises specified in the directions;
- (d) requiring the detention of any matter or thing removed from any premises or the environs of any premises;
- (e) requiring the cleaning or disinfecting, or both, of any premises or thing specified in the directions;
- (f) requiring the destruction of any thing specified in the directions. R.S.O. 1990, c. H.7, s. 14 (4).

**Recovery of expenses by action**

**15** (1) The expenses incurred by a board of health in respect of a health hazard in, on or of any premises may be recovered from the owner or the occupier, or both, of the premises, with costs, by the board of health by action in a court of competent jurisdiction. R.S.O. 1990, c. H.7, s. 15 (1).

**Statement to municipal clerk**

(2) In the alternative, where costs and expenses of a board of health that may be recovered from the owner or occupier of premises are not paid within sixty days after a demand to the owner or occupier for payment, the secretary of the board of health may transmit to the clerk of the municipality in which the premises are situated a statement setting out,

- (a) the amount of the costs and expenses;
- (b) the name of the owner of the premises; and
- (c) the location of the premises. R.S.O. 1990, c. H.7, s. 15 (2).

**Collection**

(3) Upon receipt of the statement, the clerk of the municipality shall enter the amount in the collector's roll and the amount shall be collected in the same manner as municipal real property taxes and the amount collected shall be paid over to the board of health. R.S.O. 1990, c. H.7, s. 15 (3); 1999, c. 12, Sched. J, s. 32.

**Recovery by occupier**

(4) Where an amount recovered by a board of health after a demand or under subsection (1) from an occupier of premises is, between the occupier and the owner of the premises, the responsibility of the owner, the occupier is entitled to recover the amount from the owner or to deduct the amount from any other amount due from the occupier to the owner. R.S.O. 1990, c. H.7, s. 15 (4).

**Recovery by owner**

(5) Where an amount recovered by a board of health after a demand or under subsection (1) or (3) from an owner of premises is, between the owner and the occupier, the responsibility of the occupier, the owner is entitled to recover the amount from the occupier or to add the amount to any other amount due from the occupier to the owner. R.S.O. 1990, c. H.7, s. 15 (5).

**Section Amendments with date in force (d/m/y) [ + ]****Food premise**

**16** (1) Every person who operates a food premise shall maintain and operate the food premise in accordance with the regulations. R.S.O. 1990, c. H.7, s. 16 (1).

**Notice of intention to commence operation**

(2) Every person who intends to commence to operate a food premise shall give notice of the person's intention to the medical officer of health of the health unit in which the food premise will be located. R.S.O. 1990, c. H.7, s. 16 (2).

**Persons employed on or in food premise**

(3) Every person employed on or in a food premise shall comply with the standards and requirements prescribed by the regulations for such persons. R.S.O. 1990, c. H.7, s. 16 (3).

**Information**

(4) Every person who operates a food premise shall furnish the medical officer of health of the health unit in which the food premise is located with such information as the medical officer of health requests in respect of the manufacturing, processing, preparation, storage, handling, display, transportation, sale or offering for sale of any food on or in the food premise and the distribution of food from the food premise. R.S.O. 1990, c. H.7, s. 16 (4).

**Records**

(5) Every person who operates a food premise shall keep such records in respect of the manufacturing, processing, preparation, storage, handling, display, transportation and sale, or offering for sale of food on or in the food premise and the distribution of food from the food premise as are prescribed by the regulations, and shall keep the records in such form, with such detail and for such length of time as are prescribed by the regulations. R.S.O. 1990, c. H.7, s. 16 (5).

**Sale of diseased food**

**17** No person shall sell or offer for sale any food that is unfit for human consumption by reason of disease, adulteration, impurity or other cause. R.S.O. 1990, c. H.7, s. 17.

**Unpasteurized or unsterilized milk**

**18** (1) No person shall sell, offer for sale, deliver or distribute milk or cream that has not been pasteurized or sterilized in a plant that is licensed under the *Milk Act* or in a plant outside Ontario that meets the standards for plants licensed under the *Milk Act*. R.S.O. 1990, c. H.7, s. 18 (1).

**Milk products**

(2) No person shall sell, offer for sale, deliver or distribute a milk product processed or derived from milk that has not been pasteurized or sterilized in a plant that is licensed under the *Milk Act* or in a plant outside Ontario that meets the standards for plants licensed under the *Milk Act*. R.S.O. 1990, c. H.7, s. 18 (2).

**Exception**

(3) Subsection (1) does not apply in respect of milk or cream that is sold, offered for sale, delivered or distributed to a plant licensed under the *Milk Act*. R.S.O. 1990, c. H.7, s. 18 (3).

**Definition**

(4) In subsection (2),

"milk product" means a product processed or derived in whole or mainly from milk. R.S.O. 1990, c. H.7, s. 18 (4).

**Tattoos and jewellery of the eye**

**18.1** (1) No person shall sell, offer for sale or provide, any of the following:

1. Scleral tattooing.
2. Implantation of eye jewellery under the conjunctiva. 2017, c. 25, Sched. 3, s. 5.

**Exception**

(2) Subsection (1) does not apply to a member of a health profession set out in Schedule 1 of the *Regulated Health Professions Act, 1991*, as long as the person is complying with all requirements provided for in the regulations under this Act. 2017, c. 25, Sched. 3, s. 5.

**Section Amendments with date in force (d/m/y) [ + ]****Seizure**

**19** (1) A medical officer of health or a public health inspector who is of the opinion, upon reasonable and probable grounds, that a condition of any substance, thing, plant or animal other than man is a health hazard may seize or cause the seizure of the substance, thing, plant or animal. R.S.O. 1990, c. H.7, s. 19 (1).

**Examination**

(2) The medical officer of health or public health inspector shall detain the substance, thing, plant or animal pending such examination or investigation as is necessary in his or her opinion or as is requested by the owner or person from whom the substance, thing, plant or animal was seized, to determine the existence of the health hazard. R.S.O. 1990, c. H.7, s. 19 (2).

**Return**

(3) Where the examination or investigation indicates that a health hazard is not present, the medical officer of health or public health inspector shall release the substance, thing, plant or animal to the owner or person from whom it was seized. R.S.O. 1990, c. H.7, s. 19 (3).

**Destruction**

(4) Where the examination or investigation indicates that a health hazard is present, the medical officer of health or public health inspector shall destroy or dispose of the substance, thing, plant or animal or take such other action as will eliminate or decrease the health hazard. R.S.O. 1990, c. H.7, s. 19 (4).

**Food**

(5) Where food is seized under this section and the medical officer of health or public health inspector is of the opinion, upon reasonable and probable grounds, that the condition of the food is a health hazard, subsections (2) and (3) do not apply and he or she may destroy or dispose of the food or cause it to be destroyed or disposed of without further examination or investigation. R.S.O. 1990, c. H.7, s. 19 (5).

**Facilities required in residential buildings**

**20** Every person who owns a residential building shall provide,

- (a) potable water; and
- (b) sanitary facilities or a privy,

for the residents of the residential building. R.S.O. 1990, c. H.7, s. 20.

**PART IV  
COMMUNICABLE DISEASES**

**Definitions, Part IV**

**21 (1)** In this Part,

"institution" means,

- (a) REPEALED: 2007, c. 8, s. 210.
- (b) premises that had been approved under subsection 9 (1) of Part I (Flexible Services) of the *Child and Family Services Act*, as it read before its repeal,
- (c) "children's residence" within the meaning of Part IX (Residential Licensing) of the *Child, Youth and Family Services Act, 2017*,
- (d) "child care centre" within the meaning of the *Child Care and Early Years Act, 2014*,
- (e) "supported group living residence" within the meaning of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- (f) "intensive support residence" within the meaning of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- (g) "home for special care" within the meaning of the *Homes for Special Care Act*,
- (h) "long-term care home" within the meaning of the *Long-Term Care Homes Act, 2007*,
- (i) "psychiatric facility" within the meaning of the *Mental Health Act*,
- (j) REPEALED: 2009, c. 33, Sched. 18, s. 12 (2).
- (k) "correctional institution" within the meaning of the *Ministry of Correctional Services Act*,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (k) of the definition of "institution" in subsection 21 (1) of the Act is amended by striking out "Ministry of Correctional Services Act" at the end and substituting "Correctional Services and Reintegration Act, 2018". (See: 2018, c. 6, Sched. 3, s. 10 (1))**

(l) "detention facility" within the meaning of section 16.1 of the *Police Services Act*,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (l) of the definition of "institution" in subsection 21 (1) of the Act is repealed. (See: 2019, c. 1, Sched. 4, s. 22 (1))**

(m) REPEALED: 2007, c. 8, s. 210.

(n) "private hospital" within the meaning of the *Private Hospitals Act*,

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause (n) of the definition of "institution" in subsection 21 (1) of the Act is repealed and the following substituted: (See: 2017, c. 25, Sched. 9, s. 98 (1))**

(n) a community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017* that was formerly licensed under the *Private Hospitals Act*,

(o) place or facility designated as a place of secure custody under section 24.1 of the *Young Offenders Act* (Canada), whether in accordance with section 88 of the *Youth Criminal Justice Act* (Canada) or otherwise,

(p) a prescribed place,

and includes any other place of a similar nature; ("établissement")

"superintendent" means the person who has for the time being the direct and actual superintendence and charge of an institution. ("chef d'établissement") R.S.O. 1990, c. H.7, s. 21 (1); 2001, c. 13, s. 17; 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. D, s. 8 (1); 2007, c. 8, s. 210; 2007, c. 10, Sched. F, s. 2; 2008, c. 14, s. 53; 2009, c. 33, Sched. 8, s. 13; 2009, c. 33, Sched. 18, s. 12 (2); 2014, c. 11, Sched. 6, s. 3; 2017, c. 14, Sched. 4, s. 17 (1).

**Idem**

(2) In this Part,

"administrator", "hospital", "out-patient" and "patient" have the same meanings as in the *Public Hospitals Act*. R.S.O. 1990, c. H.7, s. 21 (2).

**Section Amendments with date in force (d/m/y) [ + ]**

**Order by M.O.H. re communicable disease**

**22 (1)** A medical officer of health, in the circumstances mentioned in subsection (2), by a written order may require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease. R.S.O. 1990, c. H.7, s. 22 (1).

**Condition precedent to order**

(2) A medical officer of health may make an order under this section where he or she is of the opinion, upon reasonable and probable grounds,

- (a) that a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease in the health unit served by the medical officer of health;
- (b) that the communicable disease presents a risk to the health of persons in the health unit served by the medical officer of health; and
- (c) that the requirements specified in the order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease. R.S.O. 1990, c. H.7, s. 22 (2); 1997, c. 30, Sched. D, s. 3 (1).

**Time**

(3) In an order under this section, a medical officer of health may specify the time or times when or the period or periods of time within which the person to whom the order is directed must comply with the order. R.S.O. 1990, c. H.7, s. 22 (3).

**What may be included in order**

(4) An order under this section may include, but is not limited to,

- (a) requiring the owner or occupier of premises to close the premises or a specific part of the premises;
- (b) requiring the placarding of premises to give notice of an order requiring the closing of the premises;
- (c) requiring any person that the order states has or may have a communicable disease or is or may be infected with an agent of a communicable disease to isolate himself or herself and remain in isolation from other persons;
- (d) requiring the cleaning or disinfecting, or both, of the premises or the thing specified in the order;
- (e) requiring the destruction of the matter or thing specified in the order;
- (f) requiring the person to whom the order is directed to submit to an examination by a physician and to deliver to the medical officer of health a report by the physician as to whether or not the person has a communicable disease or is or is not infected with an agent of a communicable disease;
- (g) requiring the person to whom the order is directed in respect of a communicable disease that is a virulent disease to place himself or herself forthwith under the care and treatment of a physician;
- (h) requiring the person to whom the order is directed to conduct himself or herself in such a manner as not to expose another person to infection. R.S.O. 1990, c. H.7, s. 22 (4); 1997, c. 30, Sched. D, s. 3 (2).

**Person directed**

(5) An order under this section may be directed to a person,

- (a) who resides or is present;
- (b) who owns or is the occupier of any premises;
- (c) who owns or is in charge of any thing; or
- (d) who is engaged in or administers an enterprise or activity,

in the health unit served by the medical officer of health. R.S.O. 1990, c. H.7, s. 22 (5).

**Class orders**

(5.0.1) An order under this section may be directed to a class of persons who reside or are present in the health unit served by the medical officer of health. 2003, c. 1, s. 15 (1).

**Notice to class**

(5.0.2) If a class of persons is the subject of an order under subsection (5.0.1), notice of the order shall be delivered to each member of the class where it is practicable to do so in a reasonable amount of time. 2003, c. 1, s. 15 (1).

**Same, general notice**

(5.0.3) If delivery of the notice to each member of a class of persons is likely to cause a delay that could, in the opinion of the medical officer of health, significantly increase the risk to the health of any person, the medical officer of health may deliver a general notice to the class through any communications media that seem appropriate to him or her, and he or she shall post the order at an address or at addresses that is or are most likely to bring the notice to the attention of the members of the class. 2003, c. 1, s. 15 (1).

**Information in notice**

(5.0.4) A notice under subsection (5.0.3) shall contain sufficient information to allow members of the class to understand to whom the order is directed, the terms of the order, and where to direct inquiries. 2003, c. 1, s. 15 (1).

**Hearing for class member**

(5.0.5) Where a class of persons is the subject of an order under subsection (5.0.1), any member of the class may apply to the Board for the purposes of requiring a hearing under section 44 respecting that member. 2003, c. 1, s. 15 (1).

**Health Care Consent Act, 1996**

(5.1) The *Health Care Consent Act, 1996* does not apply to,

- (a) a physician's examination of a person pursuant to an order under this section requiring the person to submit to an examination by a physician;
- (b) a physician's care and treatment of a person pursuant to an order under this section requiring the person to place himself or herself under the care and treatment of a physician. 1996, c. 2, s. 67 (1).

**Additional contents of order**

(6) In an order under this section, a medical officer of health,

- (a) may specify that a report will not be accepted as complying with the order unless it is a report by a physician specified or approved by the medical officer of health;
- (b) may specify the period of time within which the report mentioned in this subsection must be delivered to the medical officer of health. R.S.O. 1990, c. H.7, s. 22 (6).

**Reasons for order**

(7) An order under this section is not effective unless the reasons for the order are set out in the order. R.S.O. 1990, c. H.7, s. 22 (7).

**Section Amendments with date in force (d/m/y) [ + ]**

**22.1** REPEALED: 2006, c. 26, s. 15 (1).

## Section Amendments with date in force (d/m/y) [ + ]

### Order by M.O.H. re person under sixteen

**23** Where an order by a medical officer of health in respect of a communicable disease is directed to a person under sixteen years of age and is served upon the parent of the person or upon any other person who has the responsibilities of a parent in relation to the person under sixteen years of age, the parent or other person shall ensure that the order is complied with. R.S.O. 1990, c. H.7, s. 23.

### Directions by M.O.H.

**24** (1) A medical officer of health, in the circumstances specified in subsection (2), may give directions in accordance with subsection (3) to the persons whose services are engaged by or to agents of the board of health of the health unit served by the medical officer of health. R.S.O. 1990, c. H.7, s. 24 (1).

### When M.O.H. may give directions

(2) A medical officer of health may give directions in accordance with subsection (3) where the medical officer of health is of the opinion, upon reasonable and probable grounds, that a communicable disease exists in the health unit and the person to whom an order is or would be directed under section 22,

- (a) has refused to or is not complying with the order;
- (b) is not likely to comply with the order promptly;
- (c) cannot be readily identified or located and as a result the order would not be carried out promptly; or
- (d) requests the assistance of the medical officer of health in eliminating or decreasing the risk to health presented by the communicable disease. R.S.O. 1990, c. H.7, s. 24 (2); 1997, c. 30, Sched. D, s. 4 (1).

### Contents of directions

(3) Under this section, a medical officer of health may direct the persons whose services are engaged by or who are the agents of the board of health of the health unit served by the medical officer of health to take such action as is specified in the directions in respect of eliminating or decreasing the risk to health presented by the communicable disease. R.S.O. 1990, c. H.7, s. 24 (3); 1997, c. 30, Sched. D, s. 4 (2).

### Idem

(4) Directions under this section may include, but are not limited to,

- (a) authorizing and requiring the placarding of premises specified in the directions to give notice of the existence of a communicable disease or of an order made under this Act, or both;
- (b) requiring the cleaning or disinfecting, or both, of any thing or any premises specified in the directions;
- (c) requiring the destruction of any thing specified in the directions. R.S.O. 1990, c. H.7, s. 24 (4).

### Recovery of expenses

(5) The expenses incurred by a board of health in carrying out directions given by a medical officer of health in respect of a communicable disease may be recovered with costs by the board of health from the person to whom an order is or would be directed under section 22 in respect of the communicable disease by action in a court of competent jurisdiction. R.S.O. 1990, c. H.7, s. 24 (5).

## Section Amendments with date in force (d/m/y) [ + ]

### Duty to report disease

**25** (1) A physician or a practitioner as defined in subsection (2) who, while providing professional services to a person who is not a patient in or an out-patient of a hospital, forms the opinion that the person has or may have a disease of public health significance shall, as soon as possible after forming the opinion, report thereon to the medical officer of health of the health unit in which the professional services are provided. R.S.O. 1990, c. H.7, s. 25; 1998, c. 18, Sched. G, s. 55 (2); 2017, c. 25, Sched. 3, s. 1 (3).

### Definition

(2) In subsection (1),

"practitioner" means,

- (a) a member of the College of Chiropractors of Ontario,
- (b) a member of the Royal College of Dental Surgeons of Ontario,
- (c) a member of the College of Nurses of Ontario,
- (d) a member of the Ontario College of Pharmacists,
- (e) a member of the College of Optometrists of Ontario,
- (f) a member of the College of Naturopaths of Ontario,
- (g) a prescribed person. 1998, c. 18, Sched. G, s. 55 (3); 2007, c. 10, Sched. F, s. 3; 2007, c. 10, Sched. P, s. 17.

## Section Amendments with date in force (d/m/y) [ + ]

### Carrier of disease

**26** A physician or registered nurse in the extended class who, while providing professional services to a person, forms the opinion that the person is or may be infected with an agent of a communicable disease shall, as soon as possible after forming the opinion, report thereon to the medical officer of health of the health unit in which the professional services are provided. R.S.O. 1990, c. H.7, s. 26; 2007, c. 10, Sched. F, s. 4.

## Section Amendments with date in force (d/m/y) [ + ]

### Duty of hospital administrator to report re disease

**27** (1) The administrator of a hospital shall report to the medical officer of health of the health unit in which the hospital is located if an entry in the records of the hospital in respect of a patient in or an out-patient of the hospital states that the patient or out-patient has or may have a disease of public health significance or is or may be infected with an agent of a communicable disease. R.S.O. 1990, c. H.7, s. 27 (1); 2017, c. 25, Sched. 3, s. 1 (3).

### Duty of superintendent of institution to report re disease

(2) The superintendent of an institution shall report to the medical officer of health of the health unit in which the institution is located if an entry in the records of the institution in respect of a person lodged in the institution states that the person has or may have a disease of public health significance or is or may be infected with an agent of a communicable disease. R.S.O. 1990, c. H.7, s. 27 (2); 2017, c. 25, Sched. 3, s. 1 (3).

### When report to be given

(3) The administrator or the superintendent shall report to the medical officer of health as soon as possible after the entry is made in the records of the hospital or institution, as the case may be. R.S.O. 1990, c. H.7, s. 27 (3).

## Section Amendments with date in force (d/m/y) [ + ]

### Duty of school principal to report disease

**28** The principal of a school who is of the opinion that a pupil in the school has or may have a communicable disease shall, as soon as possible after forming the opinion, report thereon to the medical officer of health of the health unit in which the school is located. R.S.O. 1990, c. H.7, s. 28.

### Report by operator

**29** (1) The operator of a laboratory shall report to the medical officer of health of the health unit in which the person from whom the specimen was taken resides each case of a positive laboratory finding in respect of a disease of public health significance, as soon as possible after the making of the finding. 2009, c. 33, Sched. 18, s. 12 (3); 2017, c. 25, Sched. 3, s. 1 (3).

### Contents and time of report

(2) A report under this section shall state the laboratory findings and shall be made within the time prescribed by the regulations. R.S.O. 1990, c. H.7, s. 29 (2).

### Definition

(3) In this section,

"laboratory" has the same meaning as in section 5 of the *Laboratory and Specimen Collection Centre Licensing Act*. R.S.O. 1990, c. H.7, s. 29 (3).

## Section Amendments with date in force (d/m/y) [ + ]

### Communicable disease acquired at facility

**29.1** (1) Where a medical officer of health is of the opinion, based on information he or she has received, that a communicable disease may have been acquired through exposure at a health facility, and the communicable disease has not been reported to the medical officer of health by that facility, the medical officer of health may report to the administrator of the health facility both the opinion and the basis on which the medical officer of health has come to the opinion. 2007, c. 10, Sched. F, s. 6.

### Definition

(2) In this section,

"health facility" means a hospital to which the *Public Hospitals Act* applies, a long-term care facility regulated under a statute of Ontario, a psychiatric facility within the meaning of the *Mental Health Act*, or a person or entity prescribed as a health facility. 2007, c. 10, Sched. F, s. 6.

## Section Amendments with date in force (d/m/y) [ + ]

### Orders to deal with communicable disease outbreaks

**29.2** (1) Subject to subsection (2), a medical officer of health may make an order requiring a public hospital or an institution to take any actions specified in the order for the purposes of monitoring, investigating and responding to an outbreak of communicable disease at the hospital or institution. 2007, c. 10, Sched. F, s. 6.

### When order may be made

(2) A medical officer of health may make an order under subsection (1) if he or she is of the opinion, upon reasonable and probable grounds, that an outbreak of a communicable disease exists or may exist at the public hospital or institution, and that the communicable disease presents a risk to the health of persons in the public hospital or institution, and that the measures specified in the order are necessary in order to decrease or eliminate the risks to health associated with the outbreak. 2007, c. 10, Sched. F, s. 6.

### Time

(3) In an order under this section, a medical officer of health may specify the time or times when or the period or periods of time within which the order must be complied with. 2007, c. 10, Sched. F, s. 6.

### Person directed

(4) An order under this section may be directed to the administrator of the public hospital or the superintendent of the institution, and the administrator or superintendent shall ensure that the actions provided for in the order are taken. 2007, c. 10, Sched. F, s. 6.

### Reasons for order

(5) An order under this section is not effective unless the reasons for the order are set out in the order. 2007, c. 10, Sched. F, s. 6.

#### Definitions

(6) In this section,

"institution" means an institution as defined in subsection 21 (1); ("établissement")

"public hospital" means a hospital to which the *Public Hospitals Act* applies. ("hôpital public") 2007, c. 10, Sched. F, s. 6.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Duty to report death

**30** A physician or registered nurse in the extended class who signs a medical certificate of death in the form prescribed by the regulations under the *Vital Statistics Act* where the cause of death was a disease of public health significance or a disease of public health significance was a contributing cause of death shall, as soon as possible after signing the certificate, report thereon to the medical officer of health of the health unit in which the death occurred. R.S.O. 1990, c. H.7, s. 30; 2007, c. 10, Sched. F, s. 7; 2017, c. 25, Sched. 3, s. 1 (3).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Reports by M.O.H. re diseases

**31** (1) Every medical officer of health shall report to the Ministry and the Ontario Agency for Health Protection and Promotion in respect of diseases of public health significance and in respect of deaths from such diseases that occur in the health unit served by the medical officer of health. 2017, c. 25, Sched. 3, s. 6.

##### Reports by M.O.H. re events

(2) Every medical officer of health shall report to the Ministry and the Ontario Agency for Health Protection and Promotion within seven days after receiving a report concerning a reportable event under section 38 that occurs in the health unit served by the medical officer of health. 2017, c. 25, Sched. 3, s. 6.

##### Definition

(3) In this section,

"Ontario Agency for Health Protection and Promotion" means the Ontario Agency for Health Protection and Promotion established under section 3 of the *Ontario Agency for Health Protection and Promotion Act, 2007*. 2017, c. 25, Sched. 3, s. 6.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Communication between medical officers of health

**32** (1) A medical officer of health may transmit to another medical officer of health or to the proper public health official in another jurisdiction any information in respect of a person in relation to whom a report in respect of a disease of public health significance has been made under this Act. R.S.O. 1990, c. H.7, s. 32 (1); 2017, c. 25, Sched. 3, s. 1 (3).

##### Transmittal of report

(2) Where the person in respect of whom a report is made under this Part to a medical officer of health does not reside in the health unit served by the medical officer of health, the medical officer of health shall transmit the report to the medical officer of health serving the health unit in which the person resides. R.S.O. 1990, c. H.7, s. 32 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Communicable diseases of the eyes

**33** (1) Every physician, public health nurse or other health care professional person attending at the birth of a child shall ensure that the requirements prescribed by the regulations in respect of communicable diseases of the eyes of the new-born child are complied with. R.S.O. 1990, c. H.7, s. 33.

##### Health Care Consent Act, 1996

(2) The *Health Care Consent Act, 1996* does not apply to the requirements prescribed by the regulations in respect of communicable diseases of the eyes of the new-born child. 1996, c. 2, s. 67 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Physician or extended class nurse to report refusal or neglect of treatment

**34** (1) Every physician and every registered nurse in the extended class shall report to the medical officer of health the name and residence address of any person who is under the care and treatment of the physician or the nurse in respect of a communicable disease and who refuses or neglects to continue the treatment in a manner and to a degree satisfactory to the physician or the nurse. 2007, c. 10, Sched. F, s. 8 (1).

##### Report to be made to M.O.H.

(2) A report under subsection (1) shall be made to the medical officer of health serving the health unit in which the physician or registered nurse in the extended class provided the care and treatment. R.S.O. 1990, c. H.7, s. 34 (2); 2007, c. 10, Sched. F, s. 8 (2).

##### Transmittal to M.O.H. where person resides

(3) Where the person does not reside in the health unit served by the medical officer of health mentioned in subsection (2), the medical officer of health shall transmit the report to the medical officer of health serving the health unit in which the person resides. R.S.O. 1990, c. H.7, s. 34 (3).

##### Additional information

(4) A physician or registered nurse in the extended class who makes a report under subsection (1) shall report to the medical officer of health at such times as are prescribed by the regulations any additional information prescribed by the regulations. R.S.O. 1990, c. H.7, s. 34 (4); 2007, c. 10, Sched. F, s. 8 (3).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Order by Ontario Court of Justice

**35** (1) Upon application by a medical officer of health, a judge of the Ontario Court of Justice, in the circumstances specified in subsection (2), may make an order specified in subsection (3). R.S.O. 1990, c. H.7, s. 35 (1); 2002, c. 18, Sched. I, s. 9 (1); 2017, c. 25, Sched. 3, s. 7.

##### When court may make order

(2) An order may be made under subsection (3) where a person has failed to comply with an order by a medical officer of health in respect of a communicable disease that is a virulent disease,

- (a) that the person isolate himself or herself and remain in isolation from other persons;
- (b) that the person submit to an examination by a physician;
- (c) that the person place himself or herself under the care and treatment of a physician; or
- (d) that the person conduct himself or herself in such a manner as not to expose another person to infection. R.S.O. 1990, c. H.7, s. 35 (2).

##### Contents of order

(3) In an order under this section, the judge may order that the person who has failed to comply with the order of the medical officer of health,

- (a) be taken into custody and be admitted to and detained in a hospital or other appropriate facility named in the order;
- (b) be examined by a physician to ascertain whether or not the person is infected with an agent of a virulent disease; and
- (c) if found on examination to be infected with an agent of a virulent disease, be treated for the disease. R.S.O. 1990, c. H.7, s. 35 (3); 1997, c. 30, Sched. D, s. 5; 2003, c. 1, s. 15 (2).

##### Capability of hospital or facility

(4) The judge shall not name a hospital or other facility in an order under this section unless the court is satisfied that the hospital or other facility is able to provide detention, care and treatment for the person who is the subject of the order. 2003, c. 1, s. 15 (3).

##### Delivery to hospital

(5) An order under this section is authority for any person,

- (a) to locate and apprehend the person who is the subject of the order;
- (a.1) to enter any place provided for in the order, including a private residence, for the purposes of locating or apprehending the person who is the subject of the order, where the judge is satisfied based on information provided under oath, that there are reasonable and probable grounds to believe that the person will be found in the place; and
- (b) to deliver the person who is the subject of the order to the hospital or other facility named in the order. R.S.O. 1990, c. H.7, s. 35 (5); 2003, c. 1, s. 15 (4); 2007, c. 10, Sched. F, s. 9 (1).

##### Police assistance

(6) An order under this section may be directed to any police force in Ontario, and the police force shall do all things reasonably able to be done to locate, apprehend and deliver the person in accordance with the order. 2007, c. 10, Sched. F, s. 9 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 35 (6) of the Act is amended by striking out "police force" wherever it appears and substituting in each case "police service". (See: 2019, c. 1, Sched. 4, s. 22 (2))**

##### Care and treatment

(7) An order under this section is authority to detain the person who is the subject of the order in the hospital or other facility named in the order and to care for and examine the person and to treat the person for the virulent disease in accordance with generally accepted medical practice for a period of not more than six months from and including the day that the order was issued. R.S.O. 1990, c. H.7, s. 35 (7); 2003, c. 1, s. 15 (5); 2007, c. 10, Sched. F, s. 9 (3).

##### Health Care Consent Act, 1996

(7.1) The *Health Care Consent Act, 1996* does not apply to,

- (a) an examination of a person to ascertain whether he or she is infected with an agent of a virulent disease, pursuant to an order made under this section;
- (b) treatment of a person for a virulent disease, pursuant to an order made under this section. 1996, c. 2, s. 67 (3).

##### Physician responsible

(8) The person authorized by the by-laws of the hospital shall designate a physician to have responsibility for the care and treatment of the person named in the order or, where the by-laws do not provide the authorization, the administrator of the hospital or a person delegated by the administrator shall designate a physician to have responsibility for the care and treatment of the person named in the order. 2003, c. 1, s. 15 (6).

##### Designation of physician

(8.1) Where a person who is the subject of an order is detained in a facility other than a hospital, the administrator of the facility shall designate a physician to have responsibility for care and treatment of the person named in the order. 2003, c. 1, s. 15 (6).

##### Reports

(9) The physician responsible for a person under subsection (8) or (8.1) shall report in respect of the care and treatment of the person and their condition to the medical officer of health serving the health unit in which the hospital or other facility is located. 2003, c. 1, s. 15 (6).

#### Idem

(10) The physician shall report in the manner, at the times and with the information specified by the medical officer of health and the medical officer of health may specify the manner and times of reporting and the information that shall be reported. R.S.O. 1990, c. H.7, s. 35 (10).

#### Order to continue detention and treatment

(11) Where, upon motion by the medical officer of health serving the health unit in which the hospital or other appropriate facility is located, a judge of the court is satisfied,

- (a) that the person continues to be infected with an agent of a virulent disease; and
- (b) that the discharge of the person from the hospital or other appropriate facility would present a significant risk to the health of the public,

the judge by order may extend the period of detention and treatment for not more than six months, and upon further motions by the medical officer of health the judge may extend the period of detention and treatment for further periods each of which shall not be for more than six months. R.S.O. 1990, c. H.7, s. 35 (11); 2003, c. 1, s. 15 (7); 2007, c. 10, Sched. F, s. 9 (4).

#### Release and discharge from hospital or other facility

(12) A person detained in accordance with an order under this section shall be released from detention and discharged from the hospital or other facility upon the certificate of the medical officer of health serving the health unit in which the hospital or other facility is located. R.S.O. 1990, c. H.7, s. 35 (12); 2003, c. 1, s. 15 (8).

#### Certificate of M.O.H.

(13) The medical officer of health shall inform himself or herself as to the treatment and condition of the person and shall issue his or her certificate authorizing the release and discharge of the person as soon as the medical officer of health is of the opinion that the person is no longer infected with an agent of the virulent disease or that the release and discharge of the person will not present a significant risk to the health of members of the public. R.S.O. 1990, c. H.7, s. 35 (13).

#### Hearing of application or motion

(14) An application mentioned in subsection (1) or a motion mentioned in subsection (11) shall be heard in private, but, if the person in respect of whom the application or motion is made requests otherwise by a notice filed with the clerk of the court before the day of the hearing, the judge shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public. R.S.O. 1990, c. H.7, s. 35 (14).

#### Effect on proceeding before Board

(15) An application under this section applies to stay a proceeding before or an appeal from a decision or order of the Board in respect of the same matter until the application is disposed of by the judge of the Ontario Court of Justice and where the judge makes an order under this section, no person shall commence or continue a proceeding before or an appeal from a decision or order of the Board in respect of the same matter. R.S.O. 1990, c. H.7, s. 35 (15); 2002, c. 18, Sched. I, s. 9 (2).

#### Appeal

(16) Any party to an application or motion under subsection (1) or (11) may appeal from the decision or order to the Superior Court of Justice. R.S.O. 1990, c. H.7, s. 35 (16); 2002, c. 18, Sched. I, s. 9 (3).

#### Stay

(17) The filing of a notice of appeal does not apply to stay the decision or order appealed from unless a judge of the court to which the appeal is taken so orders. R.S.O. 1990, c. H.7, s. 35 (17).

#### Appeal to Court of Appeal

(18) Any party to the proceeding may appeal from the judgment of the Superior Court of Justice to the Court of Appeal, with leave of a judge of the Court of Appeal on special grounds, upon any question of law alone. R.S.O. 1990, c. H.7, s. 35 (18); 2002, c. 18, Sched. I, s. 9 (4).

#### Grounds for leave

(19) No leave for appeal shall be granted under subsection (18) unless the judge of the Court of Appeal considers that in the particular circumstances of the case it is essential in the public interest or for the due administration of justice that leave be granted. R.S.O. 1990, c. H.7, s. 35 (19).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Where person withdraws from care and treatment

**36** (1) Where a medical officer of health has made an order in respect of a communicable disease that is a virulent disease requiring a person to place himself or herself under the care and treatment of a physician or to take other action specified in the order and the person withdraws from the care and treatment or fails to continue the specified action, section 35 applies with necessary modifications and for the purpose, the person shall be deemed to have failed to comply with an order of the medical officer of health. R.S.O. 1990, c. H.7, s. 36 (1).

##### Failure to comply with isolation order

(2) Where a person who is infected with an agent of a communicable disease has failed to comply with an order by a medical officer of health that the person isolate himself or herself and remain in isolation from other persons, section 35 applies with necessary modifications. R.S.O. 1990, c. H.7, s. 36 (2).

##### Examination of person under detention

**37** (1) A physician or registered nurse in the extended class who provides medical services in a correctional institution, a place of secure custody, a detention facility or a place of temporary detention and who is of the opinion that a person detained therein is infected or may be infected with an agent of a communicable disease shall notify forthwith the medical officer of health of the health unit in which the institution is located. R.S.O. 1990, c. H.7, s. 37 (1); 2007, c. 10, Sched. F, s. 10.

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 37 (1) of the Act is amended by striking out “a detention facility”. (See: 2019, c. 1, Sched. 4, s. 22 (3))**

##### Order by M.O.H. re person under detention

(2) A medical officer of health by order may require the superintendent of a correctional institution, a place of secure custody, a detention facility or a place of temporary detention located in the health unit served by the medical officer of health to take such action as is specified in the order to prevent the infection of others by a person who is detained in the correctional institution, place of secure custody, detention facility or place of temporary detention and who has been examined and found to be infected with an agent of a communicable disease. R.S.O. 1990, c. H.7, s. 37 (2).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 37 (2) of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 22 (4))**

Order by M.O.H. re person under detention

(2) A medical officer of health by order may require the superintendent of a correctional institution, a place of secure custody or a place of temporary detention located in the health unit served by the medical officer of health to take such action as is specified in the order to prevent the infection of others by a person who is detained in the correctional institution, place of secure custody or place of temporary detention and who has been examined and found to be infected with an agent of a communicable disease. 2019, c. 1, Sched. 4, s. 22 (4).

##### Definitions

(3) In this section,

“correctional institution” has the same meaning as in the *Ministry of Correctional Services Act*; (“établissement correctionnel”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “correctional institution” in subsection 37 (3) of the Act is amended by striking out “Ministry of Correctional Services Act” at the end and substituting “Correctional Services and Reintegration Act, 2018”. (See: 2018, c. 6, Sched. 3, s. 10 (2))**

“detention facility” has the same meaning as in section 16.1 of the *Police Services Act*; (“installation de détention”)

**Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “detention facility” in subsection 37 (3) of the Act is repealed. (See: 2019, c. 1, Sched. 4, s. 22 (5))**

“place of secure custody” means a place or facility designated as a place of secure custody under section 24.1 of the *Young Offenders Act* (Canada), whether in accordance with section 88 of the *Youth Criminal Justice Act* (Canada) or otherwise; (“lieu de garde en milieu fermé”)

“place of temporary detention” means a place or facility designated as a place of temporary detention under the *Youth Criminal Justice Act* (Canada). (“lieu de détention provisoire”) R.S.O. 1990, c. H.7, s. 37 (3); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. D, s. 8 (2, 3).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Immunization

##### Definitions

**38** (1) In this section,

“immunizing agent” means a vaccine or combination of vaccines administered for immunization against any disease specified in this Act or the regulations; (“agent immunisant”)

“reportable event” means,

- (a) persistent crying or screaming, anaphylaxis or anaphylactic shock occurring within forty-eight hours after the administration of an immunizing agent,
- (b) shock-like collapse, high fever or convulsions occurring within three days after the administration of an immunizing agent,
- (c) arthritis occurring within forty-two days after the administration of an immunizing agent,
- (d) generalized urticaria, residual seizure disorder, encephalopathy, encephalitis or any other significant occurrence occurring within fifteen days after the administration of an immunizing agent, or
- (e) death occurring at any time and following upon a symptom described in clause (a), (b), (c) or (d). (“événement à déclaration obligatoire”) R.S.O. 1990, c. H.7, s. 38 (1); 2007, c. 10, Sched. F, s. 11 (1); 2017, c. 25, Sched. 3, s. 8 (1).

##### Duty to inform

(2) If consent to the administration of an immunizing agent has been given in accordance with the *Health Care Consent Act, 1996*, the physician or other person authorized to administer the immunizing agent shall cause the consenting person to be informed of the importance of immediately reporting to a physician or a registered nurse in the extended class any reaction that might be a reportable event. 2007, c. 10, Sched. F, s. 11 (2).

##### Duty to report reactions

(3) A physician, a member of the College of Nurses of Ontario, a member of the Ontario College of Pharmacists or a prescribed member of a health profession set out in Schedule 1 to the *Regulated Health Professions Act, 1991* who, while providing professional services to a person, recognizes the presence of a reportable event and forms the opinion that it may be related to the administration of an immunizing agent shall, within seven days after recognizing the reportable event, report thereon to the medical officer of health of the health unit where the professional services are provided. R.S.O. 1990, c. H.7, s. 38 (3); 1998, c. 18, Sched. G, s. 55 (4); 2017, c. 25, Sched. 3, s. 8 (2).

##### Idem

(4) A medical officer of health who receives a report under subsection (3) concerning a person who resides in another health unit shall transmit the report to the medical officer of health serving the health unit in which the person resides. R.S.O. 1990, c. H.7, s. 38 (4).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Confidentiality

**39** (1) No person shall disclose to any other person the name of or any other information that will or is likely to identify a person in respect of whom an application, order, certificate or report is made in respect of a communicable disease, a disease of public health significance, a virulent disease or a reportable event following the administration of an immunizing agent. R.S.O. 1990, c. H.7, s. 39 (1); 2017, c. 25, Sched. 3, s. 1 (3).

##### Exceptions

(2) Subsection (1) does not apply.

(0.a) where the disclosure is authorized under this Act or the *Personal Health Information Protection Act, 2004*;

(a) in respect of an application by a medical officer of health to the Ontario Court of Justice that is heard in public at the request of the person who is the subject of the application;

(b) where the disclosure is made with the consent of the person in respect of whom the application, order, certificate or report is made;

(c) where the disclosure is made for the purposes of public health administration;

(d) in connection with the administration of or a proceeding under this Act, the *Regulated Health Professions Act, 1991*, a health profession Act as defined in subsection 1 (1) of that Act, the *Public Hospitals Act*, the *Health Insurance Act*, the *Canada Health Act* or the *Criminal Code* (Canada), or regulations made thereunder; or

(e) to prevent the reporting of information under section 125 of the *Child, Youth and Family Services Act, 2017* in respect of a child who is or may be in need of protection. R.S.O. 1990, c. H.7, s. 39 (2); 1998, c. 18, Sched. G, s. 55 (5); 1999, c. 2, s. 36; 2002, c. 18, Sched. I, s. 9 (5); 2007, c. 10, Sched. F, s. 12; 2017, c. 14, Sched. 4, s. 17 (2).

**Section Amendments with date in force (d/m/y) [ + ]**

**Supply of drugs, etc., by unqualified person prohibited**

**40** (1) No person other than a physician or a registered nurse in the extended class shall attend upon, prescribe for or supply or offer to supply a drug, medicine, appliance or treatment to or for another person for the purpose of alleviating or curing a sexually transmitted disease. R.S.O. 1990, c. H.7, s. 40 (1); 2007, c. 10, Sched. F, s. 13.

**Exception re pharmacist**

(2) Subsection (1) does not apply to a member of the Ontario College of Pharmacists who dispenses to a person upon a written prescription signed by a physician or who sells to a person a drug, medicine or appliance. R.S.O. 1990, c. H.7, s. 40 (2); 1998, c. 18, Sched. G, s. 55 (6).

**Section Amendments with date in force (d/m/y) [ + ]**

**PART V  
RIGHTS OF ENTRY AND APPEALS FROM ORDERS**

**Rights of entry and powers of inspection**

**Interpretation, persons**

**41** (1) The persons referred to in subsections (3) to (5) and (8), (10) and (11) are the following:

1. An inspector appointed by the Minister.
2. A medical officer of health.
3. A public health inspector.
4. A person acting under a direction given by a medical officer of health. R.S.O. 1990, c. H.7, s. 41 (1).

**Interpretation, purposes**

(2) The purposes mentioned in subsections (3) to (5) and (11) are the following:

1. The purpose of this Act.
2. The enforcement of any section of this Act or the regulations.
3. The exercise of a power or the carrying out of a duty under this Act or the regulations.
4. The carrying out of a direction given under this Act. R.S.O. 1990, c. H.7, s. 41 (2).

**Entry**

(3) A person mentioned in subsection (1) may enter and have access to, through and over any premises for a purpose mentioned in subsection (2). R.S.O. 1990, c. H.7, s. 41 (3).

**Examinations**

(4) A person mentioned in subsection (1) may make examinations, investigations, tests and inquiries for a purpose mentioned in subsection (2). R.S.O. 1990, c. H.7, s. 41 (4).

**Samples or extracts**

(5) A person mentioned in subsection (1) may make, take and remove or require the making, taking and removal of copies, samples or extracts related to an examination, investigation, test or inquiry for a purpose mentioned in subsection (2). R.S.O. 1990, c. H.7, s. 41 (5).

**Reasonable times**

(6) The authority under subsections (3) to (5) shall be exercised only at reasonable times. R.S.O. 1990, c. H.7, s. 41 (6).

**Private residence**

(7) Subsection (3) is not authority to enter a room actually used as a dwelling without the consent of the occupier. 2007, c. 10, Sched. D, s. 1 (6).

**Operator to cease operation**

(8) A person mentioned in subsection (1) may require an operator of a food premise or a small drinking water system to cease the operation of, to dismantle or to excavate, or to do any combination of them on, any equipment on, in or forming part of the food premise or small drinking water system for the purpose of an examination, investigation, test or inquiry. 2007, c. 10, Sched. D, s. 1 (6).

**Compliance with requirement**

(9) An operator of a food premise or small drinking water system shall comply promptly with a requirement under subsection (8). 2007, c. 10, Sched. D, s. 1 (6).

**Copies**

(10) A copy of any written or recorded material related to an examination, investigation, test or inquiry and purporting to be certified by a person mentioned in subsection (1) is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original. R.S.O. 1990, c. H.7, s. 41 (10).

**Application for warrant**

(11) If an occupier of premises,

- (a) denies entry or access to, through or over the premises to a person mentioned in subsection (1);
- (b) instructs a person mentioned in subsection (1) to leave the premises;
- (c) obstructs a person mentioned in subsection (1) who is acting for a purpose mentioned in subsection (2);
- (d) refuses to comply with a request for the production of any thing or any plant or animal the production of which is requested for the purpose of an examination, investigation, test or inquiry or for a purpose mentioned in subsection (2),

a person mentioned in subsection (1) may apply to a justice of the peace for a warrant under section 43. R.S.O. 1990, c. H.7, s. 41 (11).

**Section Amendments with date in force (d/m/y) [ + ]**

**Obstruction**

**42** (1) No person shall hinder or obstruct an inspector appointed by the Minister, a medical officer of health, a public health inspector or a person acting under a direction of a medical officer of health lawfully carrying out a power, duty or direction under this Act. R.S.O. 1990, c. H.7, s. 42 (1).

**Private residence**

(2) A refusal of consent to enter a room actually used as a dwelling is not and shall not be deemed to be hindering or obstructing within the meaning of subsection (1). R.S.O. 1990, c. H.7, s. 42 (2); 2007, c. 10, Sched. D, s. 1 (7).

**Section Amendments with date in force (d/m/y) [ + ]**

**Warrant by justice of the peace**

**43** (1) Where a justice of the peace is satisfied on evidence upon oath,

- (a) that there is reasonable and probable ground for believing that it is necessary,
  - (i) to enter and have access to, through and over any premises,
  - (ii) to make examinations, investigations, tests and inquiries, and
  - (iii) to make, take and remove samples, copies or extracts related to an examination, investigation, test or inquiry,

or to do any of such things, for the purpose of this Act, the enforcement of any section of this Act or the regulations, the exercise of a power or the carrying out of a duty under this Act or the regulations or the carrying out of a direction given under this Act; and

- (b) that an inspector appointed by the Minister, a medical officer of health, a public health inspector or a person acting under a direction given by a medical officer of health,

- (i) has been denied entry to the premises,
- (ii) has been instructed to leave the premises,
- (iii) has been obstructed, or

- (iv) has been refused production of any thing or any plant or animal related to an examination, investigation, test or inquiry,

by the occupier of the premises,

the justice of the peace may issue a warrant in the form prescribed by the regulations authorizing an inspector appointed by the Minister, a medical officer of health, a public health inspector and any person who is acting under a direction given by a medical officer of health, or any of them, to act as mentioned in clause (a) in respect of the premises specified in the warrant, by force if necessary, together with such police officer or officers as they call upon to assist them. R.S.O. 1990, c. H.7, s. 43 (1).

**Execution of warrant**

(2) A warrant issued under this section shall be executed at reasonable times as specified in the warrant. R.S.O. 1990, c. H.7, s. 43 (2).

**Expiry of warrant**

(3) A warrant issued under this section shall state the date on which it expires, which shall be a date not later than fifteen days after the warrant is issued. R.S.O. 1990, c. H.7, s. 43 (3).

**Application without notice**

(4) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the owner or the occupier of the premises. R.S.O. 1990, c. H.7, s. 43 (4).

**Right to hearing**

44 (1) An order by a medical officer of health or a public health inspector under this Act shall inform the person to whom it is directed that the person is entitled to a hearing by the Board if the person mails or delivers to the medical officer of health or public health inspector, as the case requires, and to the Board, within fifteen days after a copy of the order is served on the person, notice in writing requiring a hearing and the person may also require such a hearing. R.S.O. 1990, c. H.7, s. 44 (1).

**Oral order**

(2) An oral order or an order directed to a person described but not named in the order need not contain the information specified in subsection (1) but a person to whom the order is directed may require a hearing by the Board by giving the notices specified in subsection (1) within fifteen days after the day the person first knows or ought to know the contents of the order. R.S.O. 1990, c. H.7, s. 44 (2).

**Effect of order**

(3) Although a hearing is required in accordance with this Part, an order under this Act takes effect,

(a) when it is served on the person to whom it is directed; or

(b) in the case of an oral order or an order directed to a person described but not named in the order, when the person to whom it is directed first knows or ought to know the contents of the order,

but the Board, upon application with notice, may grant a stay until the proceedings before the Board are disposed of. R.S.O. 1990, c. H.7, s. 44 (3).

**Powers of Board**

(4) Where the person to whom an order is directed requires a hearing by the Board in accordance with subsection (1) or (2), the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order and for such purposes the Board may substitute its findings for that of the medical officer of health or public health inspector who made the order. R.S.O. 1990, c. H.7, s. 44 (4); 1997, c. 30, Sched. D, s. 6.

**Time for hearing**

(5) The Board shall hold a hearing under this section within fifteen days after receipt by the Board of the notice in writing requiring the hearing and the Board may, from time to time, at the request or with the consent of the person requiring the hearing, extend the time for holding the hearing for such period or periods of time as the Board considers just. R.S.O. 1990, c. H.7, s. 44 (5).

**Extension of time for hearing**

(6) The Board may extend the time for the giving of notice requiring a hearing under this section by the person to whom the order of the medical officer of health or public health inspector is directed either before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the person following upon a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension. R.S.O. 1990, c. H.7, s. 44 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Parties and evidence**

45 (1) The medical officer of health or public health inspector who made the order, the person who has required the hearing and such other persons as the Board may specify are parties to the proceedings before the Board. R.S.O. 1990, c. H.7, s. 45 (1).

**Examination of documentary evidence**

(2) Any party to the proceedings before the Board shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. H.7, s. 45 (2).

**Members holding hearing not to have taken part in investigation, etc.**

(3) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or representative of the party except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an advisor independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. H.7, s. 45 (3).

**Recording of evidence**

(4) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. H.7, s. 45 (4); 2002, c. 18, Sched. I, s. 9 (6).

(5) REPEALED: 1998, c. 18, Sched. G, s. 55 (7).

**Release of documentary evidence**

(6) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Board within a reasonable time after the matter in issue has been finally determined. R.S.O. 1990, c. H.7, s. 45 (6).

**Section Amendments with date in force (d/m/y) [ + ]****Appeal to court**

46 (1) Any party to the proceedings before the Board under this Act may appeal from its decision or order to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. H.7, s. 46 (1); 1998, c. 18, Sched. G, s. 55 (8).

**Stay of order**

(2) Where an appeal is taken under subsection (1) in respect of an order that was stayed by the Board, a judge of the Superior Court of Justice upon application may grant a further stay until the appeal is disposed of. R.S.O. 1990, c. H.7, s. 46 (2); 2002, c. 18, Sched. I, s. 9 (7).

**Record to be filed in court**

(3) Where any party appeals from a decision or order of the Board, the Board shall forthwith file with the Divisional Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal. R.S.O. 1990, c. H.7, s. 46 (3).

**Minister entitled to be heard**

(4) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. R.S.O. 1990, c. H.7, s. 46 (4).

**Powers of court on appeal**

(5) An appeal under this section may be made on questions of law or fact or both and the court may confirm, alter or rescind the decision of the Board and may exercise all powers of the Board to confirm, alter or rescind the order as the court considers proper, or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper. R.S.O. 1990, c. H.7, s. 46 (5).

**Section Amendments with date in force (d/m/y) [ + ]**

47 REPEALED: 1998, c. 18, Sched. G, s. 55 (9).

**Section Amendments with date in force (d/m/y) [ + ]****PART VI  
HEALTH UNITS AND BOARDS OF HEALTH****Boards of health**

48 There shall be a board of health for each health unit. R.S.O. 1990, c. H.7, s. 48.

**Composition of board of health**

49 (1) A board of health is composed of the members appointed to the board under this Act and the regulations. R.S.O. 1990, c. H.7, s. 49 (1).

**Municipal members**

(2) There shall be not fewer than three and not more than thirteen municipal members of each board of health. R.S.O. 1990, c. H.7, s. 49 (2).

**Appointments by Lieutenant Governor in Council**

(3) The Lieutenant Governor in Council may appoint one or more persons as members of a board of health, but the number of members so appointed shall be less than the number of municipal members of the board of health. R.S.O. 1990, c. H.7, s. 49 (3).

**Remuneration**

(4) A board of health shall pay remuneration to each member of the board of health on a daily basis and all members shall be paid at the same rate. R.S.O. 1990, c. H.7, s. 49 (4).

**Expenses**

(5) A board of health shall pay the reasonable and actual expenses of each member of the board of health. R.S.O. 1990, c. H.7, s. 49 (5).

**Rate of remuneration**

(6) The rate of the remuneration paid by a board of health to a member of the board of health shall not exceed the highest rate of remuneration of a member of a standing committee of a municipality within the health unit served by the board of health, but where no remuneration is paid to members of such standing committees the rate shall not exceed the rate fixed by the Minister and the Minister has power to fix the rate. R.S.O. 1990, c. H.7, s. 49 (6).

**Term of office**

(7) The term of office of a municipal member of a board of health continues during the pleasure of the council that appointed the municipal member but, unless ended sooner, ends with the ending of the term of office of the council. R.S.O. 1990, c. H.7, s. 49 (7).

**Disqualification**

(8) The seat of a municipal member of a board of health becomes vacant for the same reasons that the seat of a member of council becomes vacant under section 259 of the *Municipal Act, 2001* or section 204 of the *City of Toronto Act, 2006*, as the case may be. R.S.O. 1990, c. H.7, s. 49 (8); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 23 (1); 2017, c. 10, Sched. 4, s. 5.

**Non-application**

(9) Subsections (1) to (8) do not apply to,

(a) the regional municipalities of Durham, Halton, Niagara, Peel, Waterloo and York; or

(b) a single-tier municipality that, under the Act establishing or continuing it, has the powers, rights and duties of a local board of health or a board of health. 2001, c. 25, s. 477 (4); 2017, c. 25, Sched. 3, s. 1 (4).

**Exception**

(10) Subsections (4) to (6) apply despite section 283 of the *Municipal Act, 2001* and section 222 of the *City of Toronto Act, 2006*. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 23 (2).

**Member of municipal council**

(11) Subsections (4) and (5) do not authorize payment of remuneration or expenses to a member of a board of health, other than the chair, who is a member of the council of a municipality and is paid annual remuneration or expenses, as the case requires, by the municipality. R.S.O. 1990, c. H.7, s. 49 (11).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Agreement with council of band

**50** (1) A board of health for a health unit and the council of the band on a reserve within the health unit may enter into an agreement in writing under which,

- (a) the board agrees to provide health programs and services to the members of the band; and
- (b) the council of the band agrees to accept the responsibilities of the council of a municipality within the health unit. R.S.O. 1990, c. H.7, s. 50 (1).

##### Appointment of member by council of band

(2) The council of the band that has entered into the agreement has the right to appoint a member of the band to be one of the members of the board of health for the health unit. R.S.O. 1990, c. H.7, s. 50 (2).

##### Joint appointment

(3) The councils of the bands of two or more bands that have entered into agreements under subsection (1) have the right to jointly appoint a person to be one of the members of the board of health for the health unit instead of each appointing a member under subsection (2). R.S.O. 1990, c. H.7, s. 50 (3).

##### Term

(4) An appointment under this section may be for one, two or three years. R.S.O. 1990, c. H.7, s. 50 (4).

##### Definitions

(5) In this section,

"band", "council of the band" and "reserve" have the same meanings as in the *Indian Act* (Canada). R.S.O. 1990, c. H.7, s. 50 (5).

##### Term of office

**51** (1) A member of a board of health appointed by the Lieutenant Governor in Council may be appointed for a term of one, two or three years. R.S.O. 1990, c. H.7, s. 51 (1).

##### Vacancy

(2) Where a vacancy occurs in a board of health by the death, disqualification, resignation or removal of a member, the person or body that appointed the member shall appoint a person forthwith to fill the vacancy for the remainder of the term of the member. R.S.O. 1990, c. H.7, s. 51 (2).

##### Disqualification

(3) No person whose services are employed by a board of health is qualified to be a member of the board of health. R.S.O. 1990, c. H.7, s. 51 (3).

##### Board to be corporation

**52** (1) Every board of health is a corporation without share capital. R.S.O. 1990, c. H.7, s. 52 (1).

##### Certain Acts do not apply

(2) The *Corporations Act* and the *Corporations Information Act* do not apply to a board of health. R.S.O. 1990, c. H.7, s. 52 (2).

#### Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed and the following substituted:

Non-application

(2) The *Corporations Information Act* and the *Not-for-Profit Corporations Act, 2010* do not apply to a board of health except, in the case of the *Not-for-Profit Corporations Act, 2010*, as prescribed by regulation. 2010, c. 15, s. 228 (1).

See: **2010, c. 15, ss. 228 (1), 249.**

##### Real property

(3) A board of health may acquire and hold real property for the purpose of carrying out the functions of the board and may sell, exchange, lease, mortgage or otherwise charge or dispose of real property owned by it. R.S.O. 1990, c. H.7, s. 52 (3).

##### Consents required

(4) Subsection (3) does not apply unless the board of health has first obtained the consent of the councils of the majority of the municipalities within the health unit served by the board of health. R.S.O. 1990, c. H.7, s. 52 (4); 2002, c. 18, Sched. I, s. 9 (8).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Name of board

**53** The name of each board of health shall be Board of Health for the

*(inserting the name of the health unit)*

Health Unit in English and Conseil de santé de la circonscription sanitaire de

*(inserting the name of the health unit)*

in French. R.S.O. 1990, c. H.7, s. 53.

##### Quorum

**54** A majority of the members of a board of health constitutes a quorum of the board. R.S.O. 1990, c. H.7, s. 54.

##### Non-application

**55** Sections 52 to 54 and 56 to 59 do not apply to,

- (a) the regional municipalities of Durham, Halton, Niagara, Peel, Waterloo and York; or
- (b) a single-tier municipality that has the powers, rights and duties of a local board of health or a board of health established under this Act. 2001, c. 25, s. 477 (5); 2017, c. 25, Sched. 3, s. 1 (4).

#### Section Amendments with date in force (d/m/y) [ + ]

##### By-laws

**56** (1) A board of health shall pass by-laws respecting,

- (a) the management of its property;
- (b) banking and finance;
- (c) the calling of and proceedings at meetings; and
- (d) the appointment of an auditor. R.S.O. 1990, c. H.7, s. 56 (1).

##### Idem

(2) A board of health may pass by-laws respecting,

- (a) the appointment, duties and removal of officers (other than the medical officer of health or an associate medical officer of health) and employees, and the remuneration, pensions and other benefits of officers and employees; and
- (b) any other matter necessary or advisable for the management of the affairs of the board of health. R.S.O. 1990, c. H.7, s. 56 (2).

##### First meeting

**57** (1) REPEALED: 2009, c. 33, Sched. 18, s. 12 (4).

##### Chair and vice-chair

(2) At the first meeting of a board of health in each year, the members of the board shall elect one of the members to be chair and one to be vice-chair of the board for the year. R.S.O. 1990, c. H.7, s. 57 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Minutes

**58** A board of health shall keep or cause to be kept minutes of its proceedings and the text of the by-laws and resolutions passed by it. R.S.O. 1990, c. H.7, s. 58.

**58.1** REPEALED: 2009, c. 33, Sched. 18, s. 12 (5).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Financial records

**59** (1) A board of health shall keep or cause to be kept,

- (a) books, records and accounts of its financial affairs;
- (b) the invoices, receipts and other documents in its possession that relate to the financial affairs of the board. R.S.O. 1990, c. H.7, s. 59 (1).

##### Annual financial statements

(2) A board of health shall cause to be prepared statements of its financial affairs in each year including but not limited to,

- (a) an annual statement of income and expenses;
- (b) an annual statement of assets and liabilities; and

(c) an annual estimate of expenses for the next year. R.S.O. 1990, c. H.7, s. 59 (2).

#### Retention of records

(3) A board of health need not keep any records, statements, minutes, accounts or other materials beyond the period of time prescribed by the regulations. R.S.O. 1990, c. H.7, s. 59 (3).

**60 REPEALED:** 1997, c. 26, Sched.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Duty of board of health

**61** Every board of health shall superintend and ensure the carrying out of Parts II, III and IV and the regulations relating to those Parts in the health unit served by the board of health. R.S.O. 1990, c. H.7, s. 61.

##### Medical officer of health

**62** (1) Every board of health,

- (a) shall appoint a full-time medical officer of health; and
- (b) may appoint one or more associate medical officers of health,

of the board of health. R.S.O. 1990, c. H.7, s. 62.

##### Vacancy

(2) If the position of medical officer of health of a board of health becomes vacant, the board of health and the Minister, acting in concert, shall work expeditiously towards filling the position with a full-time medical officer of health. 2002, c. 32, s. 171.

##### Report, CMOH

(3) The annual report of the Chief Medical Officer of Health under section 81 shall include a summary of the medical officer of health and associate medical officer of health vacancies in Ontario. 2007, c. 10, Sched. F, s. 14.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Use of title

**63** A board of health shall not describe the position of a person whose services are employed by the board by a title that incorporates the title "medical officer of health" or "médecin-hygiéniste", or the designation "M.O.H." or "m.-h." or other designation representing the title, unless the person is the medical officer of health, associate medical officer of health or acting medical officer of health of the board. R.S.O. 1990, c. H.7, s. 63.

##### Eligibility for appointment

**64** No person is eligible for appointment as a medical officer of health or an associate medical officer of health unless,

- (a) he or she is a physician;
- (b) he or she possesses the qualifications and requirements prescribed by the regulations for the position; and
- (c) the Minister approves the proposed appointment. R.S.O. 1990, c. H.7, s. 64.

**65 REPEALED:** 2005, c. 29, s. 4.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Dismissal

**66** (1) A decision by a board of health to dismiss a medical officer of health or an associate medical officer of health from office is not effective unless,

- (a) the decision is carried by the vote of two-thirds of the members of the board; and
- (b) the Minister consents in writing to the dismissal. R.S.O. 1990, c. H.7, s. 66 (1).

##### Notice and attendance

(2) A board of health shall not vote on the dismissal of a medical officer of health or an associate medical officer of health unless the board has given the officer,

- (a) reasonable written notice of the time, place and purpose of the meeting at which the dismissal is to be considered;
- (b) a written statement of the reason for the proposal to dismiss the officer; and
- (c) an opportunity to attend and to make representations to the board at the meeting. 2017, c. 25, Sched. 3, s. 9.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Medical officer of health

**67** (1) The medical officer of health of a board of health reports directly to the board of health on issues relating to public health concerns and to public health programs and services under this or any other Act. 1997, c. 30, Sched. D, s. 7 (1).

##### Direction of staff

(2) The employees of and the persons whose services are engaged by a board of health are subject to the direction of and are responsible to the medical officer of health of the board if their duties relate to the delivery of public health programs or services under this or any other Act. R.S.O. 1990, c. H.7, s. 67 (2); 1997, c. 30, Sched. D, s. 7 (2).

##### Management

(3) The medical officer of health of a board of health is responsible to the board for the management of the public health programs and services under this or any other Act. 1997, c. 30, Sched. D, s. 7 (3).

##### Area of authority

(4) The authority of the medical officer of health of a board of health under this Act and the regulations is limited to the health unit served by the board of health. R.S.O. 1990, c. H.7, s. 67 (4).

##### Engagement with LHIN

(5) The medical officer of health of a board of health shall engage on issues relating to local health system planning, funding and service delivery with the chief executive officer or chief executive officers of the local health integration network or networks whose geographic area or areas cover the health unit served by the board of health. 2016, c. 30, s. 39 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67 (5) of the Act is repealed. (See: 2019, c. 5, Sched. 3, s. 9 (1))**

##### Delegation

(6) A medical officer of health may only delegate his or her responsibilities under subsection (5) to another medical officer of health for a health unit within the relevant local health integration network, with the agreement of that other medical officer of health. 2016, c. 30, s. 39 (1).

**Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 67 (6) of the Act is repealed. (See: 2019, c. 5, Sched. 3, s. 9 (1))**

#### Section Amendments with date in force (d/m/y) [ + ]

##### Duties of associate M.O.H.

**68** (1) The associate medical officer of health of a board of health, under the direction of the medical officer of health of the board, shall assist in the performance of the duties of the medical officer of health and, for the purpose, has all the powers of the medical officer of health. R.S.O. 1990, c. H.7, s. 68 (1).

##### Where M.O.H. absent or unable to act

(2) Where the office of medical officer of health of a board of health is vacant or the medical officer of health is absent or unable to act, the associate medical officer of health of the board shall act as and has all the powers of the medical officer of health. R.S.O. 1990, c. H.7, s. 68 (2).

##### Acting M.O.H.

**69** (1) Where,

- (a) the office of medical officer of health of a board of health is vacant or the medical officer of health is absent or unable to act; and
- (b) there is no associate medical officer of health of the board or the associate medical officer of health of the board is also absent or unable to act,

the board of health shall appoint forthwith a physician as acting medical officer of health. R.S.O. 1990, c. H.7, s. 69 (1).

##### Powers and duties

(2) An acting medical officer of health of a board of health shall perform the duties and has authority to exercise the powers of the medical officer of health of the board. R.S.O. 1990, c. H.7, s. 69 (2).

(3-8) REPEALED: 2017, c. 25, Sched. 3, s. 10.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Attendance at meetings of boards

**70** The medical officer of health of a board of health is entitled to notice of and to attend each meeting of the board and every committee of the board, but the board may require the medical officer of health to withdraw from any part of a meeting at which the board or a committee of the board intends to consider a matter related to the remuneration or the performance of the duties of the medical officer of health. R.S.O. 1990, c. H.7, s. 70.

##### Staff

**71** (1) Every board of health shall engage the services of such persons, including public health nurses, as are considered necessary to carry out the functions of the board of health, including the duties of the board of health in respect of mandatory health programs and services. R.S.O. 1990, c. H.7, s. 71 (1).

##### Qualifications

(2) No board of health shall engage the services of any person in a professional, administrative or technical classification unless the person meets the qualifications and requirements prescribed by the regulations for the classification. R.S.O. 1990, c. H.7, s. 71 (2).

##### Public health nurse

(3) No board of health shall engage any person as a public health nurse unless the person is a member of the College of Nurses of Ontario who is a registered nurse and,

- (a) has the public health nursing education prescribed by the regulations from a degree granting institution in Canada or at a degree granting institution outside Canada that is accepted as equivalent by such an institution in Canada; and
- (b) meets such additional qualifications and requirements as are prescribed by the regulations. R.S.O. 1990, c. H.7, s. 71 (3); 1998, c. 18, Sched. G, s. 55 (10).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Payment by obligated municipalities

**72** (1) The obligated municipalities in a health unit shall pay,

- (a) the expenses incurred by or on behalf of the board of health of the health unit in the performance of its functions and duties under this or any other Act; and
- (b) the expenses incurred by or on behalf of the medical officer of health of the board of health in the performance of his or her functions and duties under this or any other Act. 1997, c. 30, Sched. D, s. 8.

##### Same

(2) In discharging their obligations under subsection (1), the obligated municipalities in a health unit shall ensure that the amount paid is sufficient to enable the board of health,

- (a) to provide or ensure the provision of health programs and services in accordance with sections 5, 6 and 7, the regulations and the public health standards; and
- (b) to comply in all other respects with this Act and the regulations. 1997, c. 30, Sched. D, s. 8; 2017, c. 25, Sched. 3, s. 1 (2).

##### Agreement

(3) The obligated municipalities in a health unit shall pay the expenses referred to in subsection (1) in such proportion as is agreed upon among them. 1997, c. 30, Sched. D, s. 8.

##### If no agreement

(4) If the obligated municipalities in a health unit fail to agree on the proportion of the expenses referred to in subsection (1) to be paid by each of them, each obligated municipality in the health unit shall pay the proportion of such expenses that is determined in accordance with the regulations. 1997, c. 30, Sched. D, s. 8.

##### Notice to obligated municipalities

(5) A board of health shall give annually to each obligated municipality in the health unit served by the board of health a written notice that complies with the following requirements:

1. The notice shall specify the amount that the board of health estimates will be required to defray the expenses referred to in subsection (1) for the year specified in the notice.
2. If the obligated municipalities in the health unit have entered into an agreement under subsection (3) respecting the proportion of the expenses referred to in subsection (1) to be paid by each of them, the notice shall specify the amount for which the obligated municipality is responsible in accordance with the agreement.
3. If the obligated municipalities in the health unit have not entered into an agreement under subsection (3) respecting the proportion of the expenses referred to in subsection (1) to be paid by each of them, the notice shall specify the amount for which the obligated municipality is responsible in accordance with the regulations.
4. The notice shall specify the times at which the board of health requires payments to be made by the obligated municipality and the amount of each payment required to be made. 1997, c. 30, Sched. D, s. 8.

##### Where additional expenses incurred

(6) If, after a notice is given by a board of health under subsection (5) in respect of a year, additional expenses referred to in subsection (1) that were not anticipated at the time the notice was given are incurred during the year, the board of health may give another written notice to each obligated municipality in the health unit specifying the additional amount for which the obligated municipality is responsible under this section and the time at which the additional amount must be paid. 1997, c. 30, Sched. D, s. 8.

##### Estimates

(7) If the actual expenses of a board of health and its medical officer of health for any year are greater than the estimated expenses for the year, the board of health shall, in preparing its estimate of the amount required to defray the expenses referred to in subsection (1) for the following year, provide for any deficit from the preceding year. 1997, c. 30, Sched. D, s. 8.

##### Payment in accordance with notice

(8) An obligated municipality that is given a notice by a board of health under this section shall pay to the board of health the amounts required by the notice at the times required by the notice. 1997, c. 30, Sched. D, s. 8.

##### Municipal authority

(9) An obligated municipality has all the powers necessary to comply with this section, including the power to enter into and carry out an agreement referred to in subsection (3). 1997, c. 30, Sched. D, s. 8.

#### Section Amendments with date in force (d/m/y) [ + ]

**73-75** REPEALED: 1997, c. 30, Sched. D, s. 9.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Grants

**76** The Minister may make grants for the purposes of this Act on such conditions as he or she considers appropriate. 1997, c. 15, s. 5 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Merger of health units

**77** (1) Where two or more health units are merged, the boards of health of the merged health units are dissolved. R.S.O. 1990, c. H.7, s. 77 (1).

##### Assets and liabilities

(2) Where two or more health units are merged, the assets owned by or under the management and control, as the case may be, and the liabilities of the boards of health of the merged health units are, without compensation, assets owned by or under the management and control and liabilities of the board of health of the new health unit. R.S.O. 1990, c. H.7, s. 77 (2).

##### Alteration of boundaries of health units

(3) Where the boundaries of health units are altered so that an area formerly in one health unit is included in another health unit, the assets owned by or under the management and control and the liabilities of the board of health of the health unit of which the area was formerly a part and that relate to the area are, without compensation, assets owned by or under the management and control, as the case may be, and liabilities of the board of health of the health unit in which the area is included. R.S.O. 1990, c. H.7, s. 77 (3).

##### Order by Minister

(4) Where the boards of health are unable to agree on a matter under subsection (3), the Minister may make an order determining the matter. R.S.O. 1990, c. H.7, s. 77 (4).

### PART VI.1 PROVINCIAL PUBLIC HEALTH POWERS

##### Chief Medical Officer of Health may act where risk to health

**77.1** (1) If the Chief Medical Officer of Health is of the opinion that a situation exists anywhere in Ontario that constitutes or may constitute a risk to the health of any persons, he or she may investigate the situation and take such action as he or she considers appropriate to prevent, eliminate or decrease the risk. 2007, c. 10, Sched. F, s. 15.

##### Same

(2) For the purpose of subsection (1), the Chief Medical Officer of Health,

- (a) may exercise anywhere in Ontario,
  - (i) any of the powers of a board of health, including the power to appoint a medical officer of health or an associate medical officer of health, and
  - (ii) any of the powers of a medical officer of health; and
- (b) may direct a person whose services are engaged by a board of health to do, anywhere in Ontario, whether within or outside the health unit served by the board of health, any act,
  - (i) that the person has power to do under this Act, or
  - (ii) that the medical officer of health for the health unit served by the board of health has authority to direct the person to do within the health unit. 2007, c. 10, Sched. F, s. 15.

##### Authority and duty of person directed to act

(3) If the Chief Medical Officer of Health gives a direction under clause (2) (b) to a person whose services are engaged by a board of health,

- (a) the person has authority to act, anywhere in Ontario, whether within or outside the health unit served by the board of health, to the same extent as if the direction had been given by the medical officer of health of the board of health and the act had been done in the health unit; and
- (b) the person shall carry out the direction as soon as practicable. 2007, c. 10, Sched. F, s. 15.

##### Section 22 powers

(4) For the purpose of the exercise by the Chief Medical Officer of Health under subsection (2) of the powers of a medical officer of health, a reference in section 22 to a communicable disease shall be deemed to be a reference to an infectious disease. 2007, c. 10, Sched. F, s. 15.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Application to judge where risk to health

**77.2** (1) If the Chief Medical Officer of Health is of the opinion that a situation exists anywhere in Ontario that constitutes or may constitute a risk to the health of any persons, he or she may apply to a judge of the Superior Court of Justice for an order under subsection (2). 2007, c. 10, Sched. F, s. 15.

##### Order of judge of Superior Court of Justice

(2) If an application is made under subsection (1), the judge,

- (a) may order the board of health of a health unit in which the situation causing the risk exists to take such action as the judge considers appropriate to prevent, eliminate or decrease the risk caused by the situation; and
- (b) may order the board of health of a health unit in which the health of any persons is at risk as a result of a situation existing outside the health unit to take such action as the judge considers appropriate to prevent, eliminate or decrease the risk to the health of the persons in the health unit. 2007, c. 10, Sched. F, s. 15.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Request to board of health for information

**77.3** (1) The Chief Medical Officer of Health may request a board of health to provide such information in respect of the board of health and the health unit served by the board of health as the Chief Medical Officer of Health specifies. 2007, c. 10, Sched. F, s. 15.

##### Same

(2) The Chief Medical Officer of Health may specify the time at which, and the form in which, the information must be provided. 2007, c. 10, Sched. F, s. 15.

#### Duty to comply

(3) A board of health that receives a request for information under this section shall provide the information in accordance with the request. 2007, c. 10, Sched. F, s. 15.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Possession of premises for public health purposes

**77.4** (1) The Minister, in the circumstances mentioned in subsection (3), and subject to subsection (1.1), by order may require the occupier of any premises to deliver possession of all or any specified part of the premises to the Minister to be used for public health purposes. 2011, c. 7, s. 2 (1).

##### Publicly owned premises

(1.1) The Minister may only make an order under subsection (1) with respect to premises that are publicly owned premises, unless the premises are to be used as a temporary isolation facility. 2011, c. 7, s. 2 (1).

##### Extension

(2) An order under subsection (1) shall set out an expiry date for the order that is not more than 12 months after the day of its making and the Minister may extend the order for a further period of not more than 12 months. 2007, c. 10, Sched. F, s. 15.

##### Grounds for order

(3) The Minister may make an order under subsection (1) where the Chief Medical Officer of Health certifies in writing to the Minister that the Chief Medical Officer of Health is of the opinion that,

- (a) there exists, or there is an immediate risk of, an outbreak of a communicable disease anywhere in Ontario, or there exists, or there may exist, an immediate risk to the health of persons anywhere in Ontario; and
- (b) the premises are needed for use for public health purposes in respect of the immediate risk of an outbreak of a communicable disease, the outbreak of the communicable disease or the immediate risk to the health of persons. 2011, c. 7, s. 2 (2).

##### Delivery of possession

(4) An order under subsection (1) may require delivery of possession on the date specified in the order. 2007, c. 10, Sched. F, s. 15.

##### Hearing and submissions

(5) The Minister need not hold or afford to any person an opportunity for a hearing or afford to any person an opportunity to make submissions before making an order under subsection (1). 2007, c. 10, Sched. F, s. 15.

##### Order for possession

(6) Where a judge of the Superior Court of Justice is satisfied on evidence upon oath,

- (a) that it is reasonable to believe that,
  - (i) there exists, or there is an immediate risk of, an outbreak of a communicable disease anywhere in Ontario, or
  - (ii) there exists, or there may exist, an immediate risk to the health of persons anywhere in Ontario;
- (b) that it is reasonable to believe that the premises are needed for use for public health purposes in respect of the communicable disease or the immediate risk to the health of persons; and
- (c) that the occupier of the premises,
  - (i) has refused to deliver possession of the premises to the Minister in accordance with the Minister's order under subsection (1),
  - (ii) is not likely to comply with the Minister's order under subsection (1), or
  - (iii) cannot be readily identified or located and as a result the Minister's order under subsection (1) cannot be carried out promptly,

the judge may issue an order directing the sheriff for the area in which the premises are located, or any other person whom the judge considers suitable, to put and maintain the Minister and any persons designated by the Minister in possession of the premises, by force if necessary. 2007, c. 10, Sched. F, s. 15; 2011, c. 7, s. 2 (3).

##### Execution of order

(7) An order made under this section shall be executed at reasonable times as specified in the order. 2007, c. 10, Sched. F, s. 15.

##### Application without notice

(8) A judge may receive and consider an application for an order under this section without notice to and in the absence of the owner or the occupier of the premises. 2007, c. 10, Sched. F, s. 15.

##### Compensation

(9) The occupier of the premises is entitled to compensation from the Crown in right of Ontario for the use and occupation of the premises and in the absence of agreement as to the compensation the Ontario Municipal Board, upon application in accordance with the rules governing the practice and procedure of that board, shall determine the compensation in accordance with the *Expropriations Act*. 2007, c. 10, Sched. F, s. 15.

##### Procedure

(10) Except in respect of proceedings before the Ontario Municipal Board in accordance with subsection (9), the *Expropriations Act* does not apply to proceedings under this section. 2007, c. 10, Sched. F, s. 15.

##### Definitions

(11) In this section,

"public health purposes" mean any purposes described in section 2; ("fins de santé publique")

"publicly owned premises" means premises whose owner is part of the "broader public sector" within the meaning of subsection 1.0.19 (2) of the *Financial Administration Act*. ("lieu public") 2011, c. 7, s. 2 (4).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Emergency procurement, etc., of medications and supplies

**77.5** (1) Subject to subsections (3) and (4), the Minister may make an order,

- (a) authorizing the procurement, acquisition and seizure of any medications and supplies provided for in the order; and
- (b) requiring any person provided for in the order to provide the medications and supplies to any person provided for in the order, on the date or within the dates provided for in the order. 2007, c. 10, Sched. F, s. 15.

##### Other provinces and territories

(2) Nothing in this section shall require a person subject to an order to provide to the Minister or to another person specified in the order a quantity of medications and supplies if there exists or may exist an immediate risk that the health of patients in another province or territory of Canada would be jeopardized. 2007, c. 10, Sched. F, s. 15.

##### When order may be made

(3) The Minister may make an order under subsection (1) where the Chief Medical Officer of Health has certified in writing that,

- (a) there exists or there may exist an immediate risk to the health of persons anywhere in Ontario;
- (b) the medications and supplies are necessary to address the risk; and
- (c) the Chief Medical Officer of Health is of the opinion that regular procurement processes for medication and supplies are unable to meet the needs of persons in Ontario. 2007, c. 10, Sched. F, s. 15.

##### Restriction, private residence

(4) An order under subsection (1) may not authorize entry into a private residence without the consent of the occupier. 2007, c. 10, Sched. F, s. 15.

##### No hearing required

(5) The Minister is not required to hold a hearing or give any person an opportunity to be heard or to make submissions before making an order under subsection (1). 2007, c. 10, Sched. F, s. 15.

##### Provision of information

(6) For the purposes of this section, the Minister may issue a direction requiring any person to provide such information as the Minister considers necessary in order to identify persons who may have medications and supplies, and any person to whom such a direction is made shall comply with it. 2007, c. 10, Sched. F, s. 15.

##### Order of Superior Court judge

(7) Where a judge of the Superior Court of Justice is satisfied, on information provided under oath on an application without notice, that a person provided for in an order under subsection (1) or a direction under subsection (6) has failed to comply with the order or direction, the judge may,

- (a) in the case of a failure to comply with an order under subsection (1), make an order directing a sheriff, police force, or any person or persons provided for in the judge's order, to seize the medications and supplies provided for in the Minister's order; or

**Note: On a day to be named by proclamation of the Lieutenant Governor, clause 77.5 (7) (a) of the Act is amended by striking out "police force" and substituting "police service". (See: 2019, c. 1, Sched. 4, s. 22 (6))**

- (b) in the case of a failure to comply with a direction under subsection (6), make an order requiring that the direction be complied with. 2007, c. 10, Sched. F, s. 15.

##### Reasonable times

(8) An order under subsection (1) or (7) or a direction under subsection (6) may be exercised at any reasonable time provided for in the order or direction. 2007, c. 10, Sched. F, s. 15.

##### Compensation for loss of property

(9) If, as the result of the making an order under this section, a person suffers a loss, including a taking, of any personal property, the Lieutenant Governor in Council may by order authorize the reasonable compensation of the person for the loss in accordance with such guidelines as may be approved by the Lieutenant Governor in Council. 2007, c. 10, Sched. F, s. 15.

##### Not expropriation

(10) Nothing done under an order made under subsection (1) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law and there is no compensation for the loss, including a taking, of any real or personal property except in accordance with subsection (9). 2007, c. 10, Sched. F, s. 15.

##### Definition

(11) In this section,

"medications and supplies" include antitoxins, antivirals, serums, vaccines, immunizing agents, antibiotics and other pharmaceutical agents, medical supplies and medical equipment. 2007, c. 10, Sched. F, s. 15.

## Section Amendments with date in force (d/m/y) [ + ]

### Order to provide information

**77.6** (1) Subject to subsections (2) and (3), if the Chief Medical Officer of Health is of the opinion, based on reasonable and probable grounds, that there exists an immediate and serious risk to the health of persons anywhere in Ontario, he or she may issue an order directing any health information custodian indicated in the order to supply the Chief Medical Officer of Health or his or her delegate with any information provided for in the order, including personal health information. 2009, c. 33, Sched. 18, s. 12 (6).

### Restriction

(2) The Chief Medical Officer of Health may only make an order under subsection (1) if he or she is of the opinion, based on reasonable and probable grounds, that the information is necessary to investigate, eliminate or reduce the immediate and serious risk to the health of any persons, and the information supplied must be no more than is reasonably necessary to prevent, eliminate or reduce the risk to the health of persons anywhere in Ontario. 2009, c. 33, Sched. 18, s. 12 (6).

### Further restriction

(3) The Chief Medical Officer of Health may use or disclose the information provided to him or her under subsection (1) only for the purpose of investigating, eliminating or reducing the risk to the health of persons anywhere in Ontario and for no other purpose. 2009, c. 33, Sched. 18, s. 12 (6).

### Restriction on recipient

(4) Any person to whom the Chief Medical Officer of Health discloses the information pursuant to subsection (3) may use or disclose that information only for the purpose of investigating, eliminating or reducing the risk to the health of persons anywhere in Ontario and for no other purpose. 2009, c. 33, Sched. 18, s. 12 (6).

### Prevail over other provisions

(5) Subsections (3) and (4) prevail despite anything in,

- (a) the *Freedom of Information and Protection of Privacy Act*;
- (b) the *Municipal Freedom of Information and Protection of Privacy Act*; and
- (c) the *Personal Health Information Protection Act, 2004*. 2009, c. 33, Sched. 18, s. 12 (6).

### Comply with order

(6) A health information custodian that is served with an order under subsection (1) shall comply with the order within the time and in the manner provided for in the order. 2009, c. 33, Sched. 18, s. 12 (6).

### Definitions

(7) In this section,

"health information custodian" means a health information custodian within the meaning of the *Personal Health Information Protection Act, 2004*; ("dépositaire de renseignements sur la santé")

"personal health information" means personal health information within the meaning of the *Personal Health Information Protection Act, 2004*. ("renseignements personnels sur la santé") 2009, c. 33, Sched. 18, s. 12 (6).

## Section Amendments with date in force (d/m/y) [ + ]

### Directives to health care providers

**77.7** (1) Where the Chief Medical Officer of Health is of the opinion that there exists or there may exist an immediate risk to the health of persons anywhere in Ontario, he or she may issue a directive to any health care provider or health care entity respecting precautions and procedures to be followed to protect the health of persons anywhere in Ontario. 2007, c. 10, Sched. F, s. 15.

### Precautionary principle

(2) In issuing a directive under subsection (1), the Chief Medical Officer of Health shall consider the precautionary principle where,

- (a) in the opinion of the Chief Medical Officer of Health there exists or may exist an outbreak of an infectious or communicable disease; and
- (b) the proposed directive relates to worker health and safety in the use of any protective clothing, equipment or device. 2007, c. 10, Sched. F, s. 15.

### Must comply

(3) A health care provider or health care entity that is served with a directive under subsection (1) shall comply with it. 2007, c. 10, Sched. F, s. 15.

### No coercion of professionals

(4) For greater certainty, a directive under subsection (1) may not be used to compel regulated health professionals to provide services without their consent. 2007, c. 10, Sched. F, s. 15.

### No conflict with OHSA

(5) Despite subsection (1), in the event of a conflict between this section and the *Occupational Health and Safety Act* or a regulation made under it, the *Occupational Health and Safety Act* or the regulation made under it prevails. 2007, c. 10, Sched. F, s. 15.

### Definitions

(6) In this section,

"health care provider or health care entity" means:

1. A regulated health professional or a person who operates a group practice of regulated health professionals.
2. A service provider within the meaning of the *Home Care and Community Services Act, 1994* who provides a community service to which that Act applies.
3. REPEALED: 2016, c. 30, s. 39 (3).
4. A hospital within the meaning of the *Public Hospitals Act*, a private hospital within the meaning of the *Private Hospitals Act*, a psychiatric facility within the meaning of the *Mental Health Act* or an independent health facility within the meaning of the *Independent Health Facilities Act*.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 4 of the definition of "health care provider or health care entity" in subsection 77.7 (6) of the Act is amended by striking out "a private hospital within the meaning of the *Private Hospitals Act*". (See: 2017, c. 25, Sched. 9, s. 98 (2))**

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 4 of the definition of "health care provider or health care entity" in subsection 77.7 (6) of the Act is amended by striking out "or an independent health facility within the meaning of the *Independent Health Facilities Act*" at the end and substituting "a community health facility within the meaning of the *Oversight of Health Facilities and Devices Act, 2017*". (See: 2017, c. 25, Sched. 9, s. 98 (3))**

5. A pharmacy within the meaning of the *Drug and Pharmacies Regulation Act*.
6. A laboratory or a specimen collection centre as defined in section 5 of the *Laboratory and Specimen Collection Centre Licensing Act*.
7. An ambulance service within the meaning of the *Ambulance Act*.
8. A paramedic under the *Ambulance Act*.
9. A home for special care within the meaning of the *Homes for Special Care Act*.
- 9.1 A local health integration network within the meaning of the *Local Health System Integration Act, 2006*.

**Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 9.1 of the definition of "health care provider or health care entity" in subsection 77.7 (6) of the Act is repealed. (See: 2019, c. 5, Sched. 3, s. 9 (2))**

10. A long-term care home under the *Long-Term Care Homes Act, 2007*.
11. A centre, program or service for community health or mental health whose primary purpose is the provision of health care.
12. A prescribed person or entity; ("fournisseur de soins de santé ou entité chargée de la fourniture de soins de santé")

"precautionary principle" has the meaning prescribed in regulations made by the Lieutenant Governor in Council; ("principe de précaution")

"regulated health professional" means a health practitioner whose profession is regulated under the *Regulated Health Professions Act, 1991* or the *Drugless Practitioners Act*. ("membre d'une profession de la santé réglementée") 2007, c. 10, Sched. F, s. 15; 2009, c. 33, Sched. 18, s. 12 (7); 2011, c. 1, Sched. 6, s. 3; 2016, c. 30, s. 39 (2, 4, 5); 2016, c. 30, s. 39 (3).

## Section Amendments with date in force (d/m/y) [ + ]

### Order to provide information, new or emerging disease

**77.7.1** (1) Where the Minister is of the opinion that there exists or there may exist an immediate risk to the health of persons in Ontario from a new or emerging disease, the Minister may issue an order directing any health care provider or health care entity specified in subsection 77.7 (6) or any other prescribed person to supply the Minister or his or her delegate with any information provided for in the order. 2017, c. 25, Sched. 3, s. 11.

### Comply with order

(2) A health care provider or health care entity that is served with an order under subsection (1) shall comply with it. 2017, c. 25, Sched. 3, s. 11.

### Personal information, personal health information

(3) A health care provider or health care entity, in complying with an order under subsection (1), shall not include personal health information within the meaning of the *Personal Health Information Protection Act, 2004* or personal information within the meaning of the *Freedom of Information and Personal Protection Act* when supplying information to the Minister or his or her delegate. 2017, c. 25, Sched. 3, s. 11.

### Duration

(4) An order under this section is in force for the period set out in the order. 2017, c. 25, Sched. 3, s. 11.

## Section Amendments with date in force (d/m/y) [ + ]

### May collect specimens, etc.

**77.8** (1) Subject to subsection (2), if the Chief Medical Officer of Health is of the opinion, based on reasonable and probable grounds, that there exists an immediate and serious risk to the health of persons anywhere in Ontario, he or she may, as he or she considers reasonably necessary for the purpose of investigating, eliminating or reducing the risk to the health of persons anywhere in Ontario,

- (a) collect previously collected specimens and information respecting the analysis of previously collected specimens; and
- (b) order any person to provide previously collected specimens or information respecting the analysis of previously collected specimens to the Chief Medical Officer of Health. 2009, c. 33, Sched. 18, s. 12 (8).

### Restriction

(2) The Chief Medical Officer of Health may use, provide or disclose the previously collected specimens or information only for the purpose of investigating, eliminating or reducing the risk to the health of persons anywhere in Ontario and for no other purpose. 2009, c. 33, Sched. 18, s. 12 (8).

### Restriction on recipient

(3) Any person to whom the Chief Medical Officer of Health discloses or provides previously collected specimens, or information respecting the analysis of previously collected specimens may use, provide or disclose them only for the purpose of investigating, eliminating or reducing the risk to the health of persons anywhere in Ontario and for no other purpose. 2009, c. 33, Sched. 18, s. 12 (8).

**Prevail over other provisions**

(4) This section prevails despite anything in,

- (a) the *Freedom of Information and Protection of Privacy Act*;
- (b) the *Municipal Freedom of Information and Protection of Privacy Act*; and
- (c) the *Personal Health Information Protection Act, 2004*. 2009, c. 33, Sched. 18, s. 12 (8).

**Comply with order**

(5) A person that is served with an order under clause (1) (b) shall comply with the order within the time and in the manner provided for in the order. 2009, c. 33, Sched. 18, s. 12 (8).

**Restriction re individuals**

(6) Nothing in this section permits the Chief Medical Officer of Health to compel an individual to provide a bodily sample or submit to tests without the individual's consent. 2009, c. 33, Sched. 18, s. 12 (8).

**Personal information**

(7) For the purposes of this section, the Chief Medical Officer of Health has the power to collect, use, retain and disclose personal information, including personal health information. 2009, c. 33, Sched. 18, s. 12 (8).

**Definitions**

(8) In this section,

"personal health information" means personal health information within the meaning of the *Personal Health Information Protection Act, 2004*; ("renseignements personnels sur la santé")

"personal information" means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*; ("renseignements personnels")

"specimens" includes specimens from any person, animal or plant, living or deceased or from any other thing. ("échantillons") 2009, c. 33, Sched. 18, s. 12 (8).

**Section Amendments with date in force (d/m/y) [ + ]**

**Directives to boards and medical officers**

**77.9** (1) The Chief Medical Officer of Health may issue a directive to any or all boards of health or medical officers of health requiring the adoption or implementation of policies or measures concerning the matters set out in subsection (2) if the Chief Medical Officer of Health is of the opinion,

- (a) that there exists, or there is an immediate risk of, a provincial, national or international public health event, a pandemic or an emergency with health impacts anywhere in Ontario; and
- (b) that the policies or measures are necessary to support a co-ordinated response to the situations referred to in clause (a) or to otherwise protect the health of persons. 2011, c. 7, s. 3.

**Restriction**

(2) The Chief Medical Officer of Health may only make a directive under this section with respect to measures or policies concerning,

- (a) infectious diseases;
- (b) health hazards;
- (c) public health emergency preparedness; or
- (d) a matter prescribed in regulations made by the Minister. 2011, c. 7, s. 3.

**Compliance required**

(3) A board of health or medical officer of health that is served with a directive under this section shall comply with it. 2011, c. 7, s. 3.

**Duration**

(4) Subject to subsections (5) and (6), a directive under this section is in force for the period set out in the directive, which shall not exceed six months. 2011, c. 7, s. 3.

**Termination or renewal**

(5) The Chief Medical Officer of Health may terminate a directive under this section, or renew it for one or more additional periods of not more than six months each. 2011, c. 7, s. 3.

**Consultation**

(6) The Chief Medical Officer of Health shall consult with every affected board of health and medical officer of health before,

- (a) renewing a directive under this section so that it is in force more than six months; or
- (b) issuing a directive identical or substantially similar to one or more directives already issued, where the effect would be that identical or substantially similar directives would be in force for the same board or medical officer of health for a total period of more than six months, whether or not they are in force for consecutive periods. 2011, c. 7, s. 3.

**Section Amendments with date in force (d/m/y) [ + ]**

**PART VII  
ADMINISTRATION**

**Investigation re disease and mortality**

**78** (1) The Minister has power to make investigations respecting the causes of disease and mortality in any part of Ontario. R.S.O. 1990, c. H.7, s. 78 (1).

**Direction to investigate**

(2) The Minister may direct an officer of the Ministry or any other person to investigate the causes of any disease or mortality in any part of Ontario. R.S.O. 1990, c. H.7, s. 78 (2).

**Application of *Public Inquiries Act, 2009***

(3) Section 33 of the *Public Inquiries Act, 2009* applies to the investigation. 2009, c. 33, Sched. 6, s. 62.

**Section Amendments with date in force (d/m/y) [ + ]**

**Public health laboratory centres**

**79** (1) The Minister may establish and maintain public health laboratory centres at such places and with such buildings, appliances and equipment as the Minister considers proper. R.S.O. 1990, c. H.7, s. 79 (1).

**Direction by Minister**

(2) The Minister may give direction from time to time to a public health laboratory centre as to its operation and the nature and extent of its work, and the public health laboratory centre shall comply with the direction. R.S.O. 1990, c. H.7, s. 79 (2).

**Inspectors**

**80** (1) The Minister may appoint in writing one or more employees of the Ministry or other persons as inspectors. R.S.O. 1990, c. H.7, s. 80 (1).

**Duty**

(2) An inspector shall make inspections of health units to ascertain the extent of compliance with this Act and the regulations and the carrying out of the purpose of this Act. R.S.O. 1990, c. H.7, s. 80 (2); 1997, c. 30, Sched. D, s. 10.

**Limitation**

(3) The Minister in an appointment may limit the duties or the authority or both of an inspector in such manner as the Minister considers necessary or advisable. R.S.O. 1990, c. H.7, s. 80 (3).

**Directions and reports**

(4) The Minister may require an inspector to act under the direction of or to report to the Minister, the Deputy Minister of Health and Long-Term Care, the Chief Medical Officer of Health or other officer of the Ministry. R.S.O. 1990, c. H.7, s. 80 (4); 2006, c. 19, Sched. L, s. 11 (4).

**Certificate of appointment**

(5) The Minister shall issue to every inspector a certificate of appointment and every inspector, in the execution of his or her duties under this Act and the regulations, shall produce his or her certificate of appointment upon request. R.S.O. 1990, c. H.7, s. 80 (5).

**Section Amendments with date in force (d/m/y) [ + ]**

**Chief Medical Officer of Health**

**81** (1) The Lieutenant Governor in Council shall appoint a Chief Medical Officer of Health on the address of the Legislative Assembly. 2004, c. 30, s. 1 (1).

**Term of office**

(1.1) Subject to subsection (1.2), the Chief Medical Officer of Health holds office for a term of five years and may be reappointed for a further term or terms by the Lieutenant Governor in Council on the address of the Legislative Assembly. 2004, c. 30, s. 1 (1).

**Removal**

(1.2) The Lieutenant Governor in Council may remove the Chief Medical Officer of Health for cause on the address of the Legislative Assembly. 2004, c. 30, s. 1 (1).

**Transitional**

(1.3) The Chief Medical Officer of Health who held office immediately before the day subsection 1 (1) of the *Health Protection and Promotion Amendment Act, 2004* comes into force shall be deemed to have been appointed under subsection (1), with his or her initial term of five years commencing on that day. 2004, c. 30, s. 1 (1).

**Qualifications**

(2) No person is qualified to be or to act as Chief Medical Officer of Health unless he or she is a physician of at least five years standing and possesses the qualifications prescribed by the regulations for the position of medical officer of health. R.S.O. 1990, c. H.7, s. 81 (2).

**Duty of Chief M.O.H. re occupational and environmental health**

(3) The Chief Medical Officer of Health shall keep himself or herself informed in respect of matters related to occupational and environmental health. R.S.O. 1990, c. H.7, s. 81 (3).

**Annual report**

(4) The Chief Medical Officer of Health shall, in every year, make a report in writing on the state of public health in Ontario, and shall deliver the report to the Speaker of the Legislative Assembly. 2004, c. 30, s. 1 (2).

**Laying before Assembly**

(5) The Speaker shall lay the report before the Assembly at the earliest reasonable opportunity. 2004, c. 30, s. 1 (2).

**Minister's copy**

(6) The Chief Medical Officer of Health shall deliver a copy of the report to the Minister at least 30 days before delivering it to the Speaker. 2004, c. 30, s. 1 (2).

**Other reports**

(7) The Chief Medical Officer of Health may make any other reports respecting the public health as he or she considers appropriate, and may present such a report to the public or any other person he or she considers appropriate. 2004, c. 30, s. 1 (3).

**Section Amendments with date in force (d/m/y) [ + ]****Associate Chief Medical Officer of Health**

**81.1** (1) The position of Associate Chief Medical Officer of Health is established. 2007, c. 10, Sched. F, s. 16.

**Person who shall hold position**

(2) Subject to subsection (3), the position of Associate Chief Medical Officer of Health shall be held by the person or persons who, by virtue of their position, hold the title of "Associate Chief Medical Officer of Health" in the Ministry. 2007, c. 10, Sched. F, s. 16.

**Qualifications**

(3) No person is qualified to be or to act as the Associate Chief Medical Officer of Health unless he or she is a physician and possesses the qualifications of the position of medical officer of health prescribed by the regulations. 2017, c. 25, Sched. 3, s. 12.

**Functions, duties, etc.**

(4) An Associate Chief Medical Officer of Health,

(a) shall perform such functions and duties as the Chief Medical Officer of Health may specify in writing; and

(b) shall act in the place of the Chief Medical Officer of Health when the Chief Medical Officer of Health is absent or is unable to perform the functions of his or her office or when the office of Chief Medical Officer of Health is vacant. 2007, c. 10, Sched. F, s. 16.

**Regulations**

(5) The Minister may make regulations clarifying, modifying or restricting the functions, powers and duties of Associate Chief Medical Officers of Health. 2007, c. 10, Sched. F, s. 16.

**Section Amendments with date in force (d/m/y) [ + ]****Agreements**

**81.2** (1) The Minister may enter into an agreement with the board of health of any health unit for the purpose of setting out requirements for the accountability of the board of health and the management of the health unit. 2007, c. 10, Sched. F, s. 16.

**May include services**

(2) An agreement under subsection (1) may also provide for services which are to be provided by boards of health in addition to any services set out in this Act or the regulations. 2007, c. 10, Sched. F, s. 16.

**Section Amendments with date in force (d/m/y) [ + ]****Assessors**

**82** (1) The Minister may appoint assessors for the purposes of this Act. 1997, c. 30, Sched. D, s. 11; 2017, c. 25, Sched. 3, s. 13.

**Written appointment**

(2) An appointment under subsection (1) shall be in writing. 1997, c. 30, Sched. D, s. 11.

**Assessment**

(3) An assessor may carry out an assessment of a board of health for the purpose of,

(a) ascertaining whether the board of health is providing or ensuring the provision of health programs and services in accordance with sections 5, 6 and 7, the regulations and the public health standards;

(b) ascertaining whether the board of health is complying in all other respects with this Act and the regulations; or

(c) assessing the quality of the management or administration of the affairs of the board of health. 1997, c. 30, Sched. D, s. 11; 2017, c. 25, Sched. 3, s. 1 (2).

**Right of entry**

(4) In carrying out an assessment of a board of health, an assessor may, without a warrant, enter and inspect,

(a) any premises occupied by the board of health;

(b) any premises where health programs or services that are required to be provided or ensured by the board of health under this Act are provided; and

(c) any premises where the board of health performs any function required under this or any other Act. 1997, c. 30, Sched. D, s. 11.

**Time of entry**

(5) The power in subsection (4) to enter and inspect premises without a warrant may be exercised only during regular business hours. 1997, c. 30, Sched. D, s. 11.

**Private residence**

(6) Subsection (4) does not authorize an assessor to enter a private residence without the consent of the occupier. 1997, c. 30, Sched. D, s. 11.

**Use of force prohibited**

(7) An assessor is not entitled to use force to enter and inspect premises. 1997, c. 30, Sched. D, s. 11.

**Evidence of appointment**

(8) An assessor who enters premises under this section shall produce, on request, evidence of his or her appointment. 1997, c. 30, Sched. D, s. 11.

**Powers of assessors upon entry**

(9) Upon entering premises under this section, an assessor,

(a) may examine any record or document that is relevant to the assessment, including financial and book-keeping records and minutes and by-laws of the board of health;

(b) may demand the production for examination of any record or document described in clause (a);

(c) may make copies of any record or document described in clause (a) and may, on providing a receipt, remove any such record or document from the premises in order to copy it; and

(d) may question any person on matters relevant to the assessment. 1997, c. 30, Sched. D, s. 11.

**Return of records and documents**

(10) An assessor who removes a record or document from the premises shall return it to the premises within a reasonable time. 1997, c. 30, Sched. D, s. 11.

**Admissibility of copies**

(11) A copy made under clause (9) (c) that purports to be certified by an assessor as being a true copy of the original is admissible in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the original. 1997, c. 30, Sched. D, s. 11.

**Power to request that information be sent**

(12) An assessor may at any time request a board of health to send him or her, at the time specified by the assessor, any information, including copies of any record or document, that is relevant to an assessment under this section. 1997, c. 30, Sched. D, s. 11.

**Compliance**

(13) If an assessor demands the production for examination of a record or document under clause (9) (b), the person having custody of the record or document shall comply with the demand. 1997, c. 30, Sched. D, s. 11.

**Same**

(14) If an assessor questions a person under clause (9) (d), the person shall answer the assessor's questions. 1997, c. 30, Sched. D, s. 11.

**Same**

(15) If an assessor requests a board of health to send information under subsection (12), the board of health shall comply with the request. 1997, c. 30, Sched. D, s. 11.

**Assistance**

(16) At the request of an assessor, a board of health shall provide, in respect of the records and documents that the assessor is entitled to examine under clause (9) (a) and in respect of the information that the assessor requests the board of health to send under subsection (12), such assistance and explanations as are reasonably necessary to enable the assessor to carry out his or her assessment of the board of health. 1997, c. 30, Sched. D, s. 11.

**No obstruction**

(17) No person shall hinder or obstruct an assessor conducting an assessment of a board of health. 1997, c. 30, Sched. D, s. 11.

**Section Amendments with date in force (d/m/y) [ + ]****Direction to board of health**

**83** (1) The Minister may give a board of health a written direction described in subsection (2) if he or she is of the opinion, based on an assessment under section 82, that the board of health has,

(a) failed to provide or ensure the provision of a health program or service in accordance with section 5, 6 or 7, the regulations or the public health standards;

(b) failed to comply in any other respect with this Act or the regulations; or

(c) failed to ensure the adequacy of the quality of the administration or management of its affairs. 1997, c. 30, Sched. D, s. 11; 2017, c. 25, Sched. 3, s. 1 (2).

**Same**

(2) In a direction under this section, the Minister may require a board of health,

(a) to do anything that the Minister considers necessary or advisable to correct the failure identified in the direction; or

(b) to cease to do anything that the Minister believes may have caused or contributed to the failure identified in the direction. 1997, c. 30, Sched. D, s. 11.

#### **Compliance with direction**

(3) A board of health that is given a direction under this section shall comply with the direction,

(a) within the period of time specified in the direction; or

(b) if no period of time is specified in the direction, within 30 days from the day the direction is given. 1997, c. 30, Sched. D, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Power to take steps to ensure direction is carried out**

**84** (1) If, in the opinion of the Minister, a board of health has failed to comply with a direction under section 83 within the period of time required under subsection 83 (3), the Minister may do whatever is necessary to ensure that the direction is carried out, including but not limited to,

(a) providing or ensuring the provision of any health program or service in accordance with sections 5, 6 and 7, the regulations and the public health standards;

(b) exercising any of the powers of the board of health or the medical officer of health of the board of health;

(c) appointing a person to act as the medical officer of health of the board of health in the place of the medical officer of health appointed by the board;

(d) providing advice and guidance to the board of health, the medical officer of health of the board of health, and any person whose services are engaged by the board of health;

(e) approving, revoking or amending any decision of the board of health, the medical officer of health of the board of health, or any person whose services are engaged by the board of health; and

(f) accessing any record or document that is in the custody or under the control of the board of health, the medical officer of health of the board of health, or any person whose services are engaged by the board of health. 1997, c. 30, Sched. D, s. 11; 2017, c. 25, Sched. 3, s. 1 (2).

#### **No obstruction**

(2) No person shall hinder or obstruct the Minister in the exercise of his or her powers under subsection (1). 1997, c. 30, Sched. D, s. 11.

#### **Effect of Board hearing**

(3) The Minister may exercise his or her powers under subsection (1) even though a hearing by the Board in respect of the direction has been required or is proceeding under section 85. 1997, c. 30, Sched. D, s. 11.

#### **Effect of Board decision**

(4) If the Board determines, after a hearing under section 85, that the board of health has complied with the direction, the Minister shall not thereafter exercise his or her powers under subsection (1) and shall cease to exercise any of such powers that he or she had already begun to exercise before the Board rendered its decision. 1997, c. 30, Sched. D, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Notice of failure to comply**

**85** (1) If, in the opinion of the Minister, a board of health has failed to comply with a direction under section 83 within the period of time required under subsection 83 (3), the Minister may give the board of health a notice of failure to comply. 1997, c. 30, Sched. D, s. 11.

#### **Same**

(2) A notice of failure to comply shall be in writing and shall inform the board of health that the board of health is entitled to a hearing by the Board to determine whether the board of health has complied with the direction, if the board of health requires the hearing in accordance with subsection (3). 1997, c. 30, Sched. D, s. 11.

#### **Entitlement to hearing**

(3) A board of health that is given a notice of failure to comply is entitled to a hearing by the Board to determine whether the board of health has complied with the direction if, within 15 days after the day the notice of failure to comply is given to the board of health, the board of health mails or delivers to the Board and to the Minister a notice in writing requiring a hearing by the Board. 1997, c. 30, Sched. D, s. 11.

#### **Hearing**

(4) If a board of health requires a hearing in accordance with subsection (3), the Board shall appoint a time and place for, and hold, the hearing. 1997, c. 30, Sched. D, s. 11.

#### **Parties**

(5) The parties to a hearing under this section are the board of health that has required the hearing, the Minister and such other persons as the Board may specify. 1997, c. 30, Sched. D, s. 11.

#### **Other provisions apply with modifications**

(6) Subsections 44 (5) and (6) and 45 (2) to (6) apply with necessary modifications to a hearing under this section. 1997, c. 30, Sched. D, s. 11.

#### **Powers of Board**

(7) After a hearing under this section, the Board,

(a) may determine that the board of health has complied with the direction and, in doing so, may substitute its opinion for that of the Minister; or

(b) may determine that the board of health has not complied with the direction and order the board of health to do, or not to do, such things as the Board specifies in order to comply with the direction. 1997, c. 30, Sched. D, s. 11.

#### **No appeal**

(8) Section 46 does not apply to a decision or order of the Board under this section. 1997, c. 30, Sched. D, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

**86** REPEALED: 2007, c. 10, Sched. F, s. 17.

#### **Section Amendments with date in force (d/m/y) [ + ]**

**86.1** REPEALED: 2007, c. 10, Sched. F, s. 17.

#### **Section Amendments with date in force (d/m/y) [ + ]**

**86.2** REPEALED: 2007, c. 10, Sched. F, s. 17.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Authorization or direction of C.M.O.H.**

**86.3** (1) The Minister may authorize or direct the Chief Medical Officer of Health in writing to exercise any right or power or perform any duty that is granted to or vested in the Minister under section 82, 83, 84 or 85. 1997, c. 30, Sched. D, s. 11; 2004, c. 30, s. 5.

#### **Limitations, etc.**

(2) An authorization or a direction under subsection (1) may contain such limitations, restrictions, conditions and requirements as the Minister considers appropriate. 1997, c. 30, Sched. D, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Expenses**

**86.4** (1) If the Minister or the Chief Medical Officer of Health acts under section 84 to ensure that a direction given to a board of health under section 83 is carried out, the Minister may treat all or part of the following expenses as a debt due to the Crown in right of Ontario by the obligated municipalities in the health unit served by the board of health:

1. The expenses of the Minister in acting under section 84.

2. The expenses of the Chief Medical Officer of Health in acting under section 84.

3. The expenses of the assessment of the board of health that gave rise to the direction to the board of health. 1997, c. 30, Sched. D, s. 11.

#### **Same**

(2) If, under section 86, the Chief Medical Officer of Health investigates a situation in a health unit or takes action in a health unit to prevent, eliminate or decrease a risk, the Minister may treat all or part of the following expenses as a debt due to the Crown in right of Ontario by the obligated municipalities in the health unit:

1. REPEALED: 2004, c. 30, s. 6 (2).

2. The expenses of the Chief Medical Officer of Health in acting under section 77.1. 1997, c. 30, Sched. D, s. 11; 2004, c. 30, s. 6; 2009, c. 33, Sched. 18, s. 12 (9).

#### **Collection from obligated municipalities**

(3) If the Minister intends to treat all or part of the expenses referred to in subsection (1) or (2) as a debt due by the obligated municipalities in the health unit, the Minister may certify to the treasurer of each obligated municipality in the health unit the amount due by the obligated municipality to the Crown in right of Ontario in respect of the expenses or the part of the expenses, and the treasurer shall, within seven days after being given the certificate, pay to the Minister of Finance the amount set out in the certificate. 1997, c. 30, Sched. D, s. 11.

#### **Interest**

(4) The Minister may require an obligated municipality to pay interest on any part of the amount set out in a certificate issued under subsection (3) that remains unpaid after the date it is due under subsection (3), in such amounts as may be determined in accordance with the regulations and at such times and in such manner as may be prescribed by the regulations. 1997, c. 30, Sched. D, s. 11.

#### **Debt**

(5) The amount set out in a certificate given to the treasurer of an obligated municipality under subsection (3), together with the interest, if any, that the Minister requires the obligated municipality to pay under subsection (4), is a debt owing by the obligated municipality to the Crown in right of Ontario and may be recovered by any remedy or procedure available to the Crown by law. 1997, c. 30, Sched. D, s. 11.

#### **Section Amendments with date in force (d/m/y) [ + ]**

**87** REPEALED: 2007, c. 10, Sched. F, s. 17.

#### **Section Amendments with date in force (d/m/y) [ + ]**

#### **Northern Ontario Public Health Service**

**88** The agency of the Province of Ontario known as Northern Ontario Public Health Service shall provide, in the parts of Ontario that are designated by the Minister and that are not in a health unit,

(a) the health programs and services that a board of health is required to provide under this Act and the regulations; and

(b) the services of persons qualified to perform the functions of a medical officer of health, public health inspectors and other public health professionals whose services may be employed by a board of health. R.S.O. 1990, c. H.7, s. 88.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Health services in isolated municipalities

**89** (1) Where a municipality is not within a health unit, the Minister and the corporation of the municipality may enter into an agreement under which the Minister will ensure the provision in the municipality of,

(a) the health programs and services that a board is required to provide under this Act and the regulations; and

(b) the services of persons qualified to perform the functions of a medical officer of health, public health inspectors and the other public health professionals whose services may be employed by a board of health. R.S.O. 1990, c. H.7, s. 89 (1).

##### Idem

(2) An agreement mentioned in subsection (1) may relate only to particular health programs or services or to particular functions and may specify the charges to be made for any or all of them. R.S.O. 1990, c. H.7, s. 89 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Repeal of ss. 88, 89

**90** (1) Sections 88 and 89 are repealed on a day to be named by proclamation of the Lieutenant Governor. R.S.O. 1990, c. H.7, s. 90 (1).

##### Application of subs. (1)

(2) Subsection (1) does not apply until the day that each area in Ontario is within a health unit. R.S.O. 1990, c. H.7, s. 90 (2).

##### Agreement with organization

**91** The Minister may enter into an agreement with any organization in accordance with which the organization will provide, in the part of Ontario that is specified in the agreement and that is not in a health unit,

(a) the health programs and services that a board of health is required to provide under this Act and the regulations; and

(b) the services of persons qualified to perform the functions of a medical officer of health, public health inspectors and other public health professionals that may be employed by a board of health. R.S.O. 1990, c. H.7, s. 91.

**91.1** REPEALED: 2009, c. 33, Sched. 18, s. 12 (10).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Hearings

**92** The Minister, the Chief Medical Officer of Health, a medical officer of health or a public health inspector need not hold or afford to any person an opportunity for a hearing before making an order or giving directions under this Act. R.S.O. 1990, c. H.7, s. 92.

##### Appointment of public health professionals

**93** The Minister may appoint a person to perform the duties and exercise the authority in a part of Ontario that is designated by the Minister and that is not within a health unit that may be performed and exercised in a health unit by a medical officer of health, a public health inspector, a public health nurse or any other public health professional whose services may be engaged by a board of health. R.S.O. 1990, c. H.7, s. 93.

##### Provincial analysts

**94** The Lieutenant Governor in Council may appoint one or more provincial analysts for the purposes of this Act and every other Act in which a provincial analyst is mentioned. R.S.O. 1990, c. H.7, s. 94.

##### Protection from personal liability

**95** (1) No action or other proceeding for damages or otherwise shall be instituted against the Chief Medical Officer of Health or an Associate Chief Medical Officer of Health, a member of a board of health, a medical officer of health, an associate medical officer of health of a board of health, an acting medical officer of health of a board of health or a public health inspector or an employee of a board of health or of a municipality who is working under the direction of a medical officer of health for any act done in good faith in the execution or the intended execution of any duty or power under this Act or for any alleged neglect or default in the execution in good faith of any such duty or power. 2007, c. 10, Sched. F, s. 18; 2009, c. 33, Sched. 18, s. 12 (11); 2011, c. 7, s. 4 (1).

##### Crown liability

(1.1) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability for the acts or omissions of a minister of the Crown or a Crown employee referred to in subsection (1) and the Crown is liable under that Act as if subsection (1) had not been enacted. 2007, c. 10, Sched. F, s. 18; 2019, c. 7, Sched. 17, s. 84.

##### Persons acting under order

(1.2) No action or other proceeding lies or shall be instituted against any person acting pursuant to an order, direction or directive made under section 77.5, 77.6, 77.7, 77.8 or 77.9 for any act done in good faith in the exercise or performance, or the intended exercise or performance of any duty under an order, direction or directive or for neglect or default in the good faith exercise or performance of such a duty. 2007, c. 10, Sched. F, s. 18; 2011, c. 7, s. 4 (2).

##### Exception

(2) Subsection (1) does not apply to prevent an application for judicial review or a proceeding that is specifically provided for in this Act. R.S.O. 1990, c. H.7, s. 95 (2).

##### Board of health not relieved of liability

(3) Subsection (1) does not relieve a board of health from liability for damage caused by negligence of or action without authority by a person referred to in subsection (1), and a board of health is liable for such damage in the same manner as if subsection (1) had not been enacted. R.S.O. 1990, c. H.7, s. 95 (3).

##### Protection from liability for reports

(4) No action or other proceeding shall be instituted against a person for making a report in good faith in respect of a communicable disease or a disease of public health significance in accordance with Part IV. R.S.O. 1990, c. H.7, s. 95 (4); 2017, c. 25, Sched. 3, s. 1 (3).

#### Section Amendments with date in force (d/m/y) [ + ]

## PART VIII REGULATIONS

##### Regulations

**96** (1) The Lieutenant Governor in Council may make regulations,

(a) prescribing any matter referred to in this Act as prescribed by the regulations;

(b) prescribing forms and providing for their use;

(c) classifying persons, organizations, premises, places, animals, plants and things, or any of them, for the purposes of the regulations;

(d) prescribing standards and requirements in respect of any matter in relation to which regulations may be made under this Act and requiring compliance with such standards and requirements;

(e) exempting any person, organization, premises, food, substance, thing, plant, animal other than man, solid, liquid, gas, heat, radiation or combination of any of them, or any class of any of them from any provision of this Act or the regulations and prescribing conditions that shall apply in respect of any such exemption. R.S.O. 1990, c. H.7, s. 96 (1); 2001, c. 30, s. 2; 2006, c. 26, s. 15 (2).

##### Regulations relating to Part II

(2) The Lieutenant Governor in Council may make regulations relating to Part II, prescribing standards and requirements for health programs and services and requiring boards of health to comply with the standards and requirements or either of them. R.S.O. 1990, c. H.7, s. 96 (2).

##### Regulations relating to Part III

(3) The Lieutenant Governor in Council may make regulations relating to Part III,

(a) in respect of any matter related to the health or safety of persons in, on or about public pools, whirlpools and spas, splash pads, spray pads, wading pools and water slide receiving basins and requiring owners and operators of public pools, whirlpools and spas, splash pads, spray pads, wading pools and water slide receiving basins to comply with such regulations, including, but not limited to,

(i) governing the construction, alteration, repair, location, operation, maintenance and use, or prohibiting any of them, of such public pools, whirlpools and spas, splash pads, spray pads, wading pools and water slide receiving basins and related buildings, appurtenances and equipment,

(ii) requiring the installation and maintenance of safety equipment,

(iii) requiring the presence of lifeguards and other staff, and

(iv) prescribing standards and requirements in respect of lifeguards and staff and requiring compliance with such standards and requirements;

(b) governing the construction, equipment, facilities (including sanitary facilities), operation and maintenance of food premises, and prescribing standards and requirements in respect thereof;

(c) regulating, restricting or prohibiting the manufacturing, processing, preparation, storage, handling, display, transportation, sale or offering for sale of any food on or in food premises and the distribution of food from food premises, and prescribing standards and requirements in respect thereof;

(d) prescribing chemical and microbiological standards for food and requiring compliance therewith;

(e) prescribing standards and requirements in respect of persons who operate food premises and in respect of persons who are employed on or in food premises and requiring compliance therewith;

(f) REPEALED: 1997, c. 15, s. 5 (3).

(g) governing and prohibiting the procurement, transportation, handling and sale of water by tank truck or other portable container for human consumption, and requiring the approval of a medical officer of health to the procurement, transportation, handling and sale of water by such means;

(h) respecting the records that shall be kept in respect of the source of supply, date of packaging or production and the distribution of any food;

(i) governing and requiring the labelling, identification or coding of food and containers of food that is manufactured, processed, prepared, stored, handled, displayed, transported, sold or offered for sale on or in food premises or distributed from food premises and specifying the type of labelling, identification or coding and the information required on the labels, identification or coding;

(j) in respect of any matter relating to the health and safety of personal service settings including establishing requirements and standards with which operators of personal service settings must comply;

(k) prescribing standards and requirements in respect of recreational camps and requiring owners and operators of recreational camps to comply with such standards and requirements;

(l) prescribing standards and requirements in respect of lumbering camps, mining camps, railway construction works or other places where labour is employed in territory without municipal organization and requiring owners and operators of such camps, works or other places to comply with such standards and requirements;

(m) governing small drinking water systems;

- (n) prescribing provisions in regulations dealing with small drinking water systems which may be varied by a medical officer of health for the purposes of section 12.1;
  - (o) prescribing chemical, biological and radiological standards for water from small drinking water systems and requiring compliance with them;
  - (p) in respect of any matter related to the health or safety of persons who receive or who may receive water from small drinking water systems;
  - (q) requiring owners and operators of small drinking water systems to comply with prescribed requirements, including, but not limited to, requirements,
    - (i) governing the construction, alteration, repair, location, operation, maintenance and use, or prohibiting any of them, of small drinking water systems and related buildings, appurtenances and equipment,
    - (ii) in respect of the presence of staff, other than the operator, and
    - (iii) prescribing standards and requirements in respect of owners and operators of small drinking water systems and in respect of persons who are employed in connection with the systems;
  - (r) respecting records that must be kept in respect of small drinking water systems;
  - (s) specifying powers and duties of medical officers of health and public health inspectors in respect of small drinking water systems, including authorizing medical officers of health and public health inspectors to issue mandatory directions in respect of individual small drinking water systems subject to such conditions as may be set out in the regulation;
  - (t) prescribing reporting requirements by owners and operators of small-drinking water systems, including requirements for reporting to the public and the matters on which owners and operators are to report. R.S.O. 1990, c. H.7, s. 96 (3); 1997, c. 15, s. 5 (3); 2007, c. 10, Sched. D, s. 1 (8); 2017, c. 25, Sched. 3, s. 14 (1, 2).
- (3.1) REPEALED: 2017, c. 25, Sched. 3, s. 14 (3).

#### Regulations relating to Part IV

(4) The Lieutenant Governor in Council may make regulations relating to Part IV,

- (a) governing the establishment, equipment, operation and maintenance of clinics for the examination and treatment of persons in respect of sexually transmitted diseases;
- (b) governing the handling, transportation and burial of bodies of persons who have died of a communicable disease or who had a communicable disease at the time of death;
- (c) requiring and governing the detention, isolation, handling, laboratory examination, taking of specimens from or destruction of any animal that has or may have a disease or a condition that may adversely affect the health of any person;
- (d) requiring the reporting of cases of animals that have or may have diseases that adversely affect the health of persons or that may adversely affect the health of any person, specifying diseases of animals that adversely affect the health of persons, specifying the classes of persons who shall make such reports and specifying the persons to whom such reports shall be made;
- (e) requiring and governing the immunization of domestic animals against any disease that may adversely affect the health of any person;
- (f) respecting the reporting of bites of persons by animals or contacts to persons that may result in human rabies, and requiring such reporting, specifying the persons or class of persons who must make such reports and requiring and governing the furnishing of additional information and the form and content of such reports and additional information;
- (g) requiring the payment of the costs incurred in complying with any action required under clause (c) and specifying by whom such costs shall be paid;
- (h) governing the handling and disposition of dead animals and specimens or products therefrom in the case of animal diseases communicable to man or conditions that may adversely affect the health of any person;
- (i) specifying additional persons who shall report the existence or the probable existence of diseases of public health significance or communicable diseases, and specifying the medical officers of health to whom such reports shall be made. R.S.O. 1990, c. H.7, s. 96 (4); 2017, c. 25, Sched. 3, s. 14 (4).

#### Regulations relating to Part VI

(5) The Lieutenant Governor in Council may make regulations relating to Part VI,

- (a) designating any area in Ontario as a health unit;
- (b) prescribing the names of health units;
- (c) altering the boundaries of or dissolving any health unit established or continued by or under this Act;
- (d) subject to Part VI, specifying for each board of health,
  - (i) the number of municipal members of the board,
  - (ii) by whom each of the municipal members of the board shall be appointed,
  - (iii) the area or place that each municipal member of the board is to represent,
  - (iv) the qualifications for appointment for each municipal member of the board,
 but this clause does not apply in respect of,
  - (v) the regional municipalities of Durham, Halton, Niagara, Peel, Waterloo and York, or
  - (vi) a single-tier municipality that, under the Act establishing or continuing it, has the powers, rights and duties of a local board of health or a board of health;
  - (vii) REPEALED: 2001, c. 25, s. 477 (6).
- (e) assigning additional duties to inspectors or any class of them appointed by the Minister;
- (f) specifying records that boards of health and persons appointed or whose services are engaged by boards of health shall compile, and governing the custody, keeping, inspection and disclosure of information from such records, including, but not limited to, records in respect of,
  - (i) the proceedings of boards of health,
  - (ii) the text of by-laws and resolutions of boards of health,
  - (iii) the financial and administrative affairs of boards of health,
  - (iv) mandatory health programs and services,
  - (v) other health programs and services,
  - (vi) medical services and health services provided by persons appointed or whose services are engaged by boards of health;
- (g), (h) REPEALED: 1997, c. 15, s. 5 (4).
- (i) for the purpose of subsection 72 (4), prescribing the methods of calculating or the bases for determining the proportion of the expenses referred to in subsection 72 (1) to be paid by each of the obligated municipalities in a health unit in the absence of an agreement between them under subsection 72 (3);
- (j) providing that section 72 does not apply to all or part of the expenses referred to in subsection 72 (1) in respect of one or more boards of health and their medical officers of health, prescribing the expenses and the boards of health to which section 72 does not apply and the circumstances or time period in which section 72 does not apply, and providing in the place of section 72 a different scheme for the payment of such expenses. R.S.O. 1990, c. H.7, s. 96 (5); 1997, c. 15, s. 5 (4); 1997, c. 30, Sched. D, s. 13 (1); 2000, c. 5, s. 14 (4); 2001, c. 25, s. 477 (6); 2017, c. 25, Sched. 3, s. 1 (4).

#### Regulation under clause (5) (j)

(5.1) A regulation under clause (5) (j) may,

- (a) require that all or part of the expenses referred to in subsection 72 (1) of two or more boards of health and their medical officers of health be shared among all or some of the municipalities in the health units served by the boards of health and prescribe the methods of calculating or the bases for determining the proportion of such expenses to be paid by each municipality that is required to share the expenses;
- (b) require a municipality in one health unit to pay all or part of the expenses referred to in subsection 72 (1) of a board of health and medical officer of health of another health unit;
- (c) provide that a municipality is not responsible for any or part of the expenses referred to in subsection 72 (1) of one or more boards of health and their medical officers of health;
- (d) provide for payment of the expenses referred to in subsection 72 (1) by residents of territory without municipal organization, provide that the expenses may be collected under the *Provincial Land Tax Act, 2006* as if they were taxes imposed under that Act and provide for the remittance of the amounts collected under that Act to specified boards of health;
- (e) govern the processes of obtaining and making payment, including prescribing notices that must be given to the entities responsible for payment and prescribing the times at which and the manner in which payments must be made;
- (f) provide for any matter for which section 72 provided. 1997, c. 30, Sched. D, s. 13 (2); 2006, c. 33, Sched. Z.3, s. 13.

#### Regulations relating to Part VII

(6) The Lieutenant Governor in Council may make regulations relating to Part VII,

- (a) assigning additional duties to assessors appointed under this Act;
- (b) prescribing the method of determining the amounts of interest that the Minister may require obligated municipalities to pay under subsection 86.4 (4) and prescribing the times at which and the manner in which payment of such amounts must be made. 1997, c. 30, Sched. D, s. 13 (2).

#### Section Amendments with date in force (d/m/y) [ + ]

##### Minister's regulations

**97** The Minister may make regulations,

- (a) designating diseases as communicable diseases, diseases of public health significance and virulent diseases for the purposes of this Act;
- (b) REPEALED: 2006, c. 26, s. 15 (3).

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 97 is amended by adding the following clause:**

- (b) prescribing provisions of the *Not-for-Profit Corporations Act, 2010* that apply to a board of health and the modifications with which those provisions are to so apply;

**See: 2010, c. 15, ss. 228 (2), 249.**

- (c) defining or further specifying the meaning of any or all of "infectious disease", "pandemic", "provincial, national or international public health event" or "public health emergency preparedness" for the purposes of section 77.9;
- (d) prescribing matters for the purposes of clause 77.9 (2) (d);
- (e), (f) REPEALED: 2006, c. 26, s. 15 (3).
- (g) specifying diseases for the purposes of the definition of "immunizing agent" in subsection 38 (1). 2001, c. 30, s. 3; 2006, c. 26, s. 15 (3); 2007, c. 10, Sched. F, s. 19; 2011, c. 7, s. 5; 2017, c. 25, Sched. 3, s. 15.

#### Section Amendments with date in force (d/m/y) [ + ]

##### Scope of regulations

**98** (1) A regulation may be general or particular in its application, may be limited in its application to any class prescribed by the regulations and may be limited as to time or place or both. R.S.O. 1990, c. H.7, s. 98 (1).

**Adoption of codes**

(2) A regulation may adopt by reference, in whole or in part, with such changes as are specified in the regulation, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted. R.S.O. 1990, c. H.7, s. 98 (2).

**Classes**

(3) A class may be defined in the regulations with respect to any attribute, quality or characteristic or combination of them and may be defined to include any persons, places, premises, organizations, animals, plants or things whether or not of the same type or with the same attributes, qualities or characteristics. R.S.O. 1990, c. H.7, s. 98 (3).

**Form, etc., of reports or notices**

**99** Except as otherwise provided in this Act, a report or notice required under this Act or the regulations shall be made in the form and manner, at or within the period of time and containing the information prescribed by the regulations. R.S.O. 1990, c. H.7, s. 99.

**PART IX  
ENFORCEMENT****Offence, orders**

**100** (1) Any person who fails to obey an order made under this Act is guilty of an offence. R.S.O. 1990, c. H.7, s. 100 (1).

**Offence, reports**

(2) Any person who contravenes a requirement of Part IV to make a report in respect of a disease of public health significance, a communicable disease or a reportable event following the administration of an immunizing agent is guilty of an offence. R.S.O. 1990, c. H.7, s. 100 (2); 2017, c. 25, Sched. 3, s. 1 (3).

**Offence, specified provisions**

(3) Any person who contravenes section 16, 17, 18, 18.1, 20, 39 or 40, subsection 41 (9), 42 (1), 72 (5), (7) or (8), clause 77.1 (3) (b), subsection 77.3 (3) or 77.5 (6), section 77.7, subsection 77.9 (3), 82 (13), (14), (15), (16) or (17), 83 (3) or 84 (2) or section 105 is guilty of an offence. 2007, c. 10, Sched. F, s. 20; 2011, c. 7, s. 6; 2017, c. 25, Sched. 3, s. 16.

**Offence, regulations**

(4) Any person who contravenes a regulation is guilty of an offence. R.S.O. 1990, c. H.7, s. 100 (4).

**Section Amendments with date in force (d/m/y) [ + ]****Penalty**

**101** (1) Every person who is guilty of an offence under this Act is liable on conviction to a fine of not more than \$5,000 for every day or part of a day on which the offence occurs or continues. R.S.O. 1990, c. H.7, s. 101 (1).

**Corporation**

(2) Where a board of health, a municipality or any other corporation is convicted of an offence under this Act, the maximum penalty that may be imposed for every day or part of a day on which the offence occurs or continues is \$25,000 and not as provided in subsection (1). R.S.O. 1990, c. H.7, s. 101 (2); 1997, c. 30, Sched. D, s. 15 (1).

**Directors, officers, employees and agents**

(3) Where a corporation, other than a board of health or a municipality, is convicted of an offence under this Act,

(a) each director of the corporation; and

(b) each officer, employee or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is guilty of an offence unless he or she satisfies the court that he or she took all reasonable care to prevent the commission of the offence. R.S.O. 1990, c. H.7, s. 101 (3); 1997, c. 30, Sched. D, s. 15 (2).

**Section Amendments with date in force (d/m/y) [ + ]****Proceedings to restrain contravention of order or directive**

**102** (1) Despite any other remedy or any penalty, the contravention by any person of an order made under this Act or of a directive relating to a small drinking water system may be restrained by order of a judge of the Superior Court of Justice upon application without notice by the person who made the order or issued the directive or by the Chief Medical Officer of Health or the Minister. 2007, c. 10, Sched. D, s. 1 (10).

**Proceedings to prohibit continuation or repetition of contravention**

(2) Where any provision of this Act or the regulations is contravened, despite any other remedy or any penalty imposed, the Minister or the Chief Medical Officer of Health may apply to a judge of the Superior Court of Justice for an order,

(a) prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the judge, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention; and

(b) requiring the person committing the contravention to take any action that is, in the opinion of the judge, necessary or advisable for the purpose of reducing the likelihood of a continuation or repetition of the contravention. 2007, c. 10, Sched. F, s. 21.

**Enforcement**

(2.1) Where a judge has made an order based on an application under subsection (2), the order may be enforced in the same manner as any other order or judgment of the Superior Court of Justice. 2007, c. 10, Sched. F, s. 21.

**Health Care Consent Act, 1996**

(3) The *Health Care Consent Act, 1996* does not apply to a treatment that is required by an order made under this section. 1996, c. 2, s. 67 (5).

**Section Amendments with date in force (d/m/y) [ + ]****Copy of order as evidence**

**103** (1) A copy of an order purporting to be made by the Minister, the Chief Medical Officer of Health, a medical officer of health or a public health inspector is, without proof of the office or signature of the Minister, the Chief Medical Officer of Health, the medical officer of health or the public health inspector, as the case may be, receivable in evidence as proof, in the absence of evidence to the contrary, of the making of the order and of its contents for all purposes in any action, proceeding or prosecution. R.S.O. 1990, c. H.7, s. 103 (1).

**Certificate as evidence**

(2) A certificate as to the result of any test that purports to be signed by a provincial analyst is, without proof of the office or signature of the provincial analyst, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate for all purposes in any action, proceeding or prosecution. R.S.O. 1990, c. H.7, s. 103 (2).

**Effect of compliance with order**

**104** A person who in good faith and in a reasonable manner, in complying or attempting to comply with an order under Part III, takes or refrains from taking any action shall not be convicted of an offence in respect of such taking or refraining from taking of action. R.S.O. 1990, c. H.7, s. 104.

**Furnishing false information**

**105** No person shall furnish false information knowingly to an inspector appointed by the Minister, an assessor appointed under section 82, the Chief Medical Officer of Health, a medical officer of health, a public health inspector or a person who is carrying out any power, duty or direction under this Act or is otherwise acting in the lawful performance of his or her duties under this Act. R.S.O. 1990, c. H.7, s. 105; 1997, c. 30, Sched. D, s. 16.

**Section Amendments with date in force (d/m/y) [ + ]****Service**

**106** (1) Any notice, order or other document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by ordinary mail addressed to the person to whom it is to be given, served or delivered at the person's last known address or in the case of an order to which subsection 22 (5.0.1) applies, as provided in subsections 22 (5.0.2) and (5.0.3). R.S.O. 1990, c. H.7, s. 106 (1); 2007, c. 10, Sched. F, s. 22.

**When service deemed made**

(2) A notice, order or other document shall be deemed to be given, served or delivered,

(a) seven days after the day of mailing if sent by ordinary mail in accordance with subsection (1); or

(b) on the earlier of seven days after the day the order was given and the day it should reasonably have come to the attention of the members of a class under the notice requirements in subsection 22 (5.0.2) or (5.0.3). 2009, c. 33, Sched. 18, s. 12 (12).

**When notice, order or other document not received**

(3) Subsection (2) does not apply if a person or a member of a class of persons establishes that he or she, acting in good faith, did not receive the notice, order or other document until a later date through absence, accident, illness or other cause beyond the person's control. 2009, c. 33, Sched. 18, s. 12 (12).

**Section Amendments with date in force (d/m/y) [ + ]**

**PART X (S. 107-111) REPEALED: 2017, C. 25, SCHED. 3, S. 17.**

**107, 108** REPEALED: 2017, c. 25, Sched. 3, s. 17.

**Section Amendments with date in force (d/m/y) [ + ]**

**109** REPEALED: 2009, c. 33, Sched. 18, s. 12 (13).

**Section Amendments with date in force (d/m/y) [ + ]**

**110, 111** REPEALED: 2017, c. 25, Sched. 3, s. 17.

**Section Amendments with date in force (d/m/y) [ + ]**

This is Exhibit "OO" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

*Commissioner for Taking Affidavits (or as may be)*

Public Health  
277 Victoria Street  
5<sup>th</sup> Floor  
Toronto, Ontario M5B 1W2

[toronto.ca/health](http://toronto.ca/health)

## CLASS ORDER

### made pursuant to Section 22(5.0.1) of the Health Protection and Promotion Act

**Date:** April 1, 2020

**TO:** All persons residing in or present in the City of Toronto who:

- (a) are identified as a person diagnosed with COVID-19;
- (b) have the signs and symptoms of COVID-19, have been tested for COVID-19 and are awaiting the results of their test;
- (c) otherwise have reasonable grounds to believe they have symptoms of COVID-19;  
or
- (d) are a close contact of a person identified in (a), (b) or (c).

I, Eileen de Villa, Medical Officer of Health for the City of Toronto Health Unit, order you to take the following actions, **effective 10:00am on April 1, 2020:**

1. Isolate yourself without delay in accordance with instructions provided by Toronto Public Health. This includes remaining in your home or isolation facility. Do not go outside, unless on to a private balcony or enclosed yard where you can avoid close contact with others. You must not have any visitors into your home except as permitted by Toronto Public Health.
2. Remain in isolation until the expiry of a 14-day period that begins on the day on which you first show symptoms, are tested, or are diagnosed with COVID-19, whichever is earliest, or on the last day of close contact, unless otherwise instructed by Toronto Public Health in accordance with the current Ministry of Health guidelines as amended: [http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019\\_testing\\_clearing\\_cases\\_guidance.pdf](http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_testing_clearing_cases_guidance.pdf).
3. During the self-isolation period, conduct yourself in such a manner as not to expose another person to infection or potential infection from COVID-19 by following infection control instructions on the Toronto Public Health website, located at: <https://www.toronto.ca/home/covid-19/covid-19-health-advice/>, or given to you by Toronto Public Health or any other staff of a healthcare facility to which you may seek or receive treatment.
4. Keep away from vulnerable persons.
5. Inform Toronto Public Health if you require any necessities or additional medical care. In particular, inform your Toronto Public Health caseworker or contact the Toronto Public Health Hotline for COVID-19 at 416-338-7600.

6. Follow any further instructions provided by Toronto Public Health pertaining to COVID-19 and the terms and conditions of this Order. In particular, you should seek clinical assessment over the phone - either by calling your primary care provider's office or Telehealth Ontario 1-866-797-0000. If you need additional assessment, your primary care provider or Telehealth Ontario will direct you to in-person care options.
7. Seek prompt medical attention if your illness is worsening (e.g. difficulty breathing) by calling 911 and mentioning your COVID-19 related diagnosis or symptoms.
8. The requirements of this Order are subject to necessary modifications for the following persons or class of persons:
  - a) a person or class of persons who, in the opinion of the Medical Officer of Health is asymptomatic and provides an essential service, for the limited purpose of providing that essential service;
  - b) a person receiving essential medical services or treatments, whether or not related to COVID-19; or
  - c) where a person's isolation, in the opinion of Toronto Public Health, would not be in the public interest.

**THE REASONS for this ORDER are that:**

1. COVID-19 is a disease of public health significance and has been designated as communicable under Ontario Regulation 135/18 as amended. COVID-19 has been declared a pandemic by the World Health Organization. The Province of Ontario and the City of Toronto have declared an emergency under the Emergency Management and Civil Protection Act as a result of the pandemic.
2. COVID-19 is now present in the City of Toronto and therefore poses a risk to the health of the residents of the City of Toronto through community transmission. The COVID-19 virus is spread from an infected person to a close contact by direct contact or when respiratory secretions from the infected person enter the eyes, nose or mouth of another person.
3. To contain the spread of COVID-19, individuals experiencing symptoms consistent with COVID-19 or who are infected with COVID-19, as well as their close contacts, are required to isolate themselves from other people until they are no longer infectious or potentially infectious. Isolation ensures that these people will not spread their infection to others.

**I am of the opinion, on reasonable and probable grounds that:**

- a. a communicable disease exists or may exist or there is an immediate risk of an outbreak of a communicable disease in the health unit served by me;
- b. the communicable disease presents a risk to the health of persons in the health unit served by me; and

- c. the requirements specified in this Order are necessary in order to decrease or eliminate the risk to health presented by the communicable disease.

**I am also of the opinion that** the delivery of notice of this Order to each and every member of the class is likely to cause a delay that could significantly increase the risk to the health of any person residing in the health unit, so notice shall be provided through the public media and the internet via posting on the Toronto Public Health website: [www.toronto.ca/covid-19](http://www.toronto.ca/covid-19).

The following definitions apply to this Order:

**"close contact"** means you are caring for or living in the same household with someone who has COVID-19 or have otherwise been identified as a close contact by Toronto Public Health.

**"Toronto Public Health"** means the Medical Officer of Health or Toronto Public Health staff acting under the direction of the Medical Officer of Health.

**"vulnerable person"** includes a person who (i) has an underlying medical condition; (ii) has a compromised immune system from a medical condition or treatment; (iii) is 65 years of age or older; or (iv) is reliant upon a homeless shelter or other congregate living setting.

## **NOTICE**

**TAKE NOTICE THAT** each member of the class is entitled to a hearing by the Health Services Appeal and Review Board if the member has delivered to me and to the Health Services Appeal and Review Board, 151 Bloor Street West, 9th Floor, Toronto, Ontario, M5S 1S4, notice in writing, requesting a hearing within 15 days after publication of this Order or otherwise in accordance with applicable law.

**AND TAKE FURTHER NOTICE THAT** although a hearing may be requested this Order takes effect when it is delivered to a member of the class or brought to the attention of a member of the class.

**FAILURE** to comply with this Order is an offence for which you may be liable, on conviction, to a fine of not more than \$5,000.00 for every day or part of each day on which the offence occurs or continues.




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Eileen de Villa, MD, MBA, MHSc, CCFP, FRCPC  
 Medical Officer of Health  
 City of Toronto Health Unit  
 277 Victoria Street, 5<sup>th</sup> Floor  
 Toronto, Ontario M5B 1W2

Email: [medicalofficerofhealth@toronto.ca](mailto:medicalofficerofhealth@toronto.ca)

This Order shall be posted on the Toronto Public Health website: [www.toronto.ca/covid-19](http://www.toronto.ca/covid-19).

Inquiries about this Order should be directed to the Toronto Public Health Hotline for COVID-19 at 416-338-7600.

This is Exhibit "PP" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



## Public Notice

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### Emergency Order No. 1 - To impose regulations requiring physical distancing within Parks and Public Squares.

Mayor's Order under Toronto Municipal Code Chapter 59

#### Description

CITY OF TORONTO

EMERGENCY ORDER No. 1

To impose regulations requiring physical distancing within Parks and Public Squares.

WHEREAS under sections 7 and 8 of the City of Toronto Act, 2006 the City has broad authority to provide any service or thing the City considers necessary or desirable for the public and to pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

WHEREAS City Council has enacted Chapter 59, Emergency Management, of the City of Toronto Municipal Code ("Chapter 59") with respect to numerous matters concerning the City's response to a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease, an accident or other health risk or an act whether intentional or otherwise; and

WHEREAS under the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, as provided in section 21; and

WHEREAS under section 59-6.1.A. of Chapter 59, City Council delegated its statutory authority under the City of Toronto Act, 2006, and under any other legislation, to the Mayor, exclusively for use in emergencies, subject to the specific restrictions and conditions imposed by Chapter 59, the Act, and otherwise; and

WHEREAS COVID-19 is present within the City of Toronto, and COVID-19 is a disease that is readily communicable from person to person, carries a risk of serious complications such as pneumonia or kidney failure, and may result in death; and

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization; and

WHEREAS, on March 17, 2020, an emergency was declared, by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS, on March 23, 2020 an emergency was declared by the head of council of the City of Toronto for purposes of s.4 of the Emergency Management and Civil Protection Act, and s.59-5.1 of Chapter 59 due to the risk to the health of the residents of the City of Toronto arising from spread of COVID-19 and its presence within the City of Toronto (the "Emergency"); and

WHEREAS this order is based on the advice of the Medical Officer of Health, who has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household; and

WHEREAS in accordance with section 59-6.1.B. of Chapter 59, I believe that it is necessary to utilize the delegated authority to make the following order to address the Emergency in a timely manner, and that the exercise of the delegated authority is a reasonable basis to alleviate harm or damage as a reasonable alternative to other measures to address the Emergency for the following reasons: due to the fact that COVID-19 is a disease that is readily communicable from person to person and that time is of the essence in implementing measures to address the spread of COVID-19, which makes implementation of these measures through other means impractical in the circumstances; and

WHEREAS the City currently regulates and prohibits specific conduct on City property such as parks, and public squares, which is undesirable, constitutes a nuisance, or presents health risks to other residents of the City of Toronto, it is my opinion that the harm caused by COVID-19 will be alleviated by adding to the list of prohibited conduct in these areas, a failure to maintain a distance of two metres from other individuals who are not members of their same household, which shall be enforceable in the same manner as other currently prohibited conduct.

Therefore, I, John Tory, Mayor of the CITY OF TORONTO, enact by issuing of this Order, the following regulations with respect to the City of Toronto:

1. Chapter 608, Parks, of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines by:

(a) Adding the following new paragraph (1.1) to subsection 608-3.A which lists prohibited activities in a park:

(1.1) Remain, for longer than an incidental period, closer than 2 metres to any other person who is not a member of the same household;

(b) Adding the following new section F to section 608-3 to exempt individuals providing services to the public from compliance with the physical distancing guidelines:

F. Despite subsection A(1.1), a person who is a police officer, City employee, or a person hired or engaged by the City to do work or perform services within the park, may be within 2 metres of another person who is not a member of their household, for the specific purposes of providing policing, municipal, or enforcement services, including, but not limited to, the enforcement of this chapter, or the provisions of an act of Parliament or the Legislature, or an order made under an act of Parliament or the Legislature.

2. Chapter 636, Public Squares of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines by:

(a) Adding the following new subsection C to section 636-11 which lists prohibited activities on Yonge-Dundas Square:

C. Remain, for longer than a transient or incidental period, closer than two 2 metres to any other person who is not a member of the same household;

(b) Adding the following new subsection C.1 to section 636-22 to except individuals providing services to the public from compliance with the physical distancing guidelines:

C.1. With the exception of the police, City employees, or persons hired or engaged by the City to do work or perform services within a square, while performing policing, municipal, or enforcement services, including, but not limited to, the enforcement of this chapter, no person within a square shall remain, for longer than an incidental period, within 2 metres of any other person who are not a member of the same household.

(c) Subsection 636-19.D. is deleted to remove the exclusion from the regulations establishing prohibited activities on Yonge-Dundas Square with respect to individuals engaged in location filming during a period and at a place as have been first approved in a permit issued by the City's Film Liaison with the approval of the Yonge-Dundas Square Board of Management.

4. The above amendments are revoked 30 days from the date of this order unless City Council authorizes an extension of the amendments.

MAYOR JOHN TORY

**Date**

April 2, 2020

## Additional Information

### References

See also Emergency Order No. 2 - To impose regulations requiring physical distancing within Nathan Phillip Square in the same manner as other Public Squares.

<http://app.toronto.ca/nm/api/individual/notice/1626.do>  
(<http://app.toronto.ca/nm/api/individual/notice/1626.do>)

By-law No. 322-2020 - To amend Municipal Code Chapters 608 and 636 to impose emergency physical distancing regulations with respect to Parks, and Public Squares

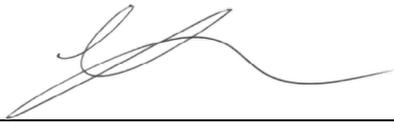
<http://www.toronto.ca/legdocs/bylaws/2020/law0322.pdf>  
(<http://www.toronto.ca/legdocs/bylaws/2020/law0322.pdf>)

### Topic

- Emergency Management

Notices Management Information System - vN2-1.1

This is Exhibit "QQ" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



## Public Notice

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### Emergency Order No. 2 - To impose regulations requiring physical distancing within Nathan Phillip Square in the same manner as other Public Squares.

Mayor's Order under Toronto Municipal Code Chapter 59

#### Description

CITY OF TORONTO

EMERGENCY ORDER No. 2

To impose regulations requiring physical distancing within Nathan Phillip Square in the same manner as other Public Squares.

WHEREAS under sections 7 and 8 of the City of Toronto Act, 2006 the City has broad authority to provide any service or thing the City considers necessary or desirable for the public and to pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

WHEREAS City Council has enacted Chapter 59, Emergency Management, of the City of Toronto Municipal Code ("Chapter 59") with respect to numerous matters concerning the City's response to a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease, an accident or other health risk or an act whether intentional or otherwise; and

WHEREAS under the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, as provided in section 21; and

WHEREAS under section 59-6.1.A. of Chapter 59, City Council delegated its statutory authority under the City of Toronto Act, 2006, and under any other legislation, to the Mayor, exclusively for use in emergencies, subject to the specific restrictions and conditions imposed by Chapter 59, the Act, and otherwise; and

WHEREAS COVID-19 is present within the City of Toronto, and COVID-19 is a disease that is readily communicable from person to person, carries a risk of serious complications such as pneumonia or kidney failure, and may result in death; and

WHEREAS the spread of COVID-19 has been declared a pandemic by the World Health Organization; and

WHEREAS, on March 17, 2020, an emergency was declared, by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, due to the health risks to Ontario residents arising from COVID-19; and

WHEREAS, on March 23, 2020 an emergency was declared by the head of council of the City of Toronto for purposes of s.4 of the Emergency Management and Civil Protection Act, and s.59-5.1 of Chapter 59 due to the risk to the health of the residents of the City of Toronto arising from spread of COVID-19 and its presence within the City of Toronto (the "Emergency"); and

WHEREAS this order is based on the advice of the Medical Officer of Health, who has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household; and

WHEREAS in accordance with section 59-6.1.B. of Chapter 59, I believe that it is necessary to utilize the delegated authority to make the following order to address the Emergency in a timely manner, and that the exercise of the delegated authority is a reasonable basis to alleviate harm or damage as a reasonable alternative to other measures to address the Emergency for the following reasons: due to the fact that COVID-19 is a disease that is readily communicable from person to person and that time is of the essence in implementing measures to address the spread of COVID-19, which makes implementation of these measures through other means impractical in the circumstances; and

WHEREAS the City currently regulates and prohibits conduct on the specific City property known as Nathan Phillips Square under the regulations contained in the former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square; and

WHEREAS the City currently regulates and prohibits conduct on the other public squares of the City, through the provisions of City of Toronto Municipal Code Chapter 636, Public Squares, which includes in the listed prohibited conduct in these areas, a failure to maintain a distance of two metres from other individuals who are not members of their same household; and

WHEREAS it is my opinion that the harm caused by COVID-19 will be best alleviated by having regulations concerning the failure to maintain a distance of two metres from other individuals who are not members of their same household, contained in as harmonized of a set of regulations as possible, I believe that Nathan Phillips Square should be included in the definition of Public Square for the purposes of being subject to the specific regulations prohibiting a failure to maintain a distance of two metres from other individuals who are not members of their same household which is applicable to all other public squares of the City.

Therefore, I, John Tory, Mayor of the CITY OF TORONTO, enact by issuing of this Order, the following regulations with respect to the City of Toronto:

1. Chapter 636, Public Squares of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines within the public square known as Nathan Phillips Square by:

(a) Adding the following as new subsection 636-22.A.(4) to the definition of Square for purposes of section 636-22:

(4) for purposes of subsection 636-22.C.1, "Nathan Phillips Square" as defined in former City of Toronto Municipal Code Chapter 237, Nathan Phillips Square.

2. The above amendment is revoked 30 days from the date of this order unless City Council authorizes an extension of the amendments.

MAYOR JOHN TORY

**Date**

April 3, 2020

**Additional Information****References**

By-law No. 323-2020 - To amend Municipal Code Chapter 636, Public Square to include Nathan Phillips Square within the emergency physical distancing regulations.

<http://www.toronto.ca/legdocs/bylaws/2020/law0323.pdf>

(<http://www.toronto.ca/legdocs/bylaws/2020/law0323.pdf>).

See also Emergency Order No. 1 - To impose regulations requiring physical distancing within Parks and Public Squares.

<http://app.toronto.ca/nm/api/individual/notice/1625.do>

(<http://app.toronto.ca/nm/api/individual/notice/1625.do>).

**Affected Location(s)**

100 Queen Street West

Toronto, Ontario

M5H 2N1

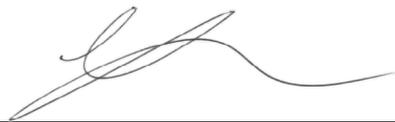
Canada

**Topic**

- Emergency Management

Notices Management Information System - vN2-1.1

This is Exhibit "RR" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Authority: Mayor's delegated authority under Section 59-6.1 of Chapter 59, Emergency Management of The City of Toronto Municipal Code and Emergency Order No. 1 issued by Mayor John Tory on April 2, 2020.



CERTIFIED TRUE COPY  
Ulri S. Watkiss, City Clerk

Digitally signed document  
Use PDF reader to verify

2020-04-02

## CITY OF TORONTO

### BY-LAW 322-2020

#### **To amend Municipal Code Chapters 608 and 636 to impose emergency physical distancing regulations with respect to Parks, and Public Squares.**

Whereas under sections 7 and 8 of the City of Toronto Act, 2006, the City has broad authority to provide any service or thing the City considers necessary or desirable for the public and to pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

Whereas City Council has enacted Chapter 59, Emergency Management, of the City of Toronto Municipal Code ("Chapter 59") with respect to numerous matters concerning the City's response to a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease, an accident or other health risk or an act whether intentional or otherwise; and

Whereas under the specific powers and restrictions respecting delegation in sections 20 to 24, the City may delegate its powers and duties under the Act to an officer or employee of the City, as provided in section 21; and

Whereas under section 59-6.1.A. of Chapter 59 City Council delegated its statutory authority under the City of Toronto Act, 2006, and under any other legislation, to the Mayor, exclusively for use in emergencies, subject to the specific restrictions and conditions imposed by Chapter 59, the Act, and otherwise; and

Whereas COVID-19 is present within the City of Toronto, and COVID-19 is a disease that is readily communicable from person to person, carries a risk of serious complications such as pneumonia or kidney failure, and may result in death; and

Whereas the spread of COVID-19 has been declared a pandemic by the World Health Organization; and

Whereas, on March 17, 2020, an emergency was declared, by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, due to the health risks to Ontario residents arising from COVID-19; and

Whereas, on March 23, 2020 an emergency was declared by the head of council of the City of Toronto for purposes of s.4 of the Emergency Management and Civil Protection Act, and s.59-5.1 of Chapter 59 due to the risk to the health of the residents of the City of Toronto arising from spread of COVID-19 and its presence within the City of Toronto (the "Emergency"); and

Whereas this order is based on the advice of the Medical Officer of Health, who has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household; and

Whereas in accordance with section 59-6.1.B. of Chapter 59, I believe that it is necessary to utilize the delegated authority to make the following order to address the Emergency in a timely manner, and that the exercise of the delegated authority is a reasonable basis to alleviate harm or damage as a reasonable alternative to other measures to address the Emergency for the following reasons: due to the fact that COVID-19 is a disease that is readily communicable from person to person and that time is of the essence in implementing measures to address the spread of COVID-19, which makes implementation of these measures through other means impractical in the circumstances; and

Whereas the City currently regulates and prohibits specific conduct on City property such as parks and public squares, which is undesirable, constitutes a nuisance, or presents health risks to other residents of the City of Toronto, it is my opinion that the harm caused by COVID-19 will be alleviated by adding to the list of prohibited conduct in these areas, a failure to maintain a distance of two metres from other individuals who are not members of their same household, which shall be enforceable in the same manner as other currently prohibited conduct;

The Mayor of the City of Toronto enacts:

1. Chapter 608, Parks, of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines by:
  - (a) adding the following new paragraph (1.1) to subsection 608-3.A which lists prohibited activities in a park:
    - (1.1) Remain, for longer than an incidental period, closer than 2 metres to any other person who is not a member of the same household; and
  - (b) adding the following new section F to section 608-3 to except individuals providing services to the public from compliance with the physical distancing guidelines:
    - F. Despite subsection A(1.1), a person who is a police officer, City employee, or a person hired or engaged by the City to do work or perform services within the park, may be within 2 metres of another person who is not a member of their household, for the specific purposes of performing policing, municipal, or enforcement services, including, but not limited to, the enforcement of this chapter, or the provisions of an act of Parliament or the Legislature, or an order made under an act of Parliament or the Legislature.
2. Chapter 636, Public Squares of the City of Toronto Municipal Code is amended to require compliance with physical distancing guidelines by:

- (a) adding the following new subsection C to section 636-11 which lists prohibited activities on Yonge-Dundas Square:
    - C. Remain, for longer than an incidental period, closer than two 2 metres to any other person who is not a member of the same household;
  - (b) adding the following new subsection C.1 to section 636-22 to except individuals providing services to the public from compliance with the physical distancing guidelines:
    - C.1. With the exception of the police, City employees, or persons hired or engaged by the City to do work or perform services within a square, while performing policing, municipal, or enforcement services, including, but not limited to, the enforcement of this chapter, no person within a square shall remain, for longer than an incidental period, within 2 metres of any other person who is not a member or the same household; and
  - (c) Subsection 636-19.D. is deleted to remove the exclusion from the regulations establishing prohibited activities on Yonge-Dundas Square with respect to individuals engaged in location filming during a period and at a place as have been first approved in a permit issued by the City's Film Liaison with the approval of the Yonge-Dundas Square Board of Management.
3. The above amendments are deemed to be no longer effective, and thereby revoked 30 days from the date of this by-law, unless City Council authorizes an extension of these amendments.

Enacted and passed on April 2, 2020.

John Tory,  
Mayor

Ulli S. Watkiss,  
City Clerk

(Seal of the City)

This is Exhibit "SS" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

## Tracking Status

- [City Council](#) adopted this item on April 30, 2020 with amendments.

### City Council consideration on April 30, 2020

CC20.2		Amended		Ward: All
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## City of Toronto Response and the Ongoing Management of Emergency City Business during the COVID-19 Pandemic

### Recommendations

The City Manager recommends that:

1. City Council receive this report for information.

### Background Information (City Council)

(April 27, 2020) Report from the City Manager on the City of Toronto Response and the Ongoing Management of Emergency City Business during the COVID-19 Pandemic (CC20.2) (<http://www.toronto.ca/legdocs/mmis/2020/cc/bgrd/backgroundfile-147152.pdf>)

(April 29, 2020) City Manager's Presentation to Council on the City of Toronto Response and Ongoing Management of Emergency City Business during the COVID-19 Pandemic (CC20.2a) (<http://www.toronto.ca/legdocs/mmis/2020/cc/bgrd/backgroundfile-147176.pdf>)

### Communications (City Council)

(April 24, 2020) E-mail from Sharon Yetman (CC.Main.CC20.2.1)

(April 28, 2020) Letter from Dave Wilkes, President and Chief Executive Officer, BILD (CC.Supp.CC20.2.2)

(<http://www.toronto.ca/legdocs/mmis/2020/cc/comm/communicationfile-101767.pdf>)

(April 23, 2020) Letter from Emmay Mah, Executive Director, Toronto Environmental Alliance (CC.Supp.CC20.2.3)

(<http://www.toronto.ca/legdocs/mmis/2020/cc/comm/communicationfile-101768.pdf>)

(April 25, 2020) Letter from Moya Beall, Scarborough Transit Action, Jennifer Robinson, Connect Sheppard East and 42 Voices and Anna Kim, Scarborough Civic Action Network (CC.Supp.CC20.2.4)

(<http://www.toronto.ca/legdocs/mmis/2020/cc/comm/communicationfile-101769.pdf>)

(April 29, 2020) E-mail from Hamish Wilson (CC.New.CC20.2.5)

(April 29, 2020) Letter from Various Organizations (CC.New.CC20.2.6)

(<http://www.toronto.ca/legdocs/mmis/2020/cc/comm/communicationfile-101791.pdf>)

(April 29, 2020) Letter from Geoff Kettel and Cathie Macdoanld, Co-Chairs, Federation of North Toronto Residents' Associations (CC.New.CC20.2.7)

(<http://www.toronto.ca/legdocs/mmis/2020/cc/comm/communicationfile-101793.pdf>)

(April 30, 2020) E-mail from Sajal Chowdhury (CC.New.CC20.2.8)

(April 30, 2020) Submission from Alison Pope (CC.New.CC20.2.9)

(April 30, 2020) E-mail from Sharon Yetman (CC.New.CC20.2.10)

(April 25, 2020) E-mail from Keshav Chandra (CC.New.CC20.2.11)

### Motions (City Council)

1 - Motion to Amend Item (Additional) moved by Mayor John Tory (**Carried**)

That:

1. City Council request the Toronto Transit Commission to maintain service capacity to meet demand, adjusting specific routes to address congestion, social equity and support social distancing.

2. City Council request the Chief Executive Officer, Toronto Transit Commission to work with the Amalgamated Transit Union to develop a possible redeployment plan and any necessary emergency leave provisions, and City Council request that, prior to any decision on temporary involuntary layoffs or changes to compensation, the Chief Executive Officer, Toronto Transit Commission report to the Toronto Transit Commission Board on a plan to re-establish service to pre-COVID-19 levels including benchmarks and phases for re-entry.

3. City Council request the Federal and Provincial governments to immediately provide operational support to the Toronto Transit Commission to maintain service levels during the COVID-19 pandemic and as ridership is restored so that service and staffing can continue to meet demand and comply with any Public Health guidelines for transit systems that may be recommended.

4. City Council request the City Manager, in consultation with the Medical Officer of Health, to assess and evaluate all preventative public health regulations necessary to be implemented in City facilities as part of the recovery and restart plan; such plans should survey global best practices where public health recovery measures have been implemented and could include working with the Province to facilitate strategic screening processes and testing in City facilities and comprehensive modifications to public places to ensure physical distancing.

5. City Council request the Province of Ontario and the Federal Government to amend the newly announced Ontario-Canada Emergency Commercial Rent Assistance Program to help Toronto's small business and not-for-profit communities remain viable in the wake of the COVID-19; specific amendments to the program should include:

a. broadening eligibility criteria to include tenant businesses and not-for-profits that have experienced significant revenue losses that are greater than 50 percent (instead of the announced 70 percent) and who still who meet the criteria of less than \$50,000 per month in rent;

b. broadening eligibility criteria to include landlord structures common to the not-for-profit sector, such as head leasees operating community hubs in public sector properties, to ensure that not-for-profit organizations and tiered landlord structures are eligible for the program;

c. encouraging landlords and tenants to work co-operatively with regard to May rent until the program is operational in mid-May; and

d. ensuring the stackability of programs targeted at small business and not-for-profits.

6. City Council request the Province of Ontario to immediately institute a temporary moratorium on any commercial rent default evictions as a moratorium is only currently contemplated for participants in the Ontario-Canada Emergency Commercial Rent Assistance Program, which may leave many tenants unable to access relief as landlords can choose to not participate in the program.

7. City Council direct the City Manager to include the following principles in negotiations with the Provincial and Federal governments:

- a. a legal and financial relationship that acknowledges the City's increased role and responsibilities, and ensures ongoing annual revenue for meeting these responsibilities;
- b. recognition of shared responsibility for meeting the service and support needs of vulnerable and socially marginalized residents;
- c. laying the foundation for climate change mitigation and resilience;
- d. a permanent robust public health system; and
- e. recognizing the key role local governments play in economic stimulus.

8. City Council request the General Manager, Transportation Services and the Medical Officer of Health to pursue opportunities to provide, where possible and under the advice of public health and through the City-wide recovery planning process, more space for pedestrians, cyclists and public transit riders to allow for better physical distancing.

9. City Council direct the General Manager, Transportation Services to report back to City Council on the possibility of fast-tracking projects within the 10 Year Capital Plan for Vision Zero and cycling infrastructure.

10. City Council request the Province of Ontario to continue to support Toronto's COVID-19 homelessness and supportive housing response by providing proactive testing in all shelters and respite, additional Personal Protection Equipment for frontline shelter staff, the establishment of a regional Greater Toronto Area plan for isolation and recovery spaces for those in the shelter and supportive housing system, and to provide additional funding for the provision of permanent supportive and affordable housing opportunities.

11. City Council request the Medical Officer of Health, Toronto Public Health to provide the guidelines required by Parks, Forestry and Recreation in order to permit the allotment gardens to re-open in a timely manner to allow for spring planting.

12. City Council direct the General Manager, Parks, Forestry and Recreation, upon receipt of these guidelines, to ensure the required stakeholder communication on the guidelines takes place and then immediately issue permits for the allotment gardens.

13. City Council direct the General Manager, Solid Waste Management to consult with the Medical Officer of Health, the General Manager, Shelter, Support and Housing Administration and local Councillors regarding the expanded deployment of temporary sanitation and washing stations in priority areas.

14. City Council direct the Executive Director, Social Development, Finance and Administration, and the General Manager, Shelter, Support and Housing Administration, in consultation with the Medical Officer of Health, to provide, similar to the Daily Shelter and Overnight Service Usage, regular updates on progress made on the action plan to rapidly house and place in hotel accommodations many in the shelter system including:

- a. updated on the deployment of temporary sanitation and washing stations in priority areas;
- b. updates on the number of those living in shelters and encampments who have been rehoused in housing or hotel accommodations;
- c. any efforts to acquire additional hotels or housing units; and
- d. updates on the number of wellness checks being completed by staff in encampments to ensure people are able to access testing.

15. City Council request the City Manager to report to the next meeting of City Council on draft recovery strategies.

***2 - Motion to Amend Item (Additional) moved by Councillor Jim Karygiannis (Carried)***

That City Council request the City Manager to report to City Council six months after the COVID-19 pandemic with lessons learned and what the City can do to get ready for a future pandemic.

***Motion to Adopt Item as Amended (Carried)***

This is Exhibit "TT" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

**City of Toronto Response Chart to COVID-19 in Homeless Shelters**

<b>Date</b>	<b>Organization/individual</b>	<b>Description</b>	<b>Statement/Transcript</b>
March 17, 2020	<ul style="list-style-type: none"> <li>• Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>• Introducing the City’s three-tier approach</li> <li>• as of noon today, we have no confirmed cases of COVID-19 within the shelter system based on the evidence and medical advice we have received</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 17, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=RpQtIvJbraE">https://www.youtube.com/watch?v=RpQtIvJbraE</a></li> <li>• Copy of the news release</li> </ul>
March 20, 2020	Mary-Anne Bédard	<ul style="list-style-type: none"> <li>• we have opened 5 new facilities in order to facilitate effective social distancing as recommended by Toronto Public Health it is important to note that this is not net new capacity it is temporary space to support social distancing recommendations</li> <li>• we have established one new isolation site for people undergo undergoing COVID-19 testing</li> <li>• we have secured additional hotel capacity for the family sector</li> <li>• we have secured one additional site to shelter those who require 14 day self-isolation as a result of travel</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 20, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=SK2J2QrB8yM">https://www.youtube.com/watch?v=SK2J2QrB8yM</a></li> </ul>
March 21, 2020	<ul style="list-style-type: none"> <li>• Mary-Anne Bédard</li> <li>• Dr. de Villa</li> </ul>	<ul style="list-style-type: none"> <li>• In response to the first positive case - We have taken every precaution based on public health standards and the advice of Dr. de Villa</li> <li>• We have been rapidly rehousing people permanently into housing.</li> <li>• This week alone we housed 15 people into permanent housing.</li> <li>• opened up new programs to create the opportunity for social distancing in existing programs.</li> <li>• We've created new space for people to self isolate due to travel or exposure.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 21, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=OqaRn2_h5Tk">https://www.youtube.com/watch?v=OqaRn2_h5Tk</a></li> </ul>

		<ul style="list-style-type: none"> <li>• first in Canada to create a medically supported isolation site for people while they wait for test results</li> <li>• increased hotel accommodation for people in shelter.</li> </ul>	
March 24, 2020	<ul style="list-style-type: none"> <li>• Mary-Anne Bédard</li> <li>• Dr. de Villa</li> </ul>	<ul style="list-style-type: none"> <li>• two positive cases at two different physical locations and in two different types of programs so one was a respite program and one was a regular shelter program both of those people are currently at our isolation site and receiving medically supported care</li> <li>• sistering has not closed they wanted the opportunity to create enough social distancing for the clients that they had in their program</li> <li>• we have not had a single shelter closed they are all open</li> <li>• developed a very comprehensive three-tiered approach we're focusing on prevention mitigation and then recovery to deal with any outbreaks</li> <li>• we opened another facility yesterday at a community center</li> <li>• we opened another one today</li> <li>• in total in 7 days we have opened 9 facilities so again a significant response we've got an isolation site for people undergoing testing</li> <li>• we have a covert recovery site that will likely be opening on Thursday</li> <li>• we've been focusing our new spaces on the 24 hour respite program - the 24 hour respite standards require less than 6 feet between sleeping</li> <li>• but for shelters - the shelter standard is 6 feet already, within shelters we are trying to reduce the capacity in those programs there are already opportunities in place to create the social distancing that is required</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 24, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=-qgHbywyVxo">https://www.youtube.com/watch?v=-qgHbywyVxo</a></li> </ul>
March 26, 2020	<ul style="list-style-type: none"> <li>• Mayor John Tory</li> </ul>	<ul style="list-style-type: none"> <li>• I am concerned. We are certainly concerned. We know that people in our shelter system are vulnerable. Many</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 26, 2020</li> </ul>

	<ul style="list-style-type: none"> <li>• Dr. de Villa</li> </ul>	<p>of them have chronic and existing health conditions that make them vulnerable to COVID-19 infection.</p> <ul style="list-style-type: none"> <li>• The number of new sites, I think there are at least nine that have been set up during the time since this became a very acute crisis and before arrangements that are being made, as you alluded to, to have other facilities available to us in the event of an increase in the number of people who need special care and attention.</li> <li>• Hotels - we have made arrangements and we'll continue to make further arrangements as needed and to provide that accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="https://www.youtube.com/watch?v=v6F-L6NwDr8">https://www.youtube.com/watch?v=v6F-L6NwDr8</a></li> </ul>
March 27, 2020	<ul style="list-style-type: none"> <li>• Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>• update on, on positive cases or people who are awaiting tests – 4 cases confirmed</li> <li>• spacing between beds in shelters was less than what the city's Medical Officer of Health, Dr. Eileen de Villa had recommended</li> <li>• New shelters – 6 ft apart</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 27, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=pP8XRHTwVdM">https://www.youtube.com/watch?v=pP8XRHTwVdM</a></li> <li>• Bedard comes in at 25:55</li> </ul>
March 30, 2020	<ul style="list-style-type: none"> <li>• John Tory</li> <li>• Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>• contracted with five hotels with the total of up to 650 rooms to help our homeless population</li> <li>• A further five hotels with up to 500 rooms are in the process of being secured.</li> <li>• An additional hotel and vacant property sites are under investigation.</li> <li>• Confirmed cases – still remain at 4 and 1 staff member</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 30, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=QIXwbFdSopg">https://www.youtube.com/watch?v=QIXwbFdSopg</a></li> </ul>
March 31, 2020	<ul style="list-style-type: none"> <li>• Chief Matthew Pegg</li> <li>• Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>• moving to the second phase of this which is about mitigation and includes our plan to rapidly increase the number of shelter hotel beds available to increase physical distancing in the shelter system</li> <li>• we have identified a site where as people are waiting for their test results they can wait for those test results - If they are negative they will return to the shelter system and if they are positive they will remain on site and receive medical care as well as care from shelter staff.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: March 31, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=we3xA4hKNvc">https://www.youtube.com/watch?v=we3xA4hKNvc</a></li> </ul>

		<ul style="list-style-type: none"> <li>• 2 isolation spaces – 1<sup>st</sup> - isolation site for people it had the capacity of between 30 and or 40 people – 2<sup>nd</sup> site – only for people testing positive since numbers have increased (larger site)</li> <li>• Starting work on larger facility for positive cases – in coming weeks</li> </ul>	
April 1, 2020	<ul style="list-style-type: none"> <li>• Councillor Cressy</li> </ul>	<ul style="list-style-type: none"> <li>• “We know that some people are at greater risk of becoming seriously ill from COVID-19 than others. This includes seniors, people experiencing homelessness, residents in long-term care homes, people who have compromised immune systems, and front-line workers.”</li> </ul>	<ul style="list-style-type: none"> <li>• e-Newsletter</li> <li>• <a href="http://www.joecressy.com/measures_to_stop_covid_19">http://www.joecressy.com/measures_to_stop_covid_19</a></li> </ul>
April 1, 2020	<ul style="list-style-type: none"> <li>• Dr. de Villa</li> <li>• Chief Pegg</li> </ul>	<ul style="list-style-type: none"> <li>• Still not sleeping at 6 ft apart – working as expeditiously as they can.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 1, 2020</li> <li>• Question from Jeff Gray about homeless people sleeping 6 ft apart: 54:52</li> <li>• <a href="https://www.youtube.com/watch?v=hRhI4u_v8mU">https://www.youtube.com/watch?v=hRhI4u_v8mU</a></li> </ul>
April 3, 2020	<ul style="list-style-type: none"> <li>• Councillor Cressy</li> </ul>	<ul style="list-style-type: none"> <li>• As an interim and immediate measure, the City opened new locations to relocate hundreds of existing shelter and respite beds in order to facilitate physical distancing, using spaces including closed City facilities.</li> <li>• As you have read, we have about 650 hotel beds secured and another 500 in the final stages of confirmation. We are in the middle of transitioning clients into the hotel rooms, with some rooms occupied now but many more people and families to move over the next few days.</li> </ul>	<ul style="list-style-type: none"> <li>• Email to Noa</li> </ul>

<p>April 8, 2020</p>	<ul style="list-style-type: none"> <li>• John Tory</li> <li>• Chief Pegg</li> <li>• Mary-Anne Bedard</li> </ul>	<ul style="list-style-type: none"> <li>• created 350 new spaces in order to create physical distance for people in our shelters, respite, and 24-hour drop-ins</li> <li>• This includes 5 community centers across the city and three sites operated by community providers</li> <li>• We've also put up 3 isolations sites and we have a 200 room hotel site in addition to that</li> <li>• A 400 bed recovery site is being planned now</li> <li>• 12 hotels with 1,200 rooms have been secured to be part of our shelter response, 5 are operational seven will be up and running over the coming week.</li> <li>• Seaton House men's shelter – 1 person positive</li> <li>• Over the last two weeks, the capacity at Seaton House has been decreased by 40 beds as clients have been discharged</li> <li>• multi-tiered multi-level response</li> <li>• have 8 people confirmed as testing positive</li> <li>• at this stage there doesn't appear to be any merit or need for an Order to be given.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 6, 2020</li> <li>• Update from John Tory: 09:19-10:10</li> <li>• Update from Chief Pegg: 22:36-23:46</li> <li>• Questions: Mary-Anne Bedard 30:21</li> <li>• <a href="https://www.youtube.com/watch?v=DmCC6ld5sKI">https://www.youtube.com/watch?v=DmCC6ld5sKI</a></li> </ul>
<p>April 7, 2020</p>	<ul style="list-style-type: none"> <li>• Chief Pegg</li> <li>• Dr. De Villa</li> </ul>	<ul style="list-style-type: none"> <li>• 20 moved to hotels from Seaton House.</li> <li>• More to move later this week.</li> <li>• 1 new case</li> <li>• To date we have secured 1,200 hotel rooms in 12 hotels.</li> <li>• 313 people have been moved into hotels to date.</li> <li>• An additional 15 locations are being considered.</li> <li>• 17 people were rehoused last week as part of the Toronto Community Housing rapid rehousing program.</li> <li>• An additional 54 units have been client matched.</li> <li>• And another 35 units are in the process of being matched.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 7, 2020</li> <li>• Numbers update from Dr. de Villa starting at 10:29, discussion of shelters starts at 11:19-12:57</li> <li>• Chief Pegg announcement starts at 19:42-20:35</li> <li>• <a href="https://www.youtube.com/watch?v=F9Kqe_mJiVY">https://www.youtube.com/watch?v=F9Kqe_mJiVY</a></li> </ul>

		<ul style="list-style-type: none"> <li>• 20 people are being housed in the City-operated COVID-19 isolation site while they await their test results</li> <li>• additional 200 bed isolation site – opening tonight</li> </ul>	
April 13, 2020	<ul style="list-style-type: none"> <li>• Mary-Anne Bédard,</li> <li>• Dr. de Villa</li> </ul>	<ul style="list-style-type: none"> <li>• response to letter from 300 physicians/nurse practitioners calling for faster response in shelters</li> <li>• 25 confirmed cases in the shelter system – in 7 separate locations</li> <li>• successful in moving over 1,000 people so far</li> <li>• Recovery centre - we continue to, to work on activating that site, and. and hopefully in the very near future and we can let you know that in fact has happened</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 13, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=RZpRGZEhJE0">https://www.youtube.com/watch?v=RZpRGZEhJE0</a></li> <li>• at 14:14</li> </ul>
April 14, 2020	<ul style="list-style-type: none"> <li>• Mayor Tory</li> <li>• Dr. Eileen de Villa</li> </ul>	<ul style="list-style-type: none"> <li>• investigations ongoing at three different locations: the Willowdale Welcome Center and I will give you the other two at Seaton house and if I've got it right yes Dixon Hall on Lake Shore.</li> <li>•</li> <li>• 30 confirmed client cases of COVID-19 in the city's emergency shelter system</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 14, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=CtkKBva5mIc">https://www.youtube.com/watch?v=CtkKBva5mIc</a></li> </ul>
April 14, 2020	<ul style="list-style-type: none"> <li>• Dr. de Villa</li> <li>• Mary-Anne Bédard</li> <li>• Inner City Health Associates Medical Director Dr. Andrew Bond:</li> <li>• University Health Network Executive</li> </ul>	<ul style="list-style-type: none"> <li>• Early studies from the United States suggests that there may be higher frequency of COVID-19 diagnoses amongst the homeless population when compared with the house population. We suspect the people experiencing homelessness will have an increased burden of disease as they have a higher incidence of risk factors for poor outcomes related to COVID-19 compared to those who are housed</li> <li>• As of this morning as Dr. de Villa shared, four weeks into our response there have been 30 confirmed cases of COVID-19 in seven locations.</li> <li>• The city has implemented an intergovernmental and sectoral response to COVID-19</li> </ul>	<ul style="list-style-type: none"> <li>• Special Conference re Shelter System and steps taken:</li> <li>• <a href="https://www.youtube.com/watch?v=P5Qx9d9X4kw">https://www.youtube.com/watch?v=P5Qx9d9X4kw</a></li> </ul>

	Director of Health and Social Policy, Dr. Boozary;	<ul style="list-style-type: none"><li>• The first thing we did was an impact assessment to determine our areas of greatest risk so that we could prioritize our actions.</li><li>• The initial objective of our response was prevention with a goal of keeping COVID-19 out of the shelter system for as long as possible, to allow us additional time for planning</li><li>• We are working also as people are aware possibly with the support and consultation from Médecins Sans Frontières or Doctors Without Borders who is bringing their international with communicable disease responses to ensure that we have a new permanent site that will be open air and congregate to ensure that we have the strongest possible response</li><li>• We've also installed portable washrooms and hand washing stations in the downtown area for use</li><li>• Many shelters were able to meet the physical distancing guidance and those that were not we have focused on reducing their capacity and relocating people to other sites.</li><li>• We provided a shelter program for people who required travel related self-isolation. One week ago we opened a second isolation program for people waiting for test results to respond to the increased demand</li><li>• And we are considering the opportunity to leverage investments and secure properties through purchase and long-term lease to secure future affordable and supportive housing.</li></ul>	
April 14, 2020	<ul style="list-style-type: none"><li>• Dr. Eileen de Villa</li></ul>	<ul style="list-style-type: none"><li>• “concern about the devastating impacts of COVID-19 on the city's most vulnerable community – those experiencing homelessness.”</li></ul>	Copy of Statement

April 2020	15,	<ul style="list-style-type: none"> <li>• Dr. de Villa</li> <li>• Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>• We have been able to move more than a thousand people in just a matter of a few weeks. In addition to a number of other actions that are going on in the background to increase safety within the shelter system.</li> <li>• Working hard to provide the public and media with the numbers</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 15, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=_3D1VgIrbfw">https://www.youtube.com/watch?v=_3D1VgIrbfw</a></li> </ul>
April 2020	17,	<ul style="list-style-type: none"> <li>• Dr. de Villa,</li> <li>• Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>• Today posting aggregate data regarding shelters and we'll post a more detailed analysis online on Monday.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 17, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=m0D_rUoJnuU">https://www.youtube.com/watch?v=m0D_rUoJnuU</a></li> </ul>
April 2020	20,	<ul style="list-style-type: none"> <li>• Dr. de Villa,</li> <li>• Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>• we will not be utilizing TCHC units for anybody that has tested positive for COVID-19</li> <li>• actively partnering with those who actually have purview over testing hospitals and their assessment centers and the shelters in order to facilitate more testing in these settings, similar to that which is happening within the context of long-term care for exactly the same reasons</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 20, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=j10SkvEXThg">https://www.youtube.com/watch?v=j10SkvEXThg</a></li> </ul>
April 2020	20,	<ul style="list-style-type: none"> <li>• Dr. Eileen de Villa</li> </ul>	<ul style="list-style-type: none"> <li>• Update on the COVID-19 outbreak at the Willowdale Welcome Centre</li> </ul>	<ul style="list-style-type: none"> <li>• Copy of statement</li> </ul>
April 2020	21,	<ul style="list-style-type: none"> <li>• Dr. de Villa,</li> <li>• Mary-Anne Bédard</li> <li>• John Tory</li> </ul>	<ul style="list-style-type: none"> <li>• response to the letter sent by coalition</li> <li>• more than 1200 people have been moved in the last few weeks to create physical distancing.</li> <li>• focused our response on a number of tiers to make sure that we were doing the appropriate things at the appropriate time</li> <li>• created almost, almost 1,300 spaces for physical distancing and</li> <li>• will continue to do that until we reach our goal of 2,000 by the end of the month.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 21, 2020</li> <li>• <a href="https://www.youtube.com/watch?v=k9YsCJhEbgA">https://www.youtube.com/watch?v=k9YsCJhEbgA</a></li> </ul>

		<ul style="list-style-type: none"> <li>we will do it as fast as we can we will speed it up as much as we can but in some cases it's been external considerations that have not even been to do directly with us, that have caused things to be on the timetable they're on</li> <li>87 people in 11 locations are positive</li> </ul>	
April 21, 2020	<ul style="list-style-type: none"> <li>Dr. Eileen de Villa</li> </ul>	<ul style="list-style-type: none"> <li>Update on the COVID-19 outbreak at the Willowdale Welcome Centre</li> </ul>	<ul style="list-style-type: none"> <li>Copy of statement</li> </ul>
April 23, 2020	<ul style="list-style-type: none"> <li>Dr. de Villa</li> </ul>	<ul style="list-style-type: none"> <li>the number of the cases right now is 60 in the table when we learned earlier this week that it was 110 and I'm wondering how you can explain that discrepancy – the data is updated when they're able to verify the results</li> <li>Still looking into a large facility that is a recovery centre</li> <li>Models changing based on needs</li> <li>what we're going to do going forward as we need more capacity is we're going to look to replicate to the model that is currently working and so we'll be looking for another site that will provide us additional capacity</li> <li>hotels - initially there was some some thought that sort of a more open congregate setting would be appropriate. it's actually more beneficial for the clients and, and for the staff to provide the type of accommodation that we've already been able to do.</li> </ul>	<ul style="list-style-type: none"> <li>Transcript News Conference COVID-19: April 23, 2020</li> <li><a href="https://www.youtube.com/watch?v=D-KUXDZ49QM">https://www.youtube.com/watch?v=D-KUXDZ49QM</a></li> </ul>
April 24, 2020	<ul style="list-style-type: none"> <li>Mary-Anne Bédard</li> </ul>	<ul style="list-style-type: none"> <li>the 200 bed facility that we currently have active has 130 people up there currently as of this morning so we continue to have space at that site</li> <li>we are actively engaged with our community health partners on an expanded site and working very closely with the province to ensure that that site gets opened very quickly</li> </ul>	<ul style="list-style-type: none"> <li>Transcript News Conference COVID-19: April 24, 2020</li> <li><a href="https://www.youtube.com/watch?v=3s8ZgdvxeF8">https://www.youtube.com/watch?v=3s8ZgdvxeF8</a></li> </ul>

<p>April 27, 2020</p>	<ul style="list-style-type: none"> <li>• Mayor Tory</li> </ul>	<ul style="list-style-type: none"> <li>• I want us to protect the health of each and every resident and to continue to save as many lives as we possibly can.</li> <li>• Whether on food security, payment deferrals, mental health, extraordinary action to help the homeless, physical distancing or childcare just to name a very few your city has been there to provide support and assistance especially to the most vulnerable.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 27, 2020</li> <li>• <a href="https://youtu.be/uRUaqDwSc4E">https://youtu.be/uRUaqDwSc4E</a></li> </ul>
<p>April 28, 2020</p>	<ul style="list-style-type: none"> <li>• Mayor Tory</li> </ul>	<ul style="list-style-type: none"> <li>• Rogers is donating free Wi-Fi for three months to four permanent City of Toronto shelter locations and has also installed free Wi-Fi in five temporary shelter locations, to help facilitate physical distancing during the pandemic period.</li> <li>• The City has implemented widespread redeployment of workers in order to help with areas that had particularly need like long term care in our shelter system</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 28, 2020</li> <li>• <a href="https://youtu.be/DKKUE3zxeIlg">https://youtu.be/DKKUE3zxeIlg</a></li> </ul>
<p>April 29, 2020</p>	<ul style="list-style-type: none"> <li>• Mayor Tory</li> <li>• Dr. de Villa</li> </ul>	<ul style="list-style-type: none"> <li>• today the city's shelter support and housing administration announced a new program to provide interim housing for up to six months and other supports for people experiencing homelessness.</li> <li>• asking City Council to endorse a modular housing in that will see the quick creation of 110 supportive housing units ready for occupancy early this fall and then 140 more supportive housing units - a total of 250 units by next year. The full capital costs for phase 1 of this pilot is estimated at \$20.9 million.</li> <li>• We are offering people in the encampments a temporary home in furnished units with on-site supports including meals, 24/7 staff, harm-reduction support, and long-term housing support to help bridge people into more permanent housing.</li> <li>• Some have already moved in today and many more will move in the coming days. Access to units will be prioritized for people in encampment sites that present</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: April 29, 2020</li> <li>• <a href="https://youtu.be/EM_mhaNgHrA">https://youtu.be/EM_mhaNgHrA</a></li> </ul>

		health and safety concerns and are identified as higher risk to COVID-19 related harms.	
April 29, 2020	<ul style="list-style-type: none"> <li>Kristen Wong</li> </ul>	<ul style="list-style-type: none"> <li>City Council to meet on April 30 for the first time since John Tory declared a State of Emergency on March 23, 2020</li> <li>City staff estimate that out of a population of 8,000 people accessing the shelter system, there is a need to relocate between 2,000 and 3,000 people.</li> <li>To date, 11 new facilities have opened (including seven community centres) with 492 spaces. In addition, 1,020 hotel rooms, across 11 hotels, have been secured. The City has identified 15 additional locations for future use.</li> <li>As of April 27, 1,355 clients have been relocated with additional clients to be moved over the next week.</li> <li>That still leaves approximately 5,000 to 6,000 homeless individuals in congregate living conditions who are at risk as they are unable to self-isolate.</li> <li>The City of Toronto is also providing interim housing for people sleeping outdoors. The new interim housing is located in two vacant apartment buildings in Midtown Toronto, with a total of 125 furnished units. The buildings are being leased by the City from a local developer and will provide temporary housing for up to six months.</li> </ul>	<ul style="list-style-type: none"> <li>COVID-19 Update, April 29</li> </ul>
April 30, 2020	<ul style="list-style-type: none"> <li>City Council Meeting</li> </ul>	<p><u>Shelter Enhancements:</u></p> <ul style="list-style-type: none"> <li>Creating <b>physical distancing</b> across the shelter system</li> <li>11 temporary facilities (7 community centres; 4 other facilities): all <b>492 spaces</b> occupied</li> <li>11 hotels (1,020 rooms) secured: 863 people moved as of April 27<sup>th</sup></li> </ul>	<ul style="list-style-type: none"> <li>City Council meeting: Screenshot</li> </ul>

		<ul style="list-style-type: none"> <li>• 1,355 clients moved in total (as of April 27<sup>th</sup>). Balance to move over next two weeks</li> <li>• 213 confirmed COVID cases in 14 shelter locations (as of April 27<sup>th</sup>)</li> <li>• 200 bed <b>Recovery Site of COVID-positive clients</b> opened April 16. <b>2<sup>nd</sup> site</b> (up to 285 additional beds) <b>by May 1<sup>st</sup></b></li> </ul> <p><u>Rapid Re-Housing:</u></p> <ul style="list-style-type: none"> <li>• <b>275 apartment secured</b> to date</li> <li>• <b>73 clients moved</b> into new permanent housing and more in process</li> <li>• Working to identify availability of additional apartments/buildings</li> <li>• <b>Modular Housing</b></li> <li>• Rent Bank (no-interest loans for rent arrears) <b>increased by \$2M</b> (helping <b>800 households</b> stay housed)</li> </ul>	
<p>May 1, 2020</p>	<ul style="list-style-type: none"> <li>• Mayor Tory</li> <li>• Chief Pegg</li> <li>• Dr. de Villa</li> </ul>	<ul style="list-style-type: none"> <li>• during a process improvement review, our operations team at Toronto Public Health learned that we did not conduct contact tracing for 52 positive COVID-19 lab reports received between March 31st and April 6th. I want to assure you that all 52 of these people were aware of their positive diagnosis at the time and appropriately isolated at the time. As such, there is no increased risk to our community and our population.</li> <li>• Earlier this morning Toronto Fire Services responded to a fire under the bridge on Glen Road near South Drive. This is in the Mount Pleasant Road in Bloor Street East area of Toronto. Upon arrival at this fire responding crews confirmed that the fire originated in a makeshift homeless encampment.</li> </ul>	<ul style="list-style-type: none"> <li>• Transcript News Conference COVID-19: May 1, 2020</li> <li>• <a href="https://youtu.be/_fBroPyfZXU">https://youtu.be/_fBroPyfZXU</a></li> </ul>

		<ul style="list-style-type: none"><li>• Sadly, during the course of operations one occupants of the encampment was located in the area involved in fire and was pronounced deceased.</li><li>• This is the seventh fatal homeless encampment fire in Toronto since 2010 and the first since April of 2018.</li><li>• This is also the 33rd fire involving a homeless encampment this year and the 190 of such fire since 2017.</li><li>• Since the onset of COVID-19, the City of Toronto has monitored encampment sites and removed dangerous materials such as propane tanks.</li><li>• Well, there has been a moratorium on clearing encampments during COVID-19. The city's streets to homes outreach team have also continually been out checking on people living outside and offering services such as housing options.</li><li>• On Wednesday, the City announced a new program that is immediately housing people living outside with the availability of 125 units in two apartment buildings in Midtown Toronto.</li><li>• As of yesterday, 47 people have moved into units with 24/7 staff support security and case management focused on long-term housing and other immediate needs including harm reduction supports.</li><li>• This afternoon, I learned that some people are encouraging those experiencing homelessness to move into encampments for reasons I simply cannot fathom. This advice plays it places the health and safety of our residents at risk.</li><li>• There have been 190 fires in homeless encampments in Toronto since 2017 seven of which have resulted in people losing their lives as a result. We are working hard</li></ul>	
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		<p>to remove the risks and dangers that homeless encampments pose.</p> <ul style="list-style-type: none"><li>• In response to: 125 apartments that are working to house those living in encampments is a good first step but saying that there's so many people living on in these areas that it's just a drop in the bucket: We're looking at a wide variety of options it included the modular housing a hundred units that were authorized by the City Council yesterday with which we're moving ahead with dispatch so that those could be occupied by as early as September. We obviously have been using hotel properties as we can we have a rapid rehousing program that is I think going to use upwards of two hundred and some-odd Toronto Community Housing units that were vacant some of which were being refurbished so we're looking at a wide range of options plus the use of hotel rooms to make sure that people who are homeless are in healthy proper conditions as best we possibly can</li></ul>	
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TPH and SSHA Response to COVID-19 in Homeless Shelters			
Date	Organization/individual	Description	Statement/Transcript
March 9, 2020	Toronto Public Health (“TPH”)	<p>Interim Guidance for Homelessness Service Settings Providers</p> <ul style="list-style-type: none"> <li>• This Fact Sheet provides interim guidance for homelessness service settings providers to help reduce the risk of exposure.</li> <li>• Toronto Public Health is updating its COVID-19 planning documents and recommends that all providers begin to consider their continuity of operations plans (e.g., plans for staff absenteeism, ensuring adequate supplies, etc).</li> <li>• Existing chapters from prior pandemic influenza plans (e.g., the Toronto Pandemic Influenza Plan) are being updated and will be made available; previous guides can serve as a resource in the interim.</li> <li>• Providers should consider how best to decrease the spread of acute respiratory illness and lower the impact of COVID-19 in their setting in the event of community spread. Providers should identify and communicate plan components which may include reducing the spread among staff, protecting those who are at a higher risk of adverse health complications, maintaining operations, and minimizing negative effects from supply chain disruptions.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
March 10, 2020	Shelter, Support & Housing	<ul style="list-style-type: none"> <li>• SSHA has acquired additional motel space in Toronto and will have some limited ability to isolate persons under</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

	Administration (“SSHA”)	<p>investigation or diagnosed with COVID-19. More information will be available shortly on how to access this space and on the health services and support available at the location</p> <ul style="list-style-type: none"> <li>• Our partners at ICHA will be sending a memo to all Toronto Hospitals this week advising them against the discharge to shelter or the street of individuals experiencing homelessness that are also persons under investigation or diagnosed with COVID-19. Additional coordination will be needed to work with hospitals in these cases.</li> </ul>	
March 16, 2020	SSHA	<p>Update to all shelter, 24-hour respite and 24-hour drop-in service providers:</p> <ul style="list-style-type: none"> <li>• We continue to work closely with our partners at Inner City Health Associates (ICHA) who are in the process of developing social distancing guidelines. As these are being developed, we encourage you to consider the feasibility of implementing any of the following best practices at your sites: <ul style="list-style-type: none"> <li>• Increase spacing between beds where possible</li> <li>• Arrange beds so that individuals lay head-to-toe (or toe-to-toe)</li> <li>• Use neutral barriers (foot lockers, curtains) to create barriers between beds</li> <li>• Stagger mealtimes to reduce crowding in shared eating facilities</li> <li>• Stagger the schedule for use of common/shared kitchens</li> <li>• Create a staggered bathing schedule to reduce the amount of people using the facilities at the same time</li> <li>• Create a schedule for using common spaces</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

<p>March 17, 2020</p>	<p>SSHA</p>	<p>SSHA Responds with a Three-Tier approach:</p> <ul style="list-style-type: none"> <li>• First, it is creating the ability for additional social distancing spacing within the existing shelter system through creation of new programs.</li> <li>• Second, the City is creating additional isolation spaces for people identified through screening and assessment processes that are awaiting test results.</li> <li>• On the third tier, the City is working with its provincial partners to identify an appropriate service for people who have tested positive for COVID-19.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>
<p>March 26, 2020</p>	<p>SSHA</p>	<p>SSHA Q+A document regarding shelters, support and housing COVID-19 response:</p> <ul style="list-style-type: none"> <li>• The City has opened ten new facilities since March 16 to support the following new programs:</li> <li>• Eight programs to provide extra space for physical distancing</li> <li>• One program for people requiring self-isolation due to travel</li> <li>• One program for people who are waiting for test results</li> <li>• The City has opened eight new facilities with more than 350 spaces to create more opportunity for physical distancing for clients from shelters, 24-respites and 24-hour drop-ins.</li> <li>• In addition, there are ten other facilities that are ready to be activated as needed.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

		<ul style="list-style-type: none"> <li>Please note – these sites are <b>not</b> creating additional capacity in shelters, but will allow the City to move people within existing programs, particularly 24-hour respite sites and 24-hour drop-ins to create more opportunity for physical distancing.</li> </ul>	
March 27, 2020	SSHA	<p>SSHA prepared and released a Q+A document with respect to housing, income and program support:</p> <p>The City stated that it “ is working with Toronto Community Housing (TCH) on a Rapid Housing initiative to identify vacant units that can be made available immediately to particularly vulnerable populations that are currently shelter clients on the waiting list for housing.”</p>	<ul style="list-style-type: none"> <li></li> </ul>
March 30, 2020	TPH	<p>COVID-19 Interim Guidance for Homelessness Service Setting Providers:</p> <p>Implement physical distancing measures including:</p> <ul style="list-style-type: none"> <li>Restrict unnecessary visitors/volunteers from entering the site.</li> <li>Cancel any in person group programming and support access to on-line programming where feasible</li> <li>Providers for drop-in food programs should consider providing to-go meals to clients</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>
March 30, 2020	TPH	<p>COVID-10 Infection Prevention and Control Tips for Homelessness Service Setting Providers:</p> <ul style="list-style-type: none"> <li>Physical distancing means limiting close contact with others. Physical distancing strategies include:</li> </ul>	<ul style="list-style-type: none"> <li></li> </ul>

		<ul style="list-style-type: none"> <li>• Remind everyone at your site to maintain a 2 metre distance from other people as much as possible</li> <li>• Cancel group activities that exceed 5 people; try to support telephone or on-line activities where possible</li> <li>• Do not have visitors at the site; limit to participants and clients</li> <li>• Reduce face to face staff meetings; promote phone or on-line meetings and cancel any larger in person meetings</li> <li>• Use furniture layout to promote physical distancing (e.g., removing chairs around a table to promote 2 metre distance between others for seating).</li> <li>• Place mats/cots/beds at least 2 metres apart. If not possible, consider staggering sleeping arrangements to increase the physical distance between client/participant faces as much as possible while sleeping.</li> </ul>	
<p>March 30, 2020</p>	<p>SSHA</p>	<p>Frequently Asked Questions:</p> <p>Since March 16, 2020, SSHA has opened eight new facilities to better allow for physical distancing between clients. The focus has been to create more than 350 spaces as quickly as possible within City facilities to create additional physical distancing within our current programs, particularly our 24-hour respite sites and 24-hour drop-ins.</p> <p>...</p> <p>We have also opened a dedicated site through a hotel program available for people who have entered the country within the past 14 days, providing them with the ability to self-isolate, as recommended by TPH.</p> <p>...</p>	<ul style="list-style-type: none"> <li>•</li> </ul>

		<p>We have already contracted with 5 hotel sites with a total of up to 650 rooms. Two of the sites are already in use and we are in the process of identifying required supports and activating the others this week. A further 5 hotels with up to 500 rooms are in the process of being secured.</p>	
April 8, 2020	TPH	<p>COVID-19 Interim Guidance for Homelessness Service Settings:</p> <p>Identify ways to ensure physical distancing (i.e. keep a minimum of two metres/six feet away from others) for staff, essential volunteers/visitors and clients.</p> <ul style="list-style-type: none"><li>• Consider staggering meal times, set tables so that clients are not facing each other, space beds/cots two metres apart, and do not use bunk beds.</li><li>• Clients should be provided with a way to physically distance without creating social isolation.</li></ul> <p>Review advice on infection prevention and control (including physical distancing and environmental cleaning) found in the Toronto Public Health Infection Prevention and Control Tips for Homelessness Service Settings</p> <p>Consider the needs of vulnerable individuals:</p> <ul style="list-style-type: none"><li>• Collaborate with public health and health care providers to identify clients who are most likely to suffer severe negative impacts if they become infected with COVID-19.</li><li>• Take steps to enhance physical distancing and protections for these high-risk individuals, such as</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>

		<p>through priority allocation of private rooms, separate bathrooms, and separating them from those who are unwell.</p> <ul style="list-style-type: none"><li>• Monitor or connect frequently with clients who could be at higher risk of complications from COVID-19 (e.g. older, have underlying medical conditions, require daily nursing support).</li><li>• o Consider staff who are at high risk of severe COVID-19 and, if possible, do not assign them as caregivers for clients suspected of having COVID-19.</li></ul>	
April 11, 2020	SSHA	<p>Memo to homeless services providers, providing an update on the response to COVID-19:</p> <ul style="list-style-type: none"><li>• TPH has confirmed a total of 17 positive cases of COVID-19 to date for clients who have been in the shelter system.</li></ul> <p>Some of the other steps that TPH states it may recommend include:</p> <ul style="list-style-type: none"><li>• Enhanced screening and monitoring for symptoms of both staff and clients, and referral to testing and isolation as needed</li><li>• Increased cleaning measures, with an emphasis on high touch surfaces</li><li>• Increased physical distancing measures on site</li></ul> <p>2. Staff screening tool and physical distancing for staff</p>	<ul style="list-style-type: none"><li>•</li></ul>

		<p>A reminder of the critical importance of actively screening all staff or visitors entering and/or working in homelessness services settings at the beginning of every shift, prior to entering the workspace. Staff and visitor screening will help to minimize the risk of exposure to COVID-19 in the workplace and support staff and client health and safety. See attached COVID-19 Staff and Visitor Screening Tool for Homelessness Services Settings for a screening tool that you can use. Updated versions will be posted on the City's website.</p>	
April 22, 2020	TPH	<p>Information sheet for Homelessness service providers on what to expect when a client tests positive for COVID-19.</p> <p>With respect to distancing and prevention of further transmission, the document states:</p> <p>Remind everyone at your site to maintain a two metre/six foot distance from others as much as possible</p> <p>Ensure clients are following physical distancing guidelines in all common areas. Provide visual cues such as taping 2m distances in seating areas and where clients line up for services.</p> <p>If multiple floors use a shared dining room or common area, establish a schedule to reduce contact between clients on different floors.</p> <p>Reinforce the importance of physical distancing for staff working in all areas of the shelter/respice.</p>	<ul style="list-style-type: none"><li>•</li></ul>

April 29, 2020	SSHA	<p>Homelessness Services COVID-19 Response Frequently Asked Questions and Resources:</p> <p>Eleven new facilities have been opened with approximately 492 new spaces to create more opportunity for physical distancing for clients from shelters, 24-respites and 24-hour drop-ins. This is not to create additional capacity in our shelters, but have allowed SSHA to move people within existing programs, particularly our 24-hour respite sites and 24-hour drop-ins to create more opportunity for physical distancing in those sites.</p> <ul style="list-style-type: none"><li>• Seven community centres, six operated by City staff (300 spaces) and one operated by Sistering to provide their 24-women's drop-in (a multi-service agency for at-risk, socially isolated women and trans people in Toronto who are homeless or precariously housed) (35 spaces).</li><li>• John Innes Community Recreation Centre, 150 Sherbourne St.</li><li>• Warden Hilltop Community Centre, 25 Mendelssohn St.</li><li>• Driftwood Community Recreation Centre, 4401 Jane St.</li><li>• Jimmie Simpson Recreation Centre, 872 Queen St. E.</li><li>• Matty Eckler Community Recreation Centre, 953 Gerrard St. E (for women and trans clients only)</li><li>• Masaryk Cowan Community Centre (relocation of Sistering's 24-hour drop-in services, operated by Sistering)</li><li>• Trinity Bellwoods Community Centre, 155 Crawford St.</li><li>• Trinity Bellwoods Community Centre (the seventh community centre) was activated on April 8 to provide additional physical distancing at Seaton House (up to 60 spaces).</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>
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		<ul style="list-style-type: none"> <li>• Two sites with a total of 90 spaces are operated by Dixon Hall, at 188 Carlton St and 354 George St.</li> <li>• 2 sites with expanded facilities on-site site moved beds to another program</li> </ul> <p>How can people experiencing homelessness access SSHA COVID-19 hotel rooms?</p> <p>Hotel programs are being created to achieve physical distancing in our existing shelter system. Clients will be moved from existing programs where there is a need to reduce capacity to achieve physical distancing guidelines. We are working with ICHA and our partners to identify individuals who are at risk from COVID-19 related harms, and whose level of support needs is appropriate for a hotel program setting.</p> <p>What is the COVID-Alert Risk Evaluation (CARE) Project?</p> <p>ICHA and SSHA are partnering on the COVID-Alert Risk Evaluation (CARE) initiative. The goal of the project is to prevent COVID-19 in the most vulnerable, improve physical distancing through emergency housing, and identify and protect people in our community who face the highest risk of serious harms.</p>	
<p>April 29, 2020</p>	<p>SSHA</p>	<p>Memo to homelessness service providers providing an update on the City’s response to COVID-19. The memo states that “[m]ore than 1,400 people have been moved to achieve physical distancing in our shelter system to date, including in temporary community centre programs, hotels, and into housing.”</p>	<ul style="list-style-type: none"> <li>•</li> </ul>

This is Exhibit "UU" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

## Interim Guidance for Homelessness Service Settings Providers

Homelessness service settings that provide temporary housing, congregate living spaces or other services for people who are experiencing homelessness or who are underhoused (e.g., shelters, respite sites, drop-in centres, rooming houses, Out of the Cold sites) are extremely diverse and experience unique issues in relation to the population served. This interim guidance is intended to help homelessness service setting providers (i.e., providers who operate/manage these settings) reduce the risk of exposures of acute respiratory illnesses (e.g., including COVID-19 which can present with new cough, fever or difficulty breathing), support the COVID-19 planning process, and provide planning considerations if there is community spread of COVID-19. As the situation evolves, Toronto Public Health (TPH) will provide updated guidance. This interim guidance should be adapted to individual settings.

This document provides varied recommendations for (1) “visitors/volunteers” who are people who may enter shelter and drop-in settings to visit and support programs, but do not themselves rely on those services for meeting their shelter and housing needs, (2) “staff” who are employed in general shelter and drop-in settings, and (3) “clients/participants” who access shelters and drop-ins and rely on these settings for housing, food, and other services. Recommendations should be applied with consideration and not interchangeably to each of these groups.

### What is 2019 Novel Coronavirus (COVID-19)

COVID-19 is an infection caused by a new type of Coronavirus. COVID-19 can present as an acute respiratory illness in humans. More information on COVID-19 can be found in the [Toronto Public Health 2019 Novel Coronavirus \(COVID-19\) Fact Sheet](#).

### Reducing the risk of acute respiratory infections (including COVID-19) in homelessness service settings Strategies for providers to implement to reduce the risk of acute respiratory illness transmission:

- **Ask sick staff, visitors/volunteers to stay home.**
  - o Staff, visitors/volunteers who have symptoms of acute respiratory illness are recommended to stay home and not attend the setting until they are symptoms free for at least 24 hours.
    - Staff should notify their supervisor and stay home if they are sick.
- **Ask sick staff, visitors/volunteers to separate themselves from others if they become sick at the setting.**
  - o Staff and visitors/volunteers who have acute respiratory illness symptoms (i.e. cough, shortness of breath) and fever upon arrival to the setting and those who become sick during the day should be separated from others, supported to access health care services, and sent home immediately.
- **Support clients/participants in identifying if they are having symptoms of acute respiratory illness (i.e., recent changes in a pre-existing chronic cough if applicable, new onset of fever, shortness of breath) and if so, support them in accessing appropriate healthcare.**
- **Ask staff, visitors/volunteers, and clients/participants if they have concerns about COVID-19.**
- **Travel related advice for employees:**
  - o Check the Public Health Agency of Canada’s [travel advisories](#) for the latest guidance and recommendations for each country to which you will travel.
  - o At this current time, the Public Health Agency of Canada recommends all travelers entering Canada do the following:

- [Self-isolate](#) for 14 days after your return from travel outside of Canada. Healthy individuals that cross the border for work including health care providers, critical infrastructure workers, and workers transporting goods are exempt from self isolation
- Monitor your health for fever, cough or difficulty breathing.
- Follow recommended social distance practices.
- o Travelers returning from the following areas should be aware of the increased risk of exposure to COVID-19 causing coronavirus: Hubei Province, China (including Wuhan City), Hong Kong, Iran, South Korea, Japan, Singapore, and Italy.
- o If travelers develop a fever, cough or difficulty breathing within 14 days:
  - Continue to isolate yourself from others
  - Immediately call a health care professional or [Toronto Public Health](#) at 416-338-7600, and follow their instructions carefully to ensure appropriate actions are taken to protect your health, and the health of those around you.
- **Encourage good infection prevention and control practices to help reduce risk of acute respiratory illnesses (including COVID-19).**
  - o Ask staff and visitors/volunteers to engage in routine practices. For information on routine practices see [Toronto Public Health's Infection Prevention and Control Guide for Homelessness Service Settings](#).
  - o Ask all staff, visitors/volunteers, clients/participants to engage in regular and frequent hand hygiene (i.e. cleaning hands).
    - Post [Hand Washing](#) and [Hand Sanitizing](#) posters in visible locations around the setting. Make sure that hand washing posters are posted in washrooms and above sinks and that there are hand sanitizing posters near alcohol-based hand rub (ABHR) dispensers.
    - Review the importance of proper hand hygiene. Avoid touching your face with unclean hands.
    - If having wall-mounted alcohol-based hand rub (ABHR) is not feasible, consider providing portable ABHR to staff. Ensure that the alcohol-based hand rub used on site has an alcohol concentration between 70% and 90%.
    - Offer supervised hand hygiene for clients (e.g., have a staff member pump alcohol-based hand rub (ABHR) into client's/participant's hands as they enter the dining area)
    - Ensure liquid hand soap and alcohol-based hand rub dispensers are checked regularly and are kept full.
  - o Ask all staff, visitors/volunteers, clients/participants to engage in good respiratory etiquette (e.g., cover their mouth and nose when they cough or sneeze with a tissue, or cough or sneeze into their sleeve and not their hand).
    - Post [Cover your Cough](#) posters in visible locations around the settings.
  - o Make sure that environmental cleaning and disinfection is performed on a routine and consistent basis and that this is also discussed with any contracted cleaning company/agency. Ensure consideration for the following:
    - Commonly used cleaners and disinfectants are effective against COVID-19.
    - Frequently touched surfaces are most likely to be contaminated.
    - Use only disinfectants that have a Drug Identification Number (DIN). A DIN is an 8-digit number given by Health Canada that confirms it is approved for use in Canada.
    - Check the expiry date of products you use and always follow manufacturer's instructions.
    - In addition to routine cleaning, surfaces that have frequent contact with hands should be cleaned and disinfected twice per day and when visibly dirty.

- Examples include doorknobs, elevator buttons, light switches, toilet handles, counters, hand rails, touch screen surfaces and keypads.
- High-touch surfaces (e.g., door knobs, light switches, handrails)
- Common areas (e.g., dining rooms, sleeping quarters, bathrooms)
- Shared equipment (e.g., telephones, computer keyboard, walkie-talkies)
- o Ask clients/participants to not share items that come into contact with the mouth or nose (e.g., drug-use equipment, drinking utensils, cigarettes).
- o Staff, and visitors/volunteers should try to use techniques to limit exposure to respiratory droplets from coughs or sneezes (e.g., stand next to rather than in front of the client who has respiratory symptoms).

### **Additional considerations in response to current cases of COVID-19**

- Confirmed and suspect cases of COVID-19 are reported by health care providers and laboratories to public health. Workplaces other than health care settings do not need to report to public health.
  - o Public health performs a risk assessment for all exposures including those that may occur in a homelessness service setting
  - o Public health will provide advice regarding any other measures that the setting and staff may need to take to reduce the risk of transmission. Measures may include restricting movement and transfers between facilities and suspending new admissions.
  - o Public health will advise if any special cleaning and disinfection processes are recommended.

### **Planning in case of community spread of COVID-19**

- Toronto Public Health is updating its COVID-19 planning documents and recommends that all providers begin to consider their continuity of operations plans (e.g., plans for staff absenteeism, ensuring adequate supplies, etc).
  - o Existing chapters from prior pandemic influenza plans (e.g., the Toronto Pandemic Influenza Plan) are being updated and will be made available; previous guides can serve as a resource in the interim.
- Providers should consider how best to decrease the spread of acute respiratory illness and lower the impact of COVID-19 in their setting in the event of community spread. Providers should identify and communicate plan components which may include reducing the spread among staff, protecting those who are at a higher risk of adverse health complications, maintaining operations, and minimizing negative effects from supply chain disruptions.
- Put together a team to assist in developing and implementing site specific plans to prevent the spread of COVID-19. Providers should try to develop partnerships with other health and non-health related agencies to develop strategies which may be used during community spread.
- Plans should assess needs, decide how the facility will implement the activities and what resources are needed. Some areas to include:
  - o Assessing risk to staff and measures to maintain their health
  - o Education and training for staff
  - o Facility Readiness: signage, supplies, and staffing
  - o Housekeeping
  - o Establishing pathways of communication
  - o Assessing risk to clients/participants considering:
    - Strategies to safely implement isolation or the separation of ill clients/participants from well clients (i.e. cohorting strategies) in the event of community spread.

- **Transportation and preventing spread of COVID-19 between shelters, agencies and facilities and health care workers. Advice has been developed by Shelter Support and Housing and Inner City Health Associates.**

### More information

For more information, contact Toronto Public Health at 416-338-7600

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March 9, 2020

This is Exhibit "VV" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

**Shelter, Support & Housing Administration**  
**Mary-Anne Bédard, General Manager**

**Homelessness Initiatives & Prevention Services**  
625 Church Street, 5<sup>th</sup> Floor  
Toronto, ON M4Y 2G1

**Tel:** 416-392-5417  
**Fax:** 416-392-8758  
Gordon.Tanner@Toronto.ca  
www.toronto.ca

March 10, 2020

**To:** Homeless Service Providers

**From:** Gord Tanner  
Director, Homeless Initiatives and Prevention Services

**RE:** **Toronto Public Health Release of Interim Guidance for the Homeless and Housing Service Sector re: COVID19**

---

Toronto Public Health (TPH) released interim guidance for the homeless and housing service sector today. This memo compliments that information and provides updates on plans Shelter Support and Housing Administration is making to assist the sector.

**Communications:**

- TPH will continue to lead with health and technical guidance related to COVID-19 for the general public in Toronto and specifically for the homeless and housing service sectors. SSHA will offer operational support to meet these guidelines.
- An additional webinar for shelter and respite providers will be convened on Wednesday, March 11, 2020 from 1 until 2:30pm. The webinar will feature staff from TPH, SSHA and the Inner City Health Associates (ICHA). The webinar details are in the email accompanying this letter.
- Please initiate a planning group in your organization with a focus on service continuity. Identify a lead and back up individual to receive communications directly from TPH and SSHA and share that contact with us at the email below.
- Initiate dialogue with your clients, residents and service users. We will send some examples of posters you can hang in your settings with information.
- A planning team at SSHA has been established and an email address [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca) has been created for all sector staff to use for operational questions related to COVID-19.
- TPH has established a COVID-19 hotline 416-338-7600

**Infection Prevention and Control:**

- Increase routine practices of IPAC within your facility. Have cleaning staff increase the frequency of disinfecting commonly touched surfaces. Directly operated City shelters will be increasing their infection control practices also.

- Post signage as noted in the TPH interim guideline.
- SSHA will provide additional funding to support increased cleaning and purchase of supplies in. Staff will be in touch to determine your unique needs to support increased infection control and prevention activities.
- The following IPAC guidelines were developed specifically for shelter and 24-hour respite site services.

<https://www.toronto.ca/community-people/health-wellness-care/health-info-for-specific-audiences/infection-prevention-and-control-guide-for-homelessness-service-settings/>

### **Isolation and quarantine:**

- Central Intake has begun to ask screening questions of people calling for shelter access. All callers will be asked to provide details on their current health and recent travel history.
- SSHA has been in touch with the Federal Government to confirm what screening is occurring at regular and irregular ports of entry for refugee claimants entering Canada. This information will be shared with the sector when we receive it.
- SSHA has acquired additional motel space in Toronto and will have some limited ability to isolate persons under investigation or diagnosed with COVID-19. More information will be available shortly on how to access this space and on the health services and support available at the location.
- Our partners at ICHA will be sending a memo to all Toronto Hospitals this week advising them against the discharge to shelter or the street of individuals experiencing homelessness that are also persons under investigation or diagnosed with COVID-19. Additional coordination will be needed to work with hospitals in these cases.

### **Resource Allocation**

- SSHA released a survey to all shelter and 24-hour respite programs last week to gather information on inventories of personal protective equipment. Please complete the survey by Wednesday, March 11. The results will assist SSHA in planning for the supplies needed across the sector.

Additional information will be forthcoming over the coming days and weeks and we are committed to communicating broadly with our sector and partners. In the meantime please don't hesitate to email your questions or concerns to us at [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca)

Sincerely,

Gord

This is Exhibit "WW" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

March 16, 2020

**To:** All Shelter, 24-hour respite and 24-hour drop-in service providers

**Re:** **Updates on COVID-19 Response Planning for Homelessness Services**

As the COVID-19 situation rapidly evolves, we are committed to providing you with regular, updated communications to keep you informed of the latest developments in our response strategies.

To that end, we activated our Divisional Operations Centre (DOC), on Thursday March 12, with a dedicated team of staff to plan our response. To ensure we continue to meet your needs and in an effort to keep clients, employees and the community safe, SSHA is working in close partnership with Toronto Public Health, the City's Emergency Operations Centre, our health care partners at the Inner City Health Associates and other stakeholders to respond to COVID-19, and ensure we are prepared for what may come next.

Those experiencing homelessness and accessing our services are particularly vulnerable, and collectively we need to ensure we are doing everything we can to protect them, as well as the staff providing direct services to them.

We understand that you have many questions and we will do our best to provide information as frequently as we can. It is more important than ever that we stay in close communication. As the situation is changing rapidly, the responses and answers we provide today may change tomorrow based on updated circumstances and information.

We anticipate there will be further developments later today, following any new federal announcements and as plans for new services are confirmed.

At the present time, the following response strategies are underway or in development.

### **1. Screening and testing:**

- Screening tools specific to shelter locations, and referral options for isolation and quarantine of clients who may require it, are currently in development in partnership with Toronto Public Health and Inner City Health Associates. A screening tool is being developed and will be distributed shortly.
- People who meet the screening criteria for a probable case established by the Ministry of Health and who have current symptoms, should be referred for testing at

one of the Covid-19 testing centres. More information is available on the [TPH website about locations of testing centres](#).

- If you have questions about who should be referred for testing, please contact Telehealth Ontario at 1-866-797-0000 for further guidance.
- Prioritization of testing for people experiencing homelessness, as a particularly vulnerable group, has been requested at local, provincial and national levels.

## **2. Self-isolation spaces:**

- We are currently identifying options to create additional spaces available for isolation and quarantine and more information will be shared on these as soon as details are confirmed.
- Please also consider the possible options for creating isolation spaces within your facility to the extent possible e.g. designate any separate rooms with closed doors, with separate bathrooms if possible or designate an accessible or all gender washroom for this purpose.
- If only shared rooms are available, consider designating a room with the fewest possible number of other residents.
- Review the information available from Ontario Public Health about [how to self-isolate](#) and [guidance for caregivers and household members of people who are self-isolating](#)

## **3. Isolation spaces for People Under Investigation (PUI)**

- Over the weekend, SSHA opened a designated program to provide isolation and quarantine spaces for people experiencing homeless who are awaiting Covid-19 test results, in partnership with ICHA. Referrals into this program are through Healthcare Providers only, following a medical assessment.
- Individuals who have been tested and medically assessed will then be supported to access the new program for isolation pending the results of the test. Upon confirmation of a negative test result, individuals may return to the shelter/respite/drop-in program they were previously admitted to.

## **4. Recent arrivals to the country:**

- Given the recent advice of the Medical Officer of Health that anyone returning to Canada from another country self-isolate for 14 days, the City has requested the federal government to put the necessary provisions in place to screen and quarantine people at border locations themselves, in particular for people who have nowhere to go through their own means where they will be able to self-isolate.
- As an interim measure, clients requesting shelter beds through Central Intake and SHARC will be screened and referred to spaces suitable for self-isolation for a 14 day period if they have been out of the country in the past 14 days.

## **5. Social Distancing:**

- We continue to work closely with our partners at Inner City Health Associates (ICHA) who are in the process of developing social distancing guidelines. As these are being developed, we encourage you to consider the feasibility of implementing any of the following best practices at your sites:

- Increase spacing between beds where possible
- Arrange beds so that individuals lay head-to-toe (or toe-to-toe)
- Use neutral barriers (foot lockers, curtains) to create barriers between beds
- Stagger mealtimes to reduce crowding in shared eating facilities
- Stagger the schedule for use of common/shared kitchens
- Create a staggered bathing schedule to reduce the amount of people using the facilities at the same time
- Create a schedule for using common spaces
- To further reduce the risk of infection and ensure ongoing service capacity, we ask that all providers implement the following measures:
  - Suspend shelter to shelter transfer practices
  - Temporarily limit service restrictions, except in cases where a shelter provider determines that the service-restricted client poses an immediate threat or danger to another individual's health or safety, or the security of the shelter
  - Limit walk-in referrals to 129 Peter Street and move to phone based service referrals through Central Intake, where possible
  - Divert resources as needed to ensure continued delivery of core support services
  - Support clients with family reunification where possible to reduce their risk of exposure
  - Eliminate non-essential visitors and service providers on-site, and screen all visitors on entry to the premises
- In keeping with these recommendations, SSHA will be suspending non-essential initiatives at this time. Monthly 24-Respite Standards site visits and upcoming schedule Shelter Standards Assessment site visits will be postponed until further notice. The Street Needs Assessment, planned for later in April, will also be postponed until further notice.
- We encourage each service provider to review your own operations and suspend non-essential services. These decisions should be made by your organization. Please email SSHADOC@toronto.ca to report any changes to your services and copy your lead SSHA staff.
- Staff will be in touch with all service providers to discuss current operational issues and log outstanding questions. If you have questions regarding services that may be non-essential, your lead SSHA staff can discuss this with you during the call.

#### **6. Activation of new services to increase social distancing:**

- We are also planning additional service locations to be able to reduce capacities and increase social distancing within existing programs, focusing on those programs where the risk is greatest including the SHARC, 24-hour respites and 24-hour drop-ins.
- We hope to open the first of these locations today and begin ramping up services throughout the week.
- In addition, the Out of the Cold program is currently winding down ahead of schedule. SSHA is working with Dixon Hall to identify possible locations that could be activated

to ensure sufficient capacity within the system. As these locations are confirmed, details will be shared with the sector and posted on our website.

## 7. Infection Prevention and Control:

- A reminder to continue to increase routine practices of IPAC within your facility as one of the most effective ways to reduce the spread of infections.
- Refer to the [IPAC guide developed by Toronto Public Health](#) specifically for shelter and 24-hour respite site services.
- We recognize that access to personal protective equipment (PPE) is critical to being able to provide services safely and that this is an area of concern for many providers.
- Last week we sent a survey to better understand your needs related to PPE and this information will help us continue to advocate for access to PPE supplies for the homelessness sector.
- The City is currently assessing what PPE are on hand and how to ensure first responders and health care providers have the equipment they need.
- SSHA is working to prioritize the homeless sector to receive PPE. If SSHA is able to access additional supplies, we will work on distributing them broadly across the sector.
- To provide some immediate relief, over the next week we will be providing additional funding to all shelter, 24-hour respites, 24-hour drop-ins and daytime drop-ins to support increased infection control and prevention activities, purchase specialized cleaning supplies, PPE and increase social distancing (e.g. using curtains).

While we take these additional measures, we ask that you continue to maintain your existing capacity and accept new admissions into your programs, while implementing some of the social distancing approaches identified above. Given the ongoing pressures on the shelter system and needs of this very vulnerable population, we need to continue to provide safe indoor places for people to seek shelter.

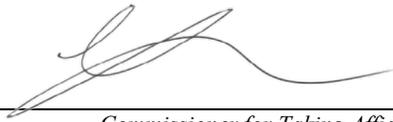
We truly thank all of you and your staff for your commitment to providing services to the most vulnerable members of our community during this challenging time.

People experiencing homelessness are particularly vulnerable to COVID-19 and we know that any actions we can take now to delay the spread of COVID-19 will significantly reduce risks and provide additional time for planning and resource strategies to be developed to respond over the coming weeks.

Please keep yourself informed of new developments by referring to credible sources of information, such as Toronto Public Health's [website](#). As the situation continues to evolve rapidly, we will continue to provide you with regular updates and new information. This includes scheduling additional Webex and Teleconference meetings to share information with the sector.

In the meantime, if you have questions, we encourage you to contact your Agency Review Officer or continue to send us your questions to the centralized email address ([sshadoc@toronto.ca](mailto:sshadoc@toronto.ca)) and we will provide responses in our future email communications.

This is Exhibit "XX" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

**Details on most toronto.ca pages may not be accurate while the City responds to COVID-19.**

**Learn about the current health situation, service changes and economic support**  
(<https://www.toronto.ca/home/covid-19/>)

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# News Releases & Media Advisories

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A list of news releases and media advisories issued by the City of Toronto.

## City of Toronto shelters strengthen response to COVID-19

17-Mar-2020

This afternoon, Mary-Anne Bédard, General Manager of the City's Shelter, Support and Housing Administration (SSHA), announced the City is strengthening prevention and response to COVID-19 in our emergency shelter system. There are currently no cases of COVID-19 in Toronto's shelter system.

SSHA is responding to COVID-19 with a three-tier approach. First, it is creating the ability for additional social distancing spacing within the existing shelter system through creation of new programs. The first spaces opened yesterday and by the end of this week the plan is for 200 spaces within City facilities that are currently empty. This will not create additional capacity in our shelters, but will allow the City to move people within existing programs, particularly the 24-hour respite sites and 24-hour drop-ins.

Second, the City is creating additional isolation spaces for people identified through screening and assessment processes that are awaiting test results. This process has been initiated and the City continues to move people who need it over this week into isolation.

SSHA is using Toronto Public Health's recommended screening questions at all points of entry by phone or in-person for all those seeking shelter. Anyone wanting to access

the shelter system who should be assessed for COVID-19 is being referred to one of the Province's assessment centres.

People who are experiencing homelessness who are being tested for COVID-19 will not be admitted into our regular shelter system. Instead, they will be isolated in separate spaces at a designated program location. This is the first program of its kind in Canada, as a medically supported isolation service for people who are homeless while they wait to receive their test results.

On the third tier, the City is working with its provincial partners to identify an appropriate service for people who have tested positive for COVID-19.

To date, no one has tested positive in the shelter system and the City is working hard to ensure it has a program available should that occur, and that it has the appropriate medical supports in place to protect staff, community partners and those it serves.

Another vulnerable group the City serves are newcomers and refugee claimants who request access to emergency shelter. In Toronto, each week, there are an average of 100 new refugee claimants who access the shelter system. The actions that the federal government took yesterday to close the border with some exceptions will likely reduce the number of refugees entering the shelter system.

Toronto is asking the federal government to screen and quarantine anyone who has entered the country in the past 14 days at the border, particularly those who have nowhere to go through their own means where they will be able to self-isolate. In the meantime, for people who have entered the country within the past 14 days who present themselves in Toronto seeking temporary shelter, the City is in the process of setting up 200 beds for self-isolation purposes.

In addition, working closely with TPH, the City has provided staff at all City-run shelters, as well as its partners, with advice on enhanced Infection, Prevention & Control and cleaning measures.

Please check [toronto.ca/home/covid-19](https://www.toronto.ca/home/covid-19) (<https://www.toronto.ca/home/covid-19/>) for details and updates as they are made.

Toronto is home to more than 2.9 million people whose diversity and experiences make this great city Canada's leading economic engine and one of the world's most diverse and livable cities. As the fourth largest city in North America, Toronto is a global leader in technology, finance, film, music, culture, and innovation, and

consistently places at the top of international rankings due to investments championed by its government, residents and businesses. For more information visit [toronto.ca](http://www.toronto.ca) (<http://www.toronto.ca>) or follow us on Twitter at [twitter.com/CityofToronto](http://www.twitter.com/CityofToronto) (<http://www.twitter.com/CityofToronto>), on Instagram at [instagram.com/cityofto](http://www.instagram.com/cityofto) (<http://www.instagram.com/cityofto>) or on Facebook at [facebook.com/cityofto](http://www.facebook.com/cityofto) (<http://www.facebook.com/cityofto>).

## Media Relations

416-338-5986

[media@toronto.ca](mailto:media@toronto.ca) (<mailto:media@toronto.ca>)

## Contact Information

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### Media Inquiries

See the list of corporate, divisional and member of council **media contacts** (<https://www.toronto.ca/home/media-room/media-contacts/>)

### Media Relations Desk

Email: [media@toronto.ca](mailto:media@toronto.ca) (<mailto:media@toronto.ca>)

### City Council

#### Media Relations Desk

(during City Council meetings only)

Telephone: 416-397-7170

Email: [media@toronto.ca](mailto:media@toronto.ca) (<mailto:media@toronto.ca>)

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**Council/Committee Agenda Distribution Dates**  
**(<http://app.toronto.ca/tmmis/agendaDeadlinesReport.do>)**

This is Exhibit "YY" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: March 20, 2020

<https://www.youtube.com/watch?v=SK2J2QrB8yM>

Chief Pegg: 09:54

The City of Toronto Shelter Support and Housing Administration have initiated a number of proactive measures in support of individuals experiencing homelessness. These measures have been developed in accordance with the recommendations of the Ontario Ministry of Health and Toronto Public Health in order to ensure our shelters are safe for both our clients and our staff. These measures include the following: we have opened five new facilities in order to facilitate effective social distancing as recommended by Toronto Public Health. It is important to note that this is not net new capacity, it is temporary space to support social distancing recommendations.

We have established one new isolation site for people undergoing COVID-19 testing. We have secured additional hotel capacity for the family sector. We have secured one additional site to shelter those who require 14 day self-isolation as a result of travel. Screening for both illness and travel history is being conducted as part of the shelter intake process both by phone and in person. Anyone who is identified as requiring further health assessment through this screening process is being referred to one of the provinces assessment centres before being admitted to the shelter.

Routine infection prevention and control practices are in place and will continue. This includes enhancing cleaning and disinfection to reduce the risk of spread and protect vulnerable residents in the facility staff. We are engaged with both the provincial and federal governments in making the required personal protective equipment available for our community agencies.

As well, additional funding has been provided to each of the community operated 24-hour shelter sites to assist with their procurement of personal protective equipment and enhanced cleaning supplies. Signage that provides information and instruction on hand-washing, along with infection prevention and control is displayed throughout our shelter and respite sites. We have now secured a location for a new COVID-19 recovery facility for Toronto's homeless population which includes wraparound health supports and we are in the process of placing this facility into service. The location of this site is not being provided in order to ensure the privacy of individuals is protected. I want to remind everyone that our public health call centers continue to experience high volumes of calls many of the questions being asked can quickly be addressed by accessing [toronto.ca/covid19](https://toronto.ca/covid19)

...

30:45

Jennifer Pagilaro, the Toronto Star

Dr. de Villa please. Dr. de Villa could you tell us if the person who tested positive in the shelter system was screened? And if not how could they were identified and any other client and their staff from that shelter or not resolution?

Dr. de Villa:

So I'm sorry I just want to clarify the question you were asking if the shelter client was screened and ...

Jennifer Pagilaro: if any staff or clients were put in selfishly I feel like isolation as well as a result

Dr. de Villa:

So with respect to the shelter client themselves all the protocols were in place at the shelter and so that would have included it screening. As that person approached the shelter, or was checked into the shelters is perhaps the more appropriate term. With respect to what else is happening at the shelter my understanding is that we are conducting the investigation there and there are some individuals who are under investigation. So we will proceed with that investigation. I'm happy to provide updates as I have more clear information.

Jennifer Pagilaro: and just to follow up I think for Mary-Anne

[unknown] ...for other media here just Mary-Anne Bédard General Manager of Shelter support and Housing

Jennifer Pagilaro hey Mary-Anne, I just wondered that the five new facilities that were mentioned that are now open is that enough given that the permanent system is at capacity? And and what else is planned to try to increase that number of additional spaces?

Mary-Anne Bédard:

Yes well as I said in my comments the other day we continue to look at this evolving situation and we will continue to revise our operational plan as required. You know we continue to talk to our community partners and ask them what support they need and so we will continue to be nimble in our response, and, and change as we need to.

...

Matt Bingley, Globals

A second question would be for Mary-Anne if that's possible. The other day you walked us through fairly detailed what the city's plans were for when this came to the shelter community. Can you just sort of talk about what actually happened you mentioned the other day that if someone was showing symptoms they would not be admitted to a shelter. Is that the case here and that the person was not actually admitted? And then can you sort of walk through what will happen next I understand there's an isolation facility but I'm guessing there's some sort of investigation. You'll have to be looking at who this person interacted with and then also where people have been told to self isolate. That's not always something that someone who doesn't have a home can easily do or is used to doing so. Are there measures in place to ensure that they do so so?

Mary-Anne Bédard:

That was a lot of questions I miss one you'll have to remind me. So again as Dr. de Villa said I can't share individual details about this individual. What I can tell you is that while they waited for their test result they were residing in our isolation center, which is as it should have been. We have created transport so if an agency identifies a person that they're concerned about, we've coordinated transportation so that we can safely move someone to get a test and then safely move them to our isolation center where, while they wait for their results.

So I'm confident that we've taken the steps necessary you know we were hoping to keep this out of the shelter system for as long as we could and now we're moving to , to steps to obviously to contain it. So we'll be working very closely with Public Health as they conduct their contact investigation determine whether or not there are other people of concern. And then following those same procedures and protocols

Matt Bingley So you missed half two of the questions here okay chances are this is not a travel case so then how do you is there an investigation into who the person may have interacted with which I'm guessing could pose challenges given just the nature of their lifestyle. And second of all in quarantining the person someone who is not used to being at home or not having a home to go to are there steps in place to ensure that people in the shelter communities do remain in quarantine.

Mary-Anne Bédard:

So we will not be conducting the investigation we'll be doing that in in partnership with Dr. de Villa we do keep very detailed data of people's movements through the shelter system. So we anticipate fully being able to cooperate with Toronto Public Health's investigation. And we're also working very closely with our partners at the Inner City Health associates to make sure that our isolation program is an appropriate program for people experiencing homelessness, and obviously is appropriate in a way that encourages them to remain while we wait for their test results.

...

CTV News: 45:48

Chief Pegg, if you could elaborate on something you mentioned earlier in your opening comments shelter or shelters at undisclosed locations. Could you elaborate please on what of specifically who are those shelters for and again why are they being kept undisclosed?

I'll actually let I'll let Mary-Ann respond.

CTV News: Sure please

Mary-Anne Bédard:

Thank you for the question. So there are two specific programs that we have opened as I spoke about before. There is a an isolation actually there are three there is an isolation site for people who need to self isolate for 14 days because of travel. There's an isolation site for people who are awaiting test results that have some reason to suspect that they may have COVID-19. And then the third site that we are we've secured today is a site for people for COVID-19 recovery. So I mean obviously you know these are, for people's privacy you know even with our regular hotel programs we don't disclose the specific locations of those programs. And so I think it's just in respect of people's privacy. You know the most important thing is that they be allowed the time to, time to recover A

CTV News: And just to clarify the all three of the Scheldt the special shelters you mentioned all three are going to be undisclosed locations?

Mary-Anne Bédard: Yes all three

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This is Exhibit “ZZ” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: March 21, 2020

[https://www.youtube.com/watch?v=OqaRn2\\_h5Tk](https://www.youtube.com/watch?v=OqaRn2_h5Tk)

Melissa from City TV: 17:13

So yesterday we had our first positive case of the virus found in a client at a homeless shelter, I know other municipalities have looked at relocating at people within the homeless shelters in order to make sure that they stay safe what are we looking at here in the city to also ensure their safety?

Dr. de Villa

So there are a number of collaborations and collaborative efforts that happen, that have happened I should say between Toronto Public Health and our colleagues at Shelter Support and Housing Administration. And I might just turn it over to Mary-Anne Bédard to speak more specifically to that.

[Unkown] For those online, Mary-Anne Bédard is the General Manager of Shelter, Support and Housing.

Mary-Anne Bédard

So thank you for the question. We have taken every precaution based on public health standards and the advice of Dr. de Villa. And we will continue to do that. We have been rapidly rehousing people permanently into housing. This week alone we housed 15 people into permanent housing.

We've opened up new programs to create the opportunity for social distancing in existing programs. We've created new space for people to self isolate due to travel or exposure.

We're the first in Canada to create a medically supported isolation site for people while they wait for test results. We've increased hotel accommodation for people in shelter. We've implemented screening processes at all points of entry in person and on the phone for those seeking shelter. We've supported enhanced measures for infection prevention and control and we've also identified now a location for COVID-19 recovery for people who are in the shelter system who have been infected.

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Transcript News Conference COVID-19: March 24, 2020

<https://www.youtube.com/watch?v=-qgHbywyVxo>

Matt Bingley, Global News: 16:27

Just my question is on the, the second confirmed case in the homeless shelter system. Can you tell us if this was at the ... I know the release said that there was no connection between the two, but were they both at the same shelter? Or can you expand on that and give us a little more information as to how they were detected if they made it into the shelter system and, and so on.

Mary-Anne Bédard

I'll take my lead from the Medical Officer of Health who doesn't provide details on individuals. What I am able to say is that we had two positive cases at two different physical locations, and in two different types of programs. So one was a respite program and one was a regular shelter program. Both of those people are currently at our isolation site and receiving medically supported care.

And it just as a follow-up have you been able to determine if or test how many people they may have come into contact with. We are working with Toronto Public Health as they do their contact investigation. That's what they do and then we work with the agencies involved to make sure we're connecting with anyone who might be implicated.

...

Donovan Vincent, the Toronto Star:

The 9 new shelter is the isolation Center the Recovery Center and all those initiatives announced in that release is there a cost figure for that announcement and also where is the money coming from and I also have a question about sistering maybe I can do that as a follow-up I don't know?

Mary-Anne Bédard

Sure so of course there is going to be a cost to all of these things we are moving forward having those conversations without provincial and federal partners to determine how that will be paid. But certainly not letting that stop us put in place the measures that we need to, to protect people's health and safety.

Donovan Vincent: So you determine how it will be but did you is there a dollar figure?

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We are carefully tracking those things and you know I can't tell you today how much it's cost so far we've made significant increases to service so you know I, I imagine it will there will be a significant cost to the to the response.

Donovan Vincent: Okay and then the other question is regarding sistering, we got a note posting that they have the drop in has closed and there was a temporary shelter that's been moved to another location. Is this the first, how many shelters have been closed what's what's happening in the shelter system overall in terms of closures and?

Mary-Anne Bédard

Well thank you Donovan I appreciate that question that gives me an opportunity to clarify sistering has not closed they wanted the opportunity to create enough social distancing for the clients that they had in their program. Sistering offers a very unique program in the city and they wanted to be able to continue to do that for the clients that they had staying with them. So we've provided them with the opportunity to move to a community center so that they have adequate space to continue to offer their programs. So it definitely has not closed and we have not had a single shelter closed. They are all open. We are incredibly grateful to our community partners because they run the majority of the sector. And we're just their partners so it's it's a huge relief to us that they're still in a position to do that

[Narrator okay thank you Donovan now go to Mike Walker from CTV News]

Mike Walker Starting on the homeless front with the two cases that we now have are their concerns because this population may be one that may be difficult to control with social distancing and all that? Are their concerns about this leading to an outbreak in our system and what measures are we taking to prevent that?

Mary-Anne Bédard

So I mean I've talked about this before we've we've developed a very comprehensive three-tiered approach we're focusing on prevention mitigation and then recovery. We've rapidly implemented this plan over the last week. And you know where we are taking significant steps because we do know that this is a very vulnerable population.

Many people have underlying health issues. So we want to make sure that our actions are significant and address the issues that, that are that are happening. We're having regular communication webinars with all of our community agencies. Gives us an opportunity to share information and advice with them and then also to share best practices with one another. We are providing information support communication tools on how to create social or physical distancing within shelter systems.

Things like doing different shifts for meals scheduling the use of recreation facilities and time. So there's lots of creative things going on across the shelter system and again, like to thank our community partners for for being in it with us.

Mike Walker: And just following up on that note I know on the release today talked about another facility potentially opening. Do we know where and when and how many more spaces that could be?

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So we opened another facility yesterday at a community center we opened another one today in total in 7 days we've opened 9 facilities. So again a significant response we've got an isolation site for people undergoing testing. We have a COVID recovery site that will likely be opening on Thursday and so you know we continue to be nimble in our response.

It's a rapidly evolving situation everybody says that, but it really really is especially with this population. So we continue to work really closely with our partners in in Public Health and, and at the EOC and with our community providers and we just adjust as we need to.

Mike Walker: And on the TCH see announcement today sure if you can speak to this we spoke to some tenants who are concerned with April 1st right around the corner that maybe these measures announce they may not take effect right away no TCH's committed to working with us maintaining tendencies is one of the most important things that shelf support and housing and the City of Toronto is working on. So they are absolutely open to having those conversations with tenants who have had a change in their income and are going to have difficulty paying rent on April the 1<sup>st</sup>. If you're in a rent gear to income unit, we're also looking at readjusting your your payment and recognition of what your new salary is so every effort is being made both with Toronto Community Housing but also our 200 other social housing providers who do similar work.

...

Jeff Gray, The Globe and Mail 32:31

I just want to ask about the spaces that have been created in the shelter system. The number I saw in the release was 349 new shelters. Can you just address the question ... I mean there's 690 spaces in the system right something like that?

How does 340 added into it create an up space for social distancing these are generally quite crowd facilities. So I just want you could just expand upon how is it that the shelters continue to operate and everyone is able to stay 6 feet from each other like the rest of us?

Mary-Anne Bédard

So again thank you for that question we've been focusing our new spaces on the 24 hour respite program. The 24 hour respite standards require less than 6 feet between sleeping. But the shelter standard is 6 feet already so within shelters or though we are trying to reduce the capacity in those programs there are already opportunities in place to create the social distancing that is required.

So we're focusing on the programs that we have the most risk. And we are making sure that they have the same opportunity to create that distance. As we continue to evolve our response will be looking more carefully at some of the other programs that may need some relief.

Jeff Gray: As a follow up just am I correct that the city has paused or stopped tearing up whatever stopping encampments. They find homeless people camping somewhere, maybe seeking to escape the shelter system, am I right that we're not we're not doing that right now we're not taking those encampments apart.

Mary-Anne Bédard

So our street outreach continues we're continuing to connect with people our streets to homes model is to move people directly from the street into housing. So that continues so that work is very, very important the other thing that we continue to do with with our partners and transportation is to monitor those sites for health and safety so although we're not clearing those sites we are giving people the opportunity to stay where they are, we do continue to monitor that those sites remain safe for the occupants there and for the nearby community

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This is Exhibit "AAA" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: March 24, 2020

<https://www.youtube.com/watch?v=-qgHbywyVxo>

Matt Bingley, Global News: 16:27

Just my question is on the, the second confirmed case in the homeless shelter system. Can you tell us if this was at the ... I know the release said that there was no connection between the two, but were they both at the same shelter? Or can you expand on that and give us a little more information as to how they were detected if they made it into the shelter system and, and so on.

Mary-Anne Bédard

I'll take my lead from the Medical Officer of Health who doesn't provide details on individuals. What I am able to say is that we had two positive cases at two different physical locations, and in two different types of programs. So one was a respite program and one was a regular shelter program. Both of those people are currently at our isolation site and receiving medically supported care.

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This is Exhibit "BBB" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

March 26, 2020

## Shelters, Support and Housing COVID-19 Response

### For City’s homeless support, what services are continuing or suspended?

As the situation during the COVID-19 pandemic is changing rapidly, please visit the [City’s website](#) for the latest information on impacted City services.

### What has the City done to respond to the needs of shelter clients during the COVID-19 emergency?

The City has opened ten new facilities since March 16 to support the following new programs:

- Eight programs to provide extra space for physical distancing
- One program for people requiring self-isolation due to travel
- One program for people who are waiting for test results

### How is the City increasing Physical Distancing in shelters?

The City has opened eight new facilities with more than 350 spaces to create more opportunity for physical distancing for clients from shelters, 24-respites and 24-hour drop-ins.

These facilities include:

- 354 George St (50 spaces)
- Five community centres operated by City staff (250 spaces)
- One community centre space operated by Sistering to provide their 24-women's drop-in
- One site operated by Dixon Hall to offset the early wind-down of OOTC program (45 spaces)

Six of these sites are listed below:

Name of Centre	Address	Ward	Neighbourhood	Councillor
Driftwood Community Centre	4401 Jane St	7	Humber River-Black Creek	<a href="#">Councillor Anthony Perruzza</a>
John Innes Community Centre	150 Sherbourne St	13	Toronto Centre	<a href="#">Councillor Kristyn Wong-Tam</a>
Matty Eckler Community Centre	953 Gerrard St E	14	Toronto-Danforth	<a href="#">Councillor Paula Fletcher</a>

Warden Hilltop Community Centre	25 Mendelssohn St	20	Scarborough Southwest	<a href="#">Councillor Gary Crawford</a>
354 George Street	354 George Street	13	Toronto Centre	<a href="#">Councillor Kristyn Wong-Tam</a>
Edward Hotel	185 Yorkland Blvd.	17	Don Valley North	<a href="#">Councillor Shelley Carroll</a>

In addition, there are ten other facilities that are ready to be activated as needed.

Please note – these sites are **not** creating additional capacity in shelters, but will allow the City to move people within existing programs, particularly 24-hour respite sites and 24-hour drop-ins to create more opportunity for physical distancing.

**What is the City’s dedicated program for clients who have been advised to self-isolate?**

The City has opened a site for people who are awaiting COVID-19 test results and need to self-isolate until they receive their test results. The site is the first of its kind in Canada.

Currently, there are 28 households in the isolation program as of March 24. Referrals to the program are coordinated directly from the testing centres and are run in partnership with Inner City Health Associates (ICHA) and Inner City Family Health Team.

The City will be ramping up to full capacity with more than 40 rooms shortly as additional nursing supports are made available. The City has escalated the urgent need to prioritize test results (within 48 hours) to the provincial government, in order to free up these spaces quickly for people who need them.

**What is the City doing to screen clients for travel?**

The City is continuing to screen for travel and illness by phone during intake and in-person. The Central Intake system asks screening questions to people calling for shelter access.

The City has opened a dedicated site that is available for people who have entered the country within the past 14 days to provide them with the ability to self-isolate, as recommended by TPH. Currently, there are 46 individuals in the self-isolation related to travel program.

**Why is 129 Peter St. and (SHARC) currently closed to walk-in referrals?**

Due to the volume of clients that access 129 Peter St. Streets to Homes Assessment and Referral Centre (SHARC), the in-person walk-in referral program has been closed

but the shelter spaces inside the building remain open. Central Intake (1-877-338-3398) remains open to make referrals by phone.

### **Are there any positive cases of COVID-19 in the shelter system?**

As of March 24, the City confirmed two positive cases in the shelter system. One case was in a 24-hour respite and one in an emergency shelter. The City has secured a location to operate a program for people who have tested positive for COVID-19.

TPH have advised that they have no evidence of an outbreak in the shelter system to date and the City is preparing for what may happen in the coming days and weeks.

### **What happens when a shelter client needs to be tested for COVID-19?**

Referrals to the isolation program are coordinated directly from the province's testing centres. This isolation program the first medically supported isolation service for people who are homeless in Canada who are waiting to receive their test results.

If someone using our shelter system tests positive, SSHA connects with TPH on what is required such as quarantine of spaces, cleaning and so on.

### **How will newcomers and refugees who access the shelter system be assessed for COVID-19?**

The City has asked the federal government to screen and support self-isolation for anyone who has entered the country in the past 14 days at the border, particularly those who have nowhere to go through their own means where they will be able to self-isolate.

The actions that the federal government took on March 16, 17 and 20 impact refugee and asylum claimants entering Canada. For more information, refer to the City's March 17 [news release](#). Federal government's March 20 [news release](#) regarding closures of U.S.-Canada border for non-essential purposes. Please reference the [federal government's updates](#) regarding refugees, immigrants and asylum claimants.

### **What is the City doing about cleaning and protective equipment for staff and shelter clients?**

Working closely with TPH, the City has provided staff and partners with advice on enhanced infection prevention and control (IPAC) and cleaning measures.

To provide some immediate relief, the City has provided additional funding to all shelter, 24-hour respites, 24-hour drop-ins and daytime drop-ins to support increased IPAC activities, purchase specialized cleaning supplies, personal protective equipment (PPE) and increase physical distancing (e.g. using curtains).

Toronto Public Health has developed interim guidelines for Homeless Service Setting Providers in response to COVID-19: <https://www.toronto.ca/home/covid-19/community-settings-workplaces/>

This is Exhibit "CCC" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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Transcript News Conference COVID-19: March 26, 2020

<https://www.youtube.com/watch?v=v6F-L6NwDr8>

Mark McAllister City News: 25:21

And just to follow up to you Dr. Davila. We've talked about this for a number of days now, and it started last week when it comes to our shelter system and the homeless people in our city. There is still evidence that the beds in the respite centers, and the shelters that have been set up, are still within arm's reach of each other.

Why is that the case when this problem was supposed to be solved last week?

Dr. de Villa:

So I can tell you that we have worked at Toronto Public Health alongside our colleagues at Shelter, Support and Housing Administration to try to create those circumstances that allow and that make the most safe environment for residents of the shelter system.

I completely appreciate that there is, there may be, some ways to go yet and improvements that have been made. But I think it's important to note that there has been a strong and collaborative relationship between those of us at Toronto Public Health and at Shelter, Support and Housing Administration and the specific shelter providers to try to create that safe environment. There are a number of protocols in place.

We know that distancing is important. And we heard from Mary-Anne Bédard, the General Manager of the Shelter, Support Housing and Administration, that a number of new facilities have come on online in order to create that distancing in the shelter system.

I'm certainly interested in hearing, of you know, issues that require further improvement. And I have no doubt that my colleagues in the shelter system, the shelter providers, are going to continue to you know work towards better conditions and to seek to create those environments that allow for the safety or that create safe environments for those who are using those shelter facilities.

Brad Ross: Thank you. We'll go online now to Jeff Gray from The Globe and Mail. Jeff go ahead.

Jeff Gray:

Hi, everybody. I just want to follow up on that shelter issue. There are certainly, I talked to people who run, run a shelter, people who've been in and seen them, that this issue

of whether there are six feet between people in even the existing shelter seems to be an open question. How confident are we that that we're doing all that we can to protect the homeless people where this this could really run through the shelter system quickly?

Dr. de Villa:

So I would say that as I had in the previous question, there is a great deal of work that has happened between Toronto Public Health and the Shelter, Support and Housing Administration colleagues that we have. I know that the General Manager, Mary-Anne Bédard, has spoken to the media on several occasions, and has given a very comprehensive list of the many measures that have been taken to date, including opening a variety of new facilities in order to create for greater spacing between shelter clients.

I am concerned. We are certainly concerned. We know that people in our shelter system are vulnerable. Many of them have chronic and existing health conditions that make them vulnerable to COVID-19 infection. And certainly we want to do our very, very best to create the circumstances that allow for them to experience the best health and to live in an environment, to be in an environment that actually protects their health and safety.

So, again, I would encourage people to, you know, inform us of concerns that they might have rest assured that we are working as as quickly as possible to create the appropriate conditions, to create safe conditions for all those in the shelter system. Whether we're talking about clients who are in need of the shelter or those who provide the services.

Jeff Gray: And just to follow up, to the Mayor. Are you concerned that that, I mean, I know lots of work is being done. And know there are hotel rooms being looked at and all sorts of their solutions. But can the, the situation in the shelters actually be fixed? Be dealt with in time before we see some really terrible things happen?

Mayor John Tory:

Well as the Medical Officer of Health said a moment ago, and I rely very much on her advice in these matters. It is a place where because you have crowds of people by definition that are in the same building, there has to be extra precautions taken.

But if you said to me am I confident that we can, as I think has been the case through the excellent work of Mary-Anne Bédard in close cooperation with the Medical Officer of Health and others, including those in the nonprofit sector, can we address those things as they come up and make sure that the protocols and the standards are being met?

Yes, we can.

And I believe we have. And I think as some of these examples have come to our attention through various means, I have every confidence that the officials are addressing them.

And I think the amount of work they've done. And I will take the tip of the hat to Councillor Joe Cressy as well, the Chair of the Board of Health, because he's been a relentless advocate on making sure every day, every single day on our call we have at 7 o'clock in the morning this is a matter that is discussed. And so, as these things come to our attention, I think we've responded very well. The number of new sites, I think there are at least nine that have been set up during the time since this became a very acute crisis and before. Arrangements that are being made, as you alluded to, to have other facilities available to us in the event of an increase in the number of people who need special care and attention.

Those things have been done. And they will be done. And there is no question about resources or anything like that. Sometimes there's a challenge for us and making sure medically trained people are available to look after those who require medical help. But I will just tell you that I think that we're on top of this. We're very diligent on it, and that anybody who has any instances that should be brought to our attention, we may not know about then please do. Because I can tell you the staff will react to that immediately and fix whatever is wrong. And I think that's exactly what they have been doing

Brad Ross: Okay, Matt Bingley from Global News.

Matt Bingley: Just want to follow up on that same vein. We've seen pictures of these new sites that have opened up. The beds aren't six feet apart. Other advocates are pointing out that the other shelters still are using bunk beds.

The Mayor just said a second ago that no, no expense would be factored into this. But I'm just wondering, some advocates are saying that we should be leaning more on the hotel industry. So I'm just wondering, at what point would you look at all those vacant rooms and, and suggest that perhaps these individuals should be better suited staying in there, to be spaced out more.

Mayor John Tory: Were you directing that to me?

Matt Bingley: Sure.

Mayor John Tory: I will say that we already are. I mean, some of the nine sites that I referred to and some other arrangements that I made allusion to that are in the process of being put in place are doing precisely that, which is common sense, using empty hotels for purposes of making sure that we can not only comply with our own protocols, but also address some of the health-related issues that require people to be in different places from one another.

So I can just say that I'm confident that, you know, I think when you see some of these photographs I'm very hopeful and very optimistic and quite confident that their photographs, that represented something that happened yesterday. And that doesn't mean it was a good thing then, but it means we've got on top of it and fixed it today.

And I think our people are very much on top of this. And they will continue to be and we have said whatever it is they need to make sure we properly care for some of these most vulnerable people. They will have it. There's been no questions asked about that. And sometimes there's a slight challenge for us more than slight, finding exactly the right place and the right kind of accommodation and the professional staff to do it. But I think they've moved remarkably fast to get a lot done in a relatively short period of time.

...

34:14

Okay, Francine Kopun from the Toronto Star. Francine are you there?

Francine Kopun: Yes. Yes, I'm here I'm interested in in more detail about the hotel angle. Are the hotels currently preparing to receive people or have they already received people? And if they have, is it people who are experiencing homelessness or is it people who are being moved from, for example, long-term care beds in hospital and how many hotels are participating?

Mayor John Tory: Well, the fact is that as part of our caring for people who are homeless and vulnerable and Dr de Villa may wish to add to this, but as part of our program on an ongoing basis before COVID-19 hit us, we have used hospitals, at least hotels, rather as part of our process for sheltering, for example, a refugee of families.

And so the use of hotels is nothing new. We have as part of opening some of the new facilities we required for a series of different reasons related to COVID-19 used hotels. We're not going to indicate sort of where they are, or what they are but we have made arrangements and we'll continue to make further arrangements as needed and to provide that accommodation.

So from the sort of logistical standpoint where hotels make sense, where they can and need to be used and where we can get the medical help necessary to turn a hotel into a place that people can be provided with proper care, that's what we'll do if that's the best answer. And maybe on that note, I'll turn it over to Dr. de Villa.

Dr. de Villa:

Yes. So in further follow up to that, we I know that we have used hotels, for example, to help isolate individuals who have developed symptoms that may be COVID-19. They have

testing and they need a place to stay in isolation from others so as not to promote the spread. So, I can certainly assure you that hotels are being used for those purposes. I know that there are other facilities that are being explored.

And my understanding is that conversations are continuing between those at Shelter, Support and Housing Administration and various hotel facilities around, around the city in order to address the needs that exist right now in our shelter population.

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This is Exhibit "DDD" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

March 27, 2020

## Housing, Income and Program Support

### **How are people experiencing homelessness being assisted to find permanent housing during COVID-19?**

Please see the [City's March 24](#) news release for details.

As an additional measure, the City is working with Toronto Community Housing (TCH) on a Rapid Housing initiative to identify vacant units that can be made available immediately to particularly vulnerable populations that are currently shelter clients on the waiting list for housing.

These TCH units will be prioritized to those more vulnerable to COVID-19, particularly seniors, who are living in the emergency shelter system.

As of March 24, 15 people have been matched to available units and an additional 30 units have been secured that can be referred to additional shelter clients.

Clients will be referred through the City's Coordinated Access system and will be provided with support to help achieve and sustain housing stability. The Furniture Bank will provide furniture for the units.

### **Will residents who are facing hardship during COVID-19 be at-risk of eviction?**

As per a provincial [Court Order](#) that was granted on March 19, all enforcement of residential evictions has been suspended. Furthermore, the [Landlord and Tenant Board](#) is suspending eviction hearings except on matters of criminal activity or impairing safety.

Questions related to evictions should be directed to the [Province's Rental Housing Enforcement Unit](#) or call 416-585-7214 or 1-888-772-9277.

### **What measures are being taken to prevent evictions and ensure housing stability for social housing tenants?**

In an effort to protect housing stability, social housing providers have been instructed to discontinue eviction-related processes.

Housing providers have been directed to be flexible and exercise discretion on rent payments particularly as they apply to households whose primary source of income is employment. Housing providers have been instructed to work with impacted tenants to defer rent payments and/or enter into payment agreements.

Social Housing Providers have also been instructed to discontinue issuance of Notices

of Decision for Loss of Eligibility – RGI Assistance and suspend existing Notices of Decision for Loss of Eligibility – RGI Assistance. SSHA has suspended the processing of existing and incoming Requests for Review – Loss of Eligibility for RGI Assistance.

**Will there be increased income support payments from the Province?**

Recent announcements have confirmed funding for additional income support.

The City will coordinate requests to the Province regarding funding support for vulnerable individuals experiencing, or at risk of, homelessness, such as ensuring money is available for meals/food.

**During the COVID-19 emergency, what support is the City providing for harm-reduction workers and shelter clients who use drugs and alcohol?**

A harm reduction approach to COVID-19 is critical to support people who use substances while in isolation/quarantine while waiting test results or in recovery.

SSHA is working closely with divisional and community partners on how to best support people experiencing homelessness who use substances and are in an isolation program.

SSHA, Toronto Public Health and [Inner City Health Associates](#) are holding regular webinar discussions with providers and community partners to discuss COVID-19, issues facing people who are homeless and under-housed, including harm reduction considerations.

Toronto Public Health has developed some resources on harm reduction in relation to COVID-19 that have been shared with the sector ([COVID-19 Harm Reduction Tips](#) and [COVID-19 Overdose Response Tips](#))

**What kind of outreach support is continuing for the homeless population?**

Outreach workers continue to proactively connect with people to provide support, referrals to shelter and housing, COVID-19 education, screening for COVID-19, referral to testing at Provincial Assessment Centre, and safety assessments.

Homeless encampment clearings have been put on hold until further notice.

**Will drop-in programs continue to offer bathrooms, showers, meals and daytime shelter?**

SSHA has encouraged all City-funded daytime drop-ins to review business operation plans and determine which programs and services are essential and non-essential for the populations they serve and to use this information to inform a business continuity plan.

For example, a service may want to prioritize takeaway meal programs and reduce other types of on-site programming.

Access to bathrooms and showers and additional services will be assessed through the development of these plans.

This is Exhibit "EEE" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: March 27, 2020

<https://www.youtube.com/watch?v=pP8XRHTwVdM>

Jeff Gray Globe and Mail: 25:30

Just wanted to ask if there's any, any update on the number of cases that are associated with the shelter system? Is there any update on, on positive cases or people who are awaiting tests, who are residents of the shelter system?

Just hang on a sec, Mary-Anne Bédard is here she can answer that. She's just going to change seats here with the Chief.

Mary-Anne Bédard: Thank you chief. Yes we had an update as of noon today. We have four confirmed cases of COVID-19 within the shelter system.

Jeff Gray: OK. Umm and uh connected to that I guess uh, just the other day we were talking about the space between beds in the shelter system. Uh, is there an update on that, my understanding is that officials are looking at how each shelter is, is, is adopting, adapting to this new rule of having six feet between beds and that hopefully some mitigation measures can be brought in, if that's not possible?

Mary-Anne Bédard:

Actually, thank you Jeff for the question. It gives me an opportunity to correct some information I gave earlier this week and I'll blame it on my English upbringing. I got metric and imperial mixed up. So, our shelter guidelines require 2.5 ft between beds which is obviously not the six feet that, Dr. de Villa is uh requesting. It's a field hockey stick as opposed to an ice hockey stick. But we are working with public health and all of our community operators as well as in our own shelters, to look at ways that people can create that physical distancing that Dr. de Villa is requesting.

So we do have our quality assurance staff going out site by site. We have a space analysis that we completed last year that we are looking at. And so although 2.5 ft is a minimum requirement, we do know that many of our shelters do exceed that and we are working with them on strategies to continue to create that sort of space internally in their programs.

Jeff Gray: And if I could just quickly just clarify. The new shelters though are six feet apart. Right? The new ones that have been set up in the wake of COVID-19?

Mary-Anne Bédard: That's correct. The programs that we've opened at the community centres, we've put the beds six feet apart. The original program that we set up at one of our city facilities, they did not adjust their beds when Dr. de Villa came out with her updated information. But that has been brought to our attention and we have made sure that that has

been remedied. And again, that is part of the work of our quality assurance team, to go out and make sure that we're helping programs ensure they are following that as they are able.

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This is Exhibit “FFF” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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Transcript News Conference COVID-19: March 30, 2020

<https://www.youtube.com/watch?v=QIXwbFdSopg>

John Tory: 04:44-06:01

... I want to thank Premier Ford and his government for the additional measures announced today especially those aimed at protecting our 70-plus population. On a positive note we are as a city making progress in some areas in our fight against COVID-19. We have moved quickly to help people across our city at a time when we know they need that help the most.

We have contracted with five hotels with the total of up to 650 rooms to help our homeless population. Two of the sites are already in use and we're in the process of identifying required supports and activating the others this week. A further five hotels with up to 500 rooms are in the process of being secured. An additional hotel and vacant property sites are under investigation.

I should tell you that city staff are actively looking for other sites and we're trying to see if some of those vacant sites could be converted to permanent housing to help with our affordable housing shortage once this crisis has passed. We are moving too rapidly house people in vacant Toronto Community Housing units 19 house this week 50 additional housing units have been identified. And we are opening this week a site for the homeless who test positive for COVID-19 so that they can recover this facility is the first of its kind in Canada. We've done this in partnership with the province and the facility includes wraparound health and medical supports that we know people will need as they recover.

...

Jennife Pagilaro from the Toronto Star: 44:17

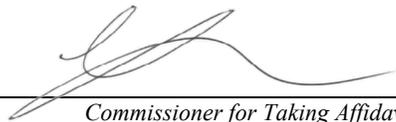
Yeah I did thanks I just wanted to know if there's any update on the number of cases in the shelter system, and if you know how many of those are actually workers versus clients using that system?

>>Brad Ross: so just give us a moment Jennifer, Mary-Anne Bédard is just going to take take the microphone Thank you.

>> Mary-Anne Bédard: Hi Jennifer so let me confirm we still remain at four confirmed cases of clients in the shelter system and we have learned of one staff member who works for purchase of service agency. All of those cases are connected to Public Health and they're undergoing the case in contact investigation.

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This is Exhibit "GGG" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

## COVID-19

# Infection Prevention and Control Tips for Homelessness Service Setting Providers

With current local transmission of COVID-19 in Toronto, service providers (non-healthcare) in homelessness service settings can follow the below **interim** infection prevention and control guidance to reduce the risk of spread of COVID-19. This document is a companion tool for the [Toronto Public Health Interim Guidance for Homelessness Service Setting Providers](#) and should be used in conjunction with that resource.

### Physical Distancing

Physical distancing means limiting close contact with others. Physical distancing strategies include:

- Remind everyone at your site to maintain a 2 metre distance from other people as much as possible
- Cancel group activities that exceed 5 people; try to support telephone or on-line activities where possible
- Do not have visitors at the site; limit to participants and clients
- Reduce face to face staff meetings; promote phone or on-line meetings and cancel any larger in person meetings
- Use furniture layout to promote physical distancing (e.g., removing chairs around a table to promote 2 metre distance between others for seating).
- Place mats/cots/beds at least 2 metres apart. If not possible, consider staggering sleeping arrangements to increase the physical distance between client/participant faces as much as possible while sleeping.

### Hand Hygiene

- Provide education to clients/participants and staff on how to clean their hands.
  - It's important to not touch your face (e.g., eyes, nose and mouth) with unclean hands.
- Put up [Hand Washing](#) and [Hand Sanitizing](#) posters at your site.
- Ensure that supplies that are necessary to clean hands are accessible. This includes alcohol-based hand rub (also known as ABHR or hand sanitizer), hand soap, paper towels and garbage cans.
- Ensure liquid hand soap and ABHR dispensers are checked regularly and kept full.
- ABHR used on site should have an alcohol concentration between 70%-90%.
- Provide portable alcohol-based hand rub to staff, if possible.
- Consider offering supervised hand hygiene for clients/participants (e.g., have a staff member pump ABHR into client's hands as they enter the dining area).

## Respiratory Etiquette

- Ensure that there is ABHR, tissues, and masks (for those with symptoms) available at intake.
- Post [Cover your Cough](#) posters in your site and educate clients and staff about respiratory etiquette (e.g., sneeze/cough into their sleeve).
- Discourage clients/participants from sharing items that come into contact with their mouth (e.g., utensils, cigarettes/joints, drinks, crystal meth/crack pipes)
- Ask staff who are sick with respiratory symptoms (e.g., cough, sneezing) to stay home.

## Environmental Cleaning and Disinfection

It is not yet clear how long COVID-19 lives on surfaces, however, early evidence suggests it can be a few hours to days.

- Make sure that environmental cleaning and disinfection is performed on a routine and consistent basis and engage in enhanced cleaning and disinfection of surfaces that have frequent contact with hands (i.e., high-touch surfaces) at least twice per day (and when visibly dirty).
  - High-touch surfaces include door handles, elevator buttons, light switches, toilet handles, hand rails, shared equipment such as keyboards, walkie-talkies. Frequently touched surfaces are more likely to be contaminated. *Note: you will need to think about what a high-touch surface is in your individual site.*
- Common spaces such as kitchens and bathrooms should also be cleaned more often.
- Use disinfectants that have a Drug Identification Number (DIN). A DIN is an 8-digit number given by Health Canada that confirms it is approved for use in Canada.
  - Check the expiry date of products you use and always follow manufacturer's instructions including **contact time** (i.e., amount of time that the product will need to remain wet on a surface to achieve disinfection).
  - As many homelessness service settings use bleach as a disinfectant, the Public Health Agency of Canada indicates that a one part bleach to 9 parts water to make 0.5% bleach solution) is also acceptable for use against COVID-19. Ensure it is prepared fresh. The contact time for this is approximately 10 minutes.
- Use damp cleaning methods such as damp clean cloths, and/or a wet mop. Do not dust or sweep which can distribute virus droplets into the air.
- Ensure cleaning and disinfection instructions are discussed with any contracted cleaning company/agency at your site.

Note: **Cleaning products** physically remove germs and dirt (e.g., body substances, dust) from a surface and are used separately before using a disinfectant. **Disinfectant products** have chemicals that can kill germs and should be applied after the surface has been cleaned. Disinfectant wipes may have combined cleaning product and disinfectant in one solution but depending on how dirty the surface is, it may need to be pre-cleaned as disinfectants are ineffective when there is dirt present. The disinfectant will need to make contact with the physical surface to achieve disinfection.

## Personal Protective Equipment

- Staff can protect themselves by using physical distancing and hand hygiene, as well as other techniques to limit exposure such as sitting next to rather than in front of a client that is coughing.
- Personal protective equipment should be chosen based on a risk assessment of the type of care or contact being provided to clients/participants, what area of the body staff may become exposed to body substances, and how an illness is spread. COVID-19 is spread by the droplet / contact route. For providers who may be involved in having people with COVID-19 residing at their sites, provide education to staff on PPE use.

## Laundry

- If a client has been diagnosed with COVID-19 or is suspected to have COVID-19 at your site, contaminated laundry should be placed in an individual plastic bag and should not be shaken.
- Use gloves and a medical mask when coming into contact with contaminated laundry.
- Clothing and linens belonging to a client diagnosed with COVID-19 or a symptomatic client suspected of having COVID-19 can be washed using regular laundry soap and hot water (60-90°C). Laundry should be thoroughly dried. Clean hands after handling contaminated laundry and after removing gloves.
- Clean hands with soap and water or ABHR immediately after doing laundry.
- Contaminated disposable cleaning items (e.g. mop heads, cloths) should be placed in a lined garbage bin before disposing of them with regular waste. Reusable cleaning items can be washed using regular laundry soap and hot water (60-90°C).
- Clean and disinfect the buttons and lid on the washing machine after use.

## Disposing of Garbage

- Disposable contaminated items of a client that has been diagnosed with COVID-19 or is suspected to have COVID-19 should be placed in a plastic bag before disposing of it with other waste

## Food Services

- Reinforce routine food safety and sanitation practices.
- Reinforce regular hand washing by staff members who prepare food.
- Discourage sharing of cutlery, dishes and other items.
- Use disposable cutlery as much as possible.
- Share food safety information on the [Toronto Public Health Food Safety](#) website
- Discuss food safety strategies with any contracted catering companies or agencies that service your site.

## Child Care Considerations

Some homelessness service settings may have specific considerations in relation to child care on site.

## More Information

- [Toronto Public Health Planning Guide for Housing Services Providers and Shelters](#)
- [Toronto Public Health's Interim Guidance for Homelessness Service Setting Providers](#)
- [Public Health Agency of Canada Guidance for Providers of Services for People Experiencing Homelessness \(in the context of COVID-19\)](#)

## References

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- Toronto Public Health. (2020). Planning Guide for Housing Services Providers and Shelters. Retrieved from [https://www.toronto.ca/wp-content/uploads/2020/03/8ee1-TPH-Pandemic-Plan\\_Planning-Guide-for-Housing-Service-Providers-and-Shelters.pdf](https://www.toronto.ca/wp-content/uploads/2020/03/8ee1-TPH-Pandemic-Plan_Planning-Guide-for-Housing-Service-Providers-and-Shelters.pdf)
- Shelter Support and Housing Administration – Strategies for Social Distancing and Spread Reduction in Homelessness Service Settings.

This is Exhibit “HHH” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.



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*Commissioner for Taking Affidavits (or as may be)*

## Shelter, Support & Housing Administration Division

### Homelessness Services COVID-19 Response Frequently Asked Questions and Resources

This FAQ sheet has been developed to answer questions that homeless service providers may have about COVID-19 and SSHA's response. In addition to this document, service providers are encouraged to review the [City's website for updates on SSHA services](#), and to review the following resources which are also available on the website link above:

- [TPH Interim Guidance for Homelessness Service Setting Providers](#) (updated March 30)
- [COVID-19 Infection Prevention and Control Tips for Homelessness Service Providers](#)
- [TPH Pandemic Planning Guide for Housing Services and Shelters](#)
- [COVID-19 client screening tool for homelessness service settings](#)
- [COVID-19 screening process for clients in homelessness service settings](#)
- [Checklist for clients referred for COVID-19 testing](#)
- [Instructions for arranging non-emergency transportation for clients](#)

Note that as the situation is changing rapidly, the answers we provide today may change tomorrow based on updated circumstances and information.

Please stay up to date with the most recent information to keep yourself informed of new developments by referring to credible sources of information, such as Toronto Public Health's [website](#) and the [City's website for updates on SSHA services](#).

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## SECTION 1: SSHA SERVICES AND RESPONSE TO COVID-19

### 1. What is SSHA doing to respond to the emergence of COVID-19?

Based on the evidence and medical advice we have received, we know we need to quickly take actions to delay the spread of COVID-19 to significantly reduce risks. The City has developed a three tier approach to strengthening prevention against COVID-19 in our emergency shelter system.

We have rapidly implemented this plan since March 16, mobilizing our response on an urgent basis, to be as prepared and stay one step ahead of a very rapidly evolving situation. We are taking these steps because we know that many people experiencing homelessness have underlying chronic medical conditions that increase their risk from COVID-19 and this is a particularly vulnerable population.

#### *Added Space for Physical Distancing*

Since March 16, 2020, SSHA has opened eight new facilities to better allow for physical distancing between clients. The focus has been to create more than 350 spaces as quickly as possible within City facilities to create additional physical distancing within our current programs, particularly our 24-hour respite sites and 24-hour drop-ins. The new sites opened are at the following locations:

- a. John Innes Community Recreation Centre, 150 Sherbourne St.

- b. Warden Hilltop Community Centre, 25 Mendelssohn St.
- c. Driftwood Community Recreation Centre, 4401 Jane St.
- d. Jimmie Simpson Recreation Centre, 872 Queen St. E.
- e. Matty Eckler Community Recreation Centre, 953 Gerrard St. E (for women and trans clients only)
- f. Masaryk Cowan Community Centre (relocation of Sistering's 24-hour drop-in services, operated by Sistering)

Information on each new facility is available on [Homeless Help](#).

Out of the Cold programs typically wind-down for the season in late-March and early April. This year, Dixon Hall continues to operate an Out of the Cold location at 188 Carlton St. The location has 45 beds for the rest of the Out of the Cold season. An additional location is operating at 354 George St. with 50 beds.

If required, the City will activate Metro Hall during an Extreme Cold Weather Alert.

There are an additional 10 facilities identified and ready to be activated as they are needed, and we are also exploring opportunities to use additional available hotels as shelter spaces.

We have also opened a dedicated site through a hotel program available for people who have entered the country within the past 14 days, providing them with the ability to self-isolate, as recommended by TPH. Central Intake asks screening questions of people calling for shelter access and refers them directly to this program.

#### *Isolation for Clients Waiting for Test Results*

We have created a dedicated program with isolation spaces and appropriate health supports for people identified through screening and assessment processes that are waiting for test results. Referrals to the program are coordinated directly from the testing centres. This is the first program of its kind in Canada.

Currently we are implementing screening processes using the Toronto Public Health recommended screening questions at all points of entry by phone or in-person for all those seeking shelter. Anyone wanting to access the shelter system who should be assessed for COVID-19, is being referred to one of the province's assessment centres.

#### *Isolation for Clients Who Test Positive for COVID-19*

The City has secured a location to provide a service for people experiencing homelessness who have tested positive for COVID-19 and are working to prepare the site to be ready to open. We continue to work with our partners at the Inner City Health Associates to identify and secure the required health supports to activate this program.

#### *Rapid Housing Initiative*

To reduce risk of particularly vulnerable populations, we are developing a Rapid Housing Access Initiative to prioritize housing offers to existing shelter clients to available Toronto Community Housing units. Clients are being referred through our Coordinated Access system and will be provided with supports to be successful in achieving housing stability. Units will be prioritized for particularly vulnerable individuals, including seniors. As of March 30, 36 households have been matched to housing. The units will be fully furnished in

partnership with the Furniture Bank. 29 additional units have been secured for the referral of additional shelter clients in the coming weeks.

**2. Are the sites being set up meant to offset the closures of Out of the Cold and provide additional space for people, or to spread out clients of *existing* shelters that continue to operate?**

SSHA has opened eight new facilities with more than 350 new spaces to create more opportunity for physical distancing.

- Five locations are intended to provide additional physical distancing in our existing 24-hour respite sites. Clients have been moved from those programs to reduce capacity at those sites.
- One program is operated by Sistering to provide additional physical distancing for their 24-hour drop-in.
- Two programs with 95 spaces are to offset the early wind-down of OOTC program.

We are currently working to identify additional program locations, including use of hotel programs, to provide additional physical distancing in other existing shelter programs.

**3. Is SSHA opening more beds in hotels and university residences as part of its Covid-19 response?**

We continue to explore opportunities to use additional available hotels as spaces for isolation or recovery for people experiencing homelessness during COVID-19.

We have already contracted with 5 hotel sites with a total of up to 650 rooms. Two of the sites are already in use and we are in the process of identifying required supports and activating the others this week. A further 5 hotels with up to 500 rooms are in the process of being secured.

Because of the availability of existing city properties and hotels for use as shelter, we have not pursued college dorms as yet. Some students not able to find other accommodation under short notice may still be in the buildings. This remains an ongoing option for consideration moving forward.

We are working with ICHA and our partners to identify those at greatest risk to move first. We are working with community agencies to determine their capacity to support programs through hotel locations, otherwise City staff will be providing onsite support.

**4. Are any positive cases of COVID-19 in the shelter system? What happens if/when there is?**

As of March 30, there are five confirmed positive cases in the shelter. TPH has advised that they have no evidence of an outbreak to date.

When someone using our shelter system tests positive, TPH notifies SSHA and the shelter or respite provider. TPH is responsible for leading the case and contact investigation and recommending next steps to manage health risks for the site, staff and clients who were in

close contact with the individual. SSHA will fully cooperate with TPH's investigation and support implementation of the steps identified by TPH.

**5. How is Inner City Health Associates (ICHA) supporting the response within the homelessness sector?**

ICHA is a key partner in our response, supporting program delivery and management at our current isolation site, as well as providing advice and guidance in assessing and referring clients to testing.

**6. Should homelessness service providers expect a surge in demand for services as a result of the COVID-19 related economic crisis?**

SSHA has taken steps to protect housing stability during these challenging economic times. Social housing providers have been instructed to discontinue eviction-related processes and issuance of Notices of Decision for Loss of Eligibility – RGI Assistance. SSHA has suspended the processing of existing and incoming Requests for Review – Loss of Eligibility for RGI Assistance.

Housing providers have been directed to be flexible and exercise discretion on rent payments particularly as they apply to households whose primary source of income is employment. Housing providers have been instructed to work with impacted tenants to defer rent payments and/or enter into payment agreements.

In addition, the provincial government has suspended evictions and instructed the Sheriff's Offices to halt any scheduled enforcement. Questions related to evictions should be directed to the [Province's Rental Housing Enforcement Unit](#) or call 416-585-7214 or 1-888-772-9277.

Important work is being undertaken by community partners such as the John Howard Society to ensure that individuals who are released from corrections have a safe place to go to upon release from prison. We are encouraging the provincial government to provide the necessary supports and resources needed for people being discharged from provincial institutions during the COVID-19 pandemic.

**SECTION 2: CHANGES IN SERVICE AVAILABILITY FOR PEOPLE EXPERIENCING HOMELESSNESS**

**1. What SSHA services will stay open/be closed during this time?**

*Shelters and Supports for Individuals Experiencing Homelessness*

129 Peter Street referral centre has been closed to walk-in service. All referrals to shelter should be directed to Central Intake at 416-338-4766. Clients can access Central Intake by calling 311 or 1-877-338-3398, toll-free from any pay phone. The nearest payphone to 129 Peter Street is located at Queen St. W and Bathurst St.

All City-operated shelters, respites and 24-hour women's drop-ins will remain open.

Response to non-urgent community and client complaints and community meetings and site visits will be suspended. Shelter and overnight service daily occupancy reporting will also be suspended.

Should Environment and Climate Change Canada forecast a temperature of -15° C or colder, or a wind chill of -20° C or colder, the Medical Officer of Health will issue an Extreme Cold Weather Alert and the City will carry out the Cold Weather Response Plan.

### *Street Outreach*

Outreach workers continue to proactively connect with people to provide support, referrals to shelter and housing, provide COVID-19 education, screening for COVID-19, referral to testing at Provincial Assessment Centre, and to assess safety. All clearing of homeless encampments has been put on hold until further notice.

### *Housing Support*

Most Housing Stability Services will continue, including payments to service providers and landlords, and processing of Housing Allowance applications. Some services may be subject to longer wait times.

Access to Housing (Housing Connections) offices at 176 Elm St. will be closed. Residents can continue to submit applications by fax, online, or by mail. Information on Rent-Geared-to-Income Housing is available at [toronto.ca/accesstohousing](http://toronto.ca/accesstohousing) or by contacting Housing Help Centres.

Please contact Housing Help Centres to confirm hours and in-person services available. Their contact information is available via the City's [Homeless Help](#) page.

Responding to general inquiries regarding files and requests for program information is suspended. Emails sent to [ask@housingconnections.com](mailto:ask@housingconnections.com) will be responded to once normal operations resume.

Financial services and contract administration activities will continue. This includes Social Housing Apartment Improvement Program (SHAIP) and Toronto Renovates payments.

## **2. Are day time drop-in services still available?**

Most drop-in programs remain open, although many have adjusted their services to accommodate physical distancing measures. For example, some are offering take away meals only, appointment-only service, and/or telephone and email outreach to vulnerable clients.

Please contact the drop-in provider directly to determine operating hours and the availability of in person services. A listing of SSHA-funded drop-ins with contact information is available on [Homeless Help](#). The Toronto Drop-In Network is maintaining a [directory of services available at this time](#).

SSHA is currently conducting a survey of day time drop-in services to assess service levels and needs in order to inform a coordinated response and daytime drop-ins have been provided with additional funding to support their COVID-19 response.

**3. Are clients allowed to stay in shelters 24/7 or are they required to leave during the day?**

The majority of our shelters operate 24/7 and people are allowed to stay inside. We have a few programs that are still overnight only and they will be receiving the funding required to operate all day as part of the COVID-19 response, to ensure people staying in those programs have a place to be indoors during the day given the closure of other community spaces.

**4. Where can clients pick up OW and ODSP cheques while many government offices are closed?**

Clients who pick up Ontario Works cheques in person can do so at one of three Employment and Social Services locations on March 30<sup>th</sup> and April 1<sup>st</sup>: Details about when and where clients should go are available on the [City's website](#), under the 'Employment and Social Services' tab.

ODSP cheques will be available at ODSP offices for regular pick up on March 31<sup>st</sup>.

**5. Where can clients access toilets and hand washing, with many indoor locations being closed?**

The City has opened seven toilet and hand washing stations in the downtown core. Supplies at these stations will be replenished regularly:

- Alexandra Park
- Regent Park
- Dundas Square
- Wellesley Community Centre
- Moss Park
- Sunnyside Park
- Little Norway Park

**SECTION 3: CLIENT ADMISSION AND SCREENING**

**1. How can service providers refer clients seeking shelter at this time?**

During the COVID-19 pandemic, please assist clients seeking shelter to call the Central Intake Line at 416-338-4766, 1-877-338-3398 toll-free or 311 to be referred to available shelter and respite spaces. Temporary shelter and respite sites may not have space to accommodate walk-in referrals. Calling Central Intake in advance is recommended to minimize unnecessary travel in keeping with physical distancing guidelines provided by Toronto Public Health.

**2. Should/can shelters go into lockdown and shelter in place – should shelters stop accepting new referrals?**

Shelters should continue to maintain their existing capacity and accept new admissions into your programs, while implementing the physical distancing approaches identified by Toronto Public Health. Given the ongoing pressures on the shelter system and needs of this very vulnerable population, we need to continue to provide safe indoor places for people to seek

shelter. Shelter to shelter transfers should be suspended where possible to limit movement between programs.

**3. How should sites be screening clients for COVID-19?**

One of our key priorities has been to develop processes to screen clients and refer them for testing to one of the COVID-19 Assessment Centres. In partnership with Toronto Public Health, we have developed a [screening tool](#) and [instructions for accessing transportation](#) from shelters, 24-hour respites, 24-hour drop-ins, day time drop-ins and Streets to Homes to testing centres for clients who meet the screening criteria. Clients should be screened on intake to the program, as well as active monitoring of existing clients for development of symptoms.

More information is available on the [TPH website about locations of testing centres](#).

**4. What precautions should sites take for refugees who have recently arrived or clients who have recent travel history?**

The federal government has restricted entry to Canada. Most foreign nationals are not currently being admitted across the border. The client [screening tool](#) provides direction for shelter sites regarding screening of clients who are recent arrivals.

**5. Who can access non-emergency transportation for homeless clients who meet the screening criteria?**

City-operated or funded shelters, 24-hour respite sites, 24-hour women's drop-ins, day time drop-ins and any other service that works with clients who are experiencing homelessness can [access non-emergency transportation](#) for homeless clients needing transportation to an assessment centre and/or to the isolation site following assessment.

Transportation is available between 8am and midnight every day.

**6. Will the non-emergency transportation that will bring from shelter sites to the Assessment Centres be marked with signage noting it is transporting individuals potentially exposed to COVID-19? Is there a way to minimize stigmatization of the individual and maintain their privacy dignity?**

The third party contracted transportation company has been instructed not to have such signage for the reasons outlined. The drivers will arrive wearing full personal protective equipment to transport clients with symptoms of COVID-19 to the assessment centres or hospital for testing.

Please understand this service is being provided in place of a regular ambulance that would arrive for this same purpose with staff in full PPE. Unfortunately, our EMS service is not currently able to provide this as they are overstretched.

It is helpful to educate neighbours and others in the community about the important work we are doing to quickly isolate very vulnerable members of our community who show symptoms and have them tested. After testing a special isolation shelter has been established for people to stay until their test results are returned.

**7. Are you going to provide sites with infrared thermometers?**

At this time there are no plans to provide sites with infrared thermometers. You are encouraged to purchase supplies required for your response, using the additional funding has been provided for IPAC and other supplies.

**8. If a client needs to go off-site to attend an appointment, will the TTC still accept tokens?**

The TTC is no longer accepting cash, TTC tickets or TTC tokens on buses at this time, but individuals will not be denied service. Instead, customers are asked to pay at their first opportunity (i.e. when they transfer onto a streetcar or at a station).

Remind clients they must board and exit buses from the rear doors only, and to maintain physical distance from other customers and the operator while on transit.

**SECTION 4: CLIENT TESTING**

**1. Where will clients who meet COVID-19 screening criteria go for isolation after testing? What supports will they have?**

SSHA has identified a dedicated location with individual rooms where clients can self-isolate while they wait for COVID-19 test results. Clients will be transported to this location from testing centres and will remain there until they have received their test results. Clients will have access to medical support and medication storage on site, and the site is operating from a harm reduction lens and is family friendly. Each room has a television and telephone. Once clients have received a negative test result, they will be transferred back to their referring shelter program.

No direct referrals to this isolation program will be accepted outside of this process. To protect the confidentiality of clients who are testing for COVID-19, and because the site is not available to clients outside of this process, the exact location of the site will remain confidential.

Hospitals and assessment centres have been directed not to discharge people experiencing homelessness back to the street or to shelters while they are waiting for test results. They should be provided a place to stay in the health care system until a referral to the isolation program is possible.

**2. What harm reduction supports are available to clients at the isolation site?**

The isolation site is operating from a harm reduction lens and has a wide range of support available for people who use substances. For example, clients are permitted to smoke inside their rooms, methadone and managed alcohol programming is available, and peer supports are on site. The site is staffed 24/7 with nurses.

Clients and staff can refer to Toronto Public Health's [COVID-19 Harm Reduction Tips](#) and [Covid-19 Overdose Response Tips](#)

**3. Should shelters hold beds for clients who have been sent for COVID-19 testing?**

Yes. Clients will remain at the isolation site for approximately 24-72 hours while test results are obtained. If the results are negative, they will return to their shelter bed at the referring program.

**4. What should sites do if a client refuses to be tested for COVID-19?**

Staff should use their relationship with clients to help them understand the importance of testing, and should offer additional supports to clients to encourage testing (e.g., accompanying them to the testing site). If a client continues to refuse testing, staff should alert the DOC at [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca). The DOC staff will pass the information on to the EOC at the City, who will advise on next steps.

**5. If a client is sent for COVID-19 testing and the test is negative, will they be given documentation to show the shelter their test was negative?**

Clients who are referred for COVID-19 testing will be assessed by public health staff to determine whether testing is necessary. Upon confirmation of a negative test result, individuals may return to the shelter/respice/drop-in program they were previously admitted to. We are currently developing tracking processes on results of testing and will update as new information is available.

**6. What happens next if a client is sent for COVID-19 testing and the test is positive?**

If a client has been waiting for test results at the isolation site and receives a positive result, Toronto Public Health will implement their contact tracing and notification protocol.

**SECTION 5: CLIENT ISOLATION AND QUARANTINE**

**1. How can clients self-isolate in a shelter/respice/24-hour drop-in environment?**

SSHA has created some two dedicated programs for isolation and is working to implement an additional program to increase capacity for isolation spaces.

Please consider the possible options for creating isolation spaces within your facility to the extent possible. For example, designate any separate rooms with closed doors, with separate bathrooms if possible or designate an accessible or all gender washroom for this purpose. If only shared rooms are available, consider designating a room with the fewest possible number of other residents.

Review the information available from Ontario Public Health about [how to self-isolate](#) and [guidance for caregivers and household members of people who are self-isolating](#).

**2. Where do people go from the isolation site if they test positive for COVID-19?**

The City has identified a location to provide a service for people experiencing homelessness who have tested positive for COVID-19, but critically need health care supports in place before we operationalize this site. We are working with Inner City Health Associates to identify those supports.

### **3. Is the current dedicated isolation site enough to meet the demand?**

As the number of people being tested has increased over the past week due to changes to the screening criteria made by Ontario Public Health, demand for isolation spaces has also increased. Where a space is not immediately available in the isolation program, hospitals are required to keep people in their locations until a space is available.

We have requested prioritization of test results for people experiencing homelessness so the available beds can be released to others who need them more quickly.

We anticipate that as the situation develops, there will be a need for additional isolation spaces and we are working to expand our capacity this week.

## **SECTION 6: FRONTLINE STAFF TESTING AND ISOLATION**

### **1. How and when should frontline staff be tested for COVID-19?**

Staff should follow [Toronto Public Health's COVID-19 testing guidelines](#). Staff at homelessness sector organizations are considered essential and should be tested when presenting at an assessment centre.

### **2. How should sites manage staffing issues while staff are self-isolating or feeling unwell?**

Sites should develop contingency plans as soon as possible. Planning should include identifying mandated and critical services, ranking all services in order of priority, and planning to limit non-essential or lower priority services as needed. Staff serving non-essential functions should be trained to backfill essential positions wherever possible.

## **SECTION 7: REDUCING RISK OF INFECTION**

### **1. Where can sites get access to personal protective equipment (PPE) for staff, and additional cleaning supplies?**

We recognize that access to personal protective equipment (PPE) is critical to being able to provide services safely and that this is an area of concern for many providers.

There is a limited supply of PPE and cleaning supplies available. The City is currently assessing what PPE and cleaning supplies are on hand and how to ensure first responders and health care providers have the equipment they need. SSHA is working to prioritize the homeless sector to receive PPE and cleaning supplies and is developing a distribution plan as supplies become available.

To provide some immediate relief, we have provided additional funding to all shelter, 24-hour respites, 24-hour drop-ins and daytime drop-ins to support increased infection control and prevention activities, and purchase specialized cleaning supplies, PPE and increase social distancing (e.g. using curtains).

Please note that masks are not currently recommended for frontline staff who are feeling well and interacting with clients who are feeling well. Physical distancing protocols recommended by TPH should be followed in these cases. Masks are should be prioritized for use by people who are feeling unwell. In general, N95 masks are not recommended as appropriate protective equipment in response to COVID-19.

Physical distancing and proper hand hygiene are the first lines of response in preventing the transmission of COVID-19. Staff should regularly and thoroughly clean their hands with an alcohol-based hand rub or wash them with soap and water. These measures can drastically mitigate potential contaminants that may cause illness. Staff should continue to follow personal hygiene measures outlined in the City's [Tip-Sheet on COVID-19 Prevention](#).

## **2. How can shelter operators encourage physical distancing in shelters?**

We continue to work closely with our partners at Toronto Public Health and Inner City Health Associates (ICHA) in developing physical distancing guidelines for homeless services. As these are being developed, we encourage you to consider the feasibility of implementing any of the following best practices at your sites:

- Increase spacing between beds where possible
- Arrange beds so that individuals lay head-to-toe (or toe-to-toe)
- Use neutral barriers (foot lockers, curtains) to create barriers between beds
- Stagger mealtimes to reduce crowding in shared eating facilities
- Stagger the schedule for use of common/shared kitchens
- Create a staggered bathing schedule to reduce the amount of people using the facilities at the same time
- Create a schedule for using common spaces

Sleeping areas should provide a minimum of 3.5 m<sup>2</sup> (37.7 ft<sup>2</sup>) of personal space per client in sleeping areas, as per Toronto Shelter Standards and 24-Hour Respite Standards.

A lateral separation of 2m (6.5 ft.) should be maintained between mats/cots where possible, in alignment with physical distancing guidelines established by Toronto Public Health. SSHA is aware that not all sites are able to meet this guideline and is currently assessing how to mitigate risks at these locations.

## **3. Of the current shelter system, how many meet the physical distancing guidelines set by TPH?**

While the current lateral separation in Toronto Shelter Standards does not meet TPH's physical distancing guidance of 6 ft, many shelters do already exceed the minimum requirements of 2.5 feet between beds. We are currently undertaking assessment of what proportion of our existing shelter sites are able to meet the 6 ft physical distancing guidelines and how to mitigate locations that aren't able to meet that. We have encouraged shelters to implement additional spacing between beds where possible.

We are currently working to identify additional program locations, including use of hotel programs, to provide additional physical distancing in our existing shelter programs.

**4. Are the new temporary facilities are set up to meet the physical distancing guidelines?**

The new temporary programs we have set up are required to meet the Toronto Public Health guideline for physical distancing.

See link to current photos below

<https://twitter.com/cityoftoronto/status/1243633313283260425?s=20>

**5. What can service operators do to reduce risk of infection at their sites?**

To reduce the risk of infection and ensure ongoing service capacity, we ask that all providers implement the following measures:

- Implement physical distancing strategies at your sites where feasible
- Suspend shelter to shelter transfer practices
- Temporarily limit service restrictions, except in cases where a shelter provider determines that the service-restricted client poses an immediate threat or danger to another individual's health or safety, or the security of the shelter
- Divert resources as needed to ensure continued delivery of core support services
- Support clients with family reunification where possible to reduce their risk of exposure
- Eliminate non-essential visitors and service providers on-site, and screen all visitors on entry to the premises

In keeping with these recommendations, SSHA will be suspending non-essential initiatives at this time. Monthly 24-Respite Standards site visits and upcoming schedule Shelter Standards Assessment site visits will be postponed until further notice. The Street Needs Assessment, planned for later in April, will also be postponed until further notice.

We encourage each service provider to review your own operations and suspend non-essential services. These decisions should be made by your organization. Please email [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca) to report any changes to your services and copy your lead SSHA staff.

**6. Should sites increase Infection Prevention and Control practices at this time?**

A reminder to continue to increase routine practices of IPAC within your facility as one of the most effective ways to reduce the spread of infections. Refer to the [IPAC guide developed by Toronto Public Health](#) specifically for shelter and 24-hour respite site services.

**7. What should shelters do if community members complain that they observe people outside a shelter, 24-hour respite or 24-hour drop-in who are not demonstrating physical distancing?**

SSHA is committed to working closely with shelter, 24-hour respites and 24-hour drop-in providers to implement measures to increase physical distancing. Homelessness service providers are encouraged to take measures to implement and encourage physical distancing using approaches identified by [Toronto Public Health](#).

It is challenging to enforce physical distancing in a public space and not all individual involved may be service users. Service providers can help ensure physical distancing in

client queues outside sites by chalking out 2 metre distances on the sidewalk and asking clients to adhere to markings.

More generally, service providers should attempt to engage and educate clients on the importance of preventative and containment measures in relation to COVID-19.

- Use rapport to engage clients.
- Inquire if there are supports that can be put in place to assist clients with physical distancing and/or screening if required.

Please do not restrict service to shelter.

If you have additional concerns or need to escalate a situation, your site supervisor can contact SSHA DOC at [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca)

## **SECTION 8: FUNDING SUPPORTS**

### **1. How can my agency apply for funding support for homelessness service providers recently announced by the provincial and federal governments?**

The City is waiting for confirmation of funding details and criteria from both the federal and provincial governments related to new funding announcements. Once we have additional information we will share this with the sector. Funding available will be used to cover the costs of Toronto's COVID-19 response.

SSHA is in regular contact with all of our funded partner agencies to better understand their needs and cost pressures, and has distributed some interim flexible funding to all shelters, 24-respite sites and drop-in programs to assist with their increased costs as a result of COVID-19. We will continue to expand that approach as we implement our response to COVID-19 and assess need.

### **2. What about increased income support payments from province?**

The City will coordinate requests to the Province on funding to support vulnerable individuals experiencing or at risk of homelessness.

Recent announcements have confirmed funding for additional income supports.

The City has established a Community Services working group to coordinate response across community based social service programs. Food security is a key priority for the group, who will be working with community partners to identify solutions.

## **SECTION 9: SPECIFIC QUERIES**

### **1. I have a specific query related to my site/program. Who should I contact?**

If you have questions, we encourage you to contact your SSHA Lead Staff or send us your questions to the centralized email address [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca) and we will provide responses in our future email communications.

This is Exhibit "III" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.



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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: March 31, 2020

<https://www.youtube.com/watch?v=we3xA4hKNvc>

Chief Matthew Pegg: 17:44-18:10

Finally, I want to take this opportunity to thank all of the City staff who are working in our shelter system, including those staff who have been redeployed to work in the shelters. The City is taking, and continues to take, extraordinary measures to protect our most vulnerable and to ensure they remain safe and healthy as possible. These are, indeed extraordinary times and I'm heartened each and every day by those in the Toronto Public Service who are doing everything they can to help Toronto get through this emergency. Thank you.

Natalie Kalata CBC: 18:33

We were told yesterday that a hotel at an undisclosed location in Toronto was going to be used as a center to house people who are homeless who have tested positive for COVID-19. However today we were told by some medical staff who are running that facility then that is not sufficiently safe space to do that and that they care for long term people who are who test positively with COVID-19. Can you or someone perhaps clarify what exactly that space is being used for?

So Mary-Anne Bédard is here from our Mary-Anne's our General Manager of Shelter, Support and Housing Administration and she will answer that question for you.

Mary-Anne Bédard

Thank You Natalie first putting into into place as much prevention as we are able to do creating temporary spaces in community centers so we can alleviate the capacity in our respite programs making sure that we are providing our community partners with resources to secure some PPE. Also providing them with some guidance with our public health partners about how to create social isolation in the shelter system.

We're now moving to the second phase of this which is about mitigation and mitigation includes our plan to rapidly increase the number of shelter hotel beds available to increase physical distancing in the shelter system. But we know that as we're doing this we also continue to get a high number of people who are being tested for COVID-19.

This does put an extreme pressure on our healthcare system and we want to make sure that we work collaboratively with our healthcare system. So we have identified a site where as people are waiting for their test results they can wait for those test results. If they are negative they will return to the shelter system and if they are positive they will remain on site and receive medical care as well as care from shelter staff.

Our staff are on site today and ready to receive clients as soon as working with you know many of our health partners we get those medical supports in place. And we continue to work with those medical partners to think about again what's next it's really important for us to stay one step ahead. And we know as we move through this pandemic and as it impacts the City of Toronto we will need likely a larger facility and so we will continue to work with our partners on creating a site that is exclusively for COVID positive people who would not arrive until they were positive as opposed to a mixed setting which is what we'll be at at the current location.

Natalie: So just as a follow-up to clarify, the individual ... the current site if someone tests positive for COVID-19 that they will remain there? Or will they be moved to a shelter?

Mary-Anne Bédard: They will remain as long as their healthcare needs can be met. Their healthcare needs that exceed what we're able to meet on site then obviously we will engage our health partners and move that person to a hospital but they would never be returned to the shelter system.

...

Jeff Gray Globe and Mail: 32:51

Hi Mary-Anne hi I just want to ask you mentioned that you know earlier we were told that there is a isolation center for people awaiting tests and then a place where you go once you've been tested if your homeless and you need a place to be when you're positive. Now we're hearing that that actually there's actually two isolation centers. When did that when did this change when did this approach change?

Mary-Anne Bédard: Thank you for the question Jeff well you know we've always remained nimble in our response. You know how, how this virus spreads through the homeless population is something that people just didn't know. So we wanted to make sure that whatever plans we put in place we were able to adjust scale, change, depending on what was happening. So we did open an initial isolation site for people it had the capacity of between 30 and or 40 people. And at the beginning when testing was mostly focused on people who had a travel history we had a very low number of people experiencing homelessness obviously that were tested.

Recently the Ministry of Health changed that advice and included people experiencing homelessness because of their ability to live in a congregate setting and, and the likelihood that within that setting there might be higher levels of spread. And so with that there was a marked increase of the number of people that were being tested and it was certainly putting a lot of pressure on our hospital system.

So that was one of the reasons why in this second site as we planned for it to be strictly for people who had already tested positive. We wanted to be nimble and shift and be able to

accommodate that change to be able to respond to the number of people that were testing, that were being tested. Because we were not going to be able to accommodate them in a small site of 40. So this larger site gives us the ability to do that to be responsive to provide a place for people to have isolation during that period while they're being tested. And that helps us ensure that we minimize as much as possible the amount of spread in the shelter system.

As as test results come back, you know we've been we've been extraordinarily lucky so far a large number of tests majority of them all negative. The reality of this population is we know that that will change over time so again we always want to make sure that we remain that one critical step ahead of this virus and its impact on the homeless population.

So you know we have a mixed model now that we are opening to take us through this next short period but already we are starting to work on the larger facility that will be strictly for people who have COVID-19 where we can make sure that we take care of those needs

Jeff Gray: What when will you open that one then. I mean if you're staying a step ahead of this we're looking at a week or how long will it take to open the second facility?

Mary-Anne Bedard: So we're working really closely with our health partners and our facility staff. We will be using a city building where right now just putting in the infrastructure requirements, working out what the staffing requirements will be, what the medical model is. And you know doing this all rapidly and in real time. So I would anticipate you know in the coming weeks we will have something available. But until then we are we are confident that we will be able to accommodate the people that will be undergoing testing and unfortunately the ones whose tests come back positive to ensure that they receive appropriate care and the shelter system receives the appropriate protection from further spread

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This is Exhibit “JJJ” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

## Councillor Joe Cressy - Ward 10, Spadina-Fort York

HOME / NEWS / COVID-19 UPDATES

# New City of Toronto Measures to Stop COVID-19 and Save Lives

*posted by Joe Cressy on April 01, 2020*

### **We must do everything we can to stop the spread of COVID-19.**

Over the past few weeks, the City of Toronto has taken a series of actions to limit the transmission of COVID-19. But as the number of cases in our city continues to rise, it's clear that we need to step up our response. We need to use absolutely every tool we have in order to fight this pandemic and save lives.

This morning, under the recommendations of Toronto's Medical Officer of Health Dr. Eileen de Villa, the City of Toronto announced new measures to stop the spread of COVID-19. These orders are the strongest tools that the City has to require people to stay home and maintain physical distance from others.

The following measures are to take effect immediately, for up to 12 weeks:

- All individuals with COVID-19 are ordered by the Medical Officer of Health to stay home, under the Health Protection and Promotion Act, for 14 days
- All individuals who have had close contact with someone who has COVID-19 are also ordered to stay home by the Medical Officer of Health for 14 days
- People returning from international travel must stay home for 14 days (under federal order)
- Anyone over the age of 70, as the province announced this week, is strongly encouraged to stay home as much as possible
- All other individuals, who are not ill or have not travelled, are strongly directed to stay home, except for the following reasons
  - Accessing healthcare or medications
  - Shop for groceries once per week
  - Walk their dogs or get daily exercise
  - Must maintain a physical distancing of at least 2 metre at all times

The City also announced increased cleaning and active screening of employees at essential businesses that remain open, and for businesses to maximize physical distance and infection prevention practices.

We are asking residents to adhere to these orders in the interest of public health and safety. While the City is educating the public in understanding why these measures are important, there will be fines associated with non-compliance.

This the boldest action that we as a City are able to take. We will continue working with our federal and provincial partners to coordinate province-wide and national responses.

### **Taking bold action now will save lives.**

As Dr. de Villa has noted, if we fail to act now, many more people in our city will become sick, and more will die. The above measures are informed by the most recent public health data and modelling. It is the best advice from our public health experts on how to keep our city safe.

Right now, we have a window of opportunity. We need to flatten the curve and limit community transmission, so that we don't overwhelm our hospitals and health care system.

If we are successful, people will be able to get the care they need if they become ill. This will help to reduce deaths from COVID-19, and give people time to recover and get well. If we are not able to flatten the curve, increased pressure on the health care system will result in the tragic outcomes we are seeing in Europe and parts of the United States.

### **We are ready to meet this challenge.**

The City of Toronto's planning and response work has been underway since January, and over two months' of local containment efforts have limited transmission. The Emergency Operations Centre (EOC), led by Toronto Fire Chief Matthew Pegg and Dr. de Villa, is leading the City's emergency response. Chief Pegg, Dr. de Villa, and Mayor Tory are continuing to provide live updates to the media and the public at 3:45 pm each weekday.

During this time, the City of Toronto will continue to provide essential services, including:

- Emergency response (fire, police, paramedic)
- Waste management (garbage, recycling, organics)
- Public transit for essential trips
- Shelter and homelessness services
- Water services (drinking water, stormwater management)

### **We must protect those in our community who are most vulnerable.**

We know that some people are at greater risk of becoming seriously ill from COVID-19 than others. This includes seniors, people experiencing homelessness, residents in long-term care homes, people who have compromised immune systems, and front-line workers.

No one will be left behind in our response to this pandemic. In our shelter system, we have implemented social distancing and safety precautions, to protect clients and staff. We are transitioning clients out of shelters and into hotel rooms with the goal of securing a room and a home for everyone who needs one. We have established an isolation facility, where any members of the homeless community exhibiting symptoms can be tested and wait for results. And we are working to create the first-in-Canada COVID recovery centre for those who test positive, with on-site medical staff, meals, and cleaning provided.

In long-term care homes, we are implementing active screening of all staff, including monitoring symptoms and travel history. Staff have been directed to only work at a single facility, and congregate meal service has been suspended. Visitors are being restricted, except for family members on compassionate grounds.

We will continue to take care of our front-line and health care workers by providing free, licensed child care at our 24/7 city facilities. At the same time, we all need to do our part to protect front-line workers and stay home. Healthcare workers, grocery store employees, paramedics and firefighters, and other essential workers are working around the clock to keep us safe. These are our local heroes. We need to keep them safe by following the measures that the City has put forward.

### **We can, and will, get through this -- together.**

I know that following these new measures will not be easy. Many families right now are dealing with school and child care closures, income and job loss, and other very real struggles. I know it can be challenging to limit outdoor activities and cut back on regular errands. But we must remember that this is not permanent. This is a temporary period, and it will pass. In order to get through this, though, it's critical that we all do our part to follow the instructions announced today.

This is a difficult and uncertain time. It is normal to feel confused, anxious, and overwhelmed. If you need support, please see a list of suggestions and resources from Toronto Public Health [here](#).

I've said before that this pandemic will test us. Evidence from around the world makes it clear that this kind of bold action, done at the right time, can reduce transmission, help keep people safe, and save lives. This, right now, is the test.

I know that we will rise to this challenge, and continue to take care of each other.

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Transcript News Conference COVID-19: April 1, 2020

[https://www.youtube.com/watch?v=hRhI4u\\_v8mU](https://www.youtube.com/watch?v=hRhI4u_v8mU)

54:48 Brad Ross: Go to Jeff Gray from The Globe and Mail. Go ahead, Jeff.

>>Jeff: Hi everybody. I wanted to ask about the homeless situation. I know Chief Pegg mentioned rapid housing, but as of yesterday, activists are saying that there's still people in the shelter system sleeping well within six feet of each other.

Given the tone, and the measures that we're talking about, you know, my kids can't go to the playground. Shouldn't we be acting way faster? Why is a single homeless person still sleeping within six feet of another homeless person in the city shelter as of last night? Why is that still happening?

>>Dr. de Villa: So, Jeff, to answer your question.

I think I can speak at that at a very, very high level. We've heard from our colleagues at the Shelter Support and Housing Administration that they are working as expeditiously as they can. with a wide variety of community partners to provide the safest environment for those experiencing homelessness in our community.

These are very complex issues to address. But I can assure you in the conversations that I've had with our counterparts at the Shelter Support and Housing Administration and the partners that they work with, they are doing everything they possibly can to address the situation.

I have to tell you, we are very cognizant of the fact that those experiencing homelessness in our community are at high risk of negative impact associated with COVID-19.

That is not lost on us. So please be assured that our colleagues are working as expeditiously as they can to remedy the situation.

Chief Pegg:

And Jeff, what I'll add to that. I can assure you that within the Emergency Operation Center, this the supports required by our most vulnerable represent some of our very top priorities. And as you've heard Dr. de Villa say, and as recently as yesterday, when Mary-Anne Bédard was here answering questions, I can tell you that the city is responding extremely quickly.

These are these are solutions that are being created around a 24 hour clock. And just to reiterate, very top priority. We're moving we're moving very, very quickly. And I'm extremely proud of the amount of work that's been done to date. And we're fully committed

to continuing to provide all of the requisite supports for all of our populations, including our most vulnerable.

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This is Exhibit "LLL" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

**From:** [Cathy Crowe](#)  
**To:** [Louis Century](#)  
**Subject:** Fwd: physical distancing in shelters, 24 hr respites, overnight drop-ins  
**Date:** Thursday, April 30, 2020 11:57:38 AM

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----- Forwarded message -----

**From:** **Mary-Anne Bedard** <[Mary-Anne.Bedard@toronto.ca](mailto:Mary-Anne.Bedard@toronto.ca)>  
**Date:** Thu, Apr 2, 2020 at 10:46 AM  
**Subject:** RE: physical distancing in shelters, 24 hr respites, overnight drop-ins  
**To:** Cathy Crowe <[cathyacrowe@gmail.com](mailto:cathyacrowe@gmail.com)>, Chris Phibbs <[Chris.Phibbs@toronto.ca](mailto:Chris.Phibbs@toronto.ca)>, Gordon Tanner <[Gordon.Tanner@toronto.ca](mailto:Gordon.Tanner@toronto.ca)>  
**CC:** [gregc@sanctuarytoronto.ca](mailto:gregc@sanctuarytoronto.ca) <[gregc@sanctuarytoronto.ca](mailto:gregc@sanctuarytoronto.ca)>, Yogi Acharya <[yogi.ocap@gmail.com](mailto:yogi.ocap@gmail.com)>, Jessica Hales <[jessicahales85@gmail.com](mailto:jessicahales85@gmail.com)>, Rafi Aaron <[rafiaaron@rogers.com](mailto:rafiaaron@rogers.com)>

Hello Cathy,

Please see below in response to your questions.

*MAB*

Mary-Anne Bédard (she/her)  
General Manager, Shelter, Support and Housing Administration

☎ 416.392.7885 | 416.996.3529



Print this message, only if necessary

**From:** Cathy Crowe [mailto:[cathyacrowe@gmail.com](mailto:cathyacrowe@gmail.com)]  
**Sent:** April 1, 2020 6:50 PM  
**To:** Chris Phibbs <[Chris.Phibbs@toronto.ca](mailto:Chris.Phibbs@toronto.ca)>; Mary-Anne Bedard <[Mary-Anne.Bedard@toronto.ca](mailto:Mary-Anne.Bedard@toronto.ca)>  
**Cc:** [gregc@sanctuarytoronto.ca](mailto:gregc@sanctuarytoronto.ca); Yogi Acharya <[yogi.ocap@gmail.com](mailto:yogi.ocap@gmail.com)>; Jessica Hales <[jessicahales85@gmail.com](mailto:jessicahales85@gmail.com)>; Rafi Aaron <[rafiaaron@rogers.com](mailto:rafiaaron@rogers.com)>  
**Subject:** physical distancing in shelters, 24 hr respites, overnight drop-ins

Two questions because I can't find the answer in any of the documents sent by SSHA and TPH.

1) Has there been a TPH directive to SSHA for all sites to separate beds, cots, mats 6' or 2m.

No, TPH has not issued a directive or order. Advice continues to be to take appropriate steps to create and promote physical distancing.

2) Has there been a similar order to discontinue top bunk bed use?

There has been no order.

SSHA has conducted a comprehensive space analysis to determine how much capacity has to be reduced, on a site-by-site basis, to achieve 6ft of physical distancing. Based on that, we are rapidly expanding our hotel capacity and working with ICHA and shelter providers to identify clients at highest risk so they can be prioritized for relocation.

I see it in a document for when isolation is required on site but not for the overall system.

Thankyou,

Cathy

--

*Cathy Crowe*

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**More info at:**  
**[www.cathycrowe.ca](http://www.cathycrowe.ca)**  
**and**  
**@cathyacrowe**



**Cathy Crowe, RN, BAAN, MEd (Soc)**  
**Distinguished Visiting Practitioner**  
**Department of Politics and Public Administration,**  
**Faculty of Arts**  
**Ryerson University**

This is Exhibit “MMM” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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[REDACTED]

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[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

**From:** Brent Gilliard <Brent.Gilliard@toronto.ca>  
**Sent:** April 3, 2020 4:59 PM  
**To:** Noa Mendelsohn Aviv <mendelsohnaviv@ccla.org>  
**Cc:** Mary-Anne Bedard <Mary-Anne.Bedard@toronto.ca>; Gordon Tanner <Gordon.Tanner@toronto.ca>  
**Subject:** RE: introducing you

Hi Noa,

I was just speaking with Councillor Cressy about your message and he asked me to get back to you in order to avoid any delay in replying. Thank you for the work you do that helps to keep people safe. Your questions highlight issues that are the highest and most urgent priorities for Councillor Cressy and our office right now.

COVID-19 requires an emergency response, and this is made all the more challenging and difficult by the fact that Toronto has an ongoing housing and homelessness crisis. In the best of circumstances, as you know, all governments did not meet their responsibility to move people out of homelessness into appropriate supportive and affordable housing. Now we are faced not just with a public health emergency, but also the consequences of years of too little action on housing. It should not be, but the reality is that this is the task in front of us.

Councillor Cressy and our office have been working non-stop since January to prepare for COVID-19 and ensure all the necessary work is advanced to protect our most vulnerable neighbours, including people experiencing homelessness.

As an interim and immediate measure, the City opened new locations to relocate hundreds of existing shelter and respite beds in order to facilitate physical distancing, using spaces including closed City facilities.

We are proud to have successfully got the City to allocate significant resources toward securing new hotel and motel beds. This is a major and meaningful shift in how the City houses people who need shelter, providing much improved physical distancing as well as better quality of life for clients. As you have read, we have about 650 hotel beds secured and another 500 in the final stages of confirmation. We are in the middle of transitioning clients into the hotel rooms, with some rooms occupied now but many more people and families to move over the next few days.

Councillor Cressy's position is that we should be providing an individual room or home for every person or family in need of shelter, and we are working very hard to achieve this. That could mean permanent affordable housing, supportive housing, or (especially in the short-term of this emergency) individual hotel/motel rooms. There should be one person or family per housing unit or hotel room.

City staff are following up on dozens of leads on private and public buildings in Toronto that could house more people in need of shelter, including motels and hotels, vacant rental buildings, university residences, and others. Efforts have also been redoubled to rapidly rehouse people in vacant TCHC units. At last count, 17 households were matched and have already moved in, another 17 will move next week, and another 50+ units have been identified for move-in within weeks.

The City has created a special isolation service for people who need shelter but are waiting for the results of testing for COVID-19, including appropriate safe transportation. This service is the first of its kind in Canada, and helps to ensure that people undergoing testing have a place to go that is both

safe for them and for others. The initial capacity was 40 beds and we have already scaled that up to 200 using a hotel, with the potential to expand further as conditions require it.

We have also secured approval and support from the federal and provincial governments to open a stand-alone COVID-19 recovery centre for people experiencing homelessness who have tested positive for the virus. In partnership with Inner City Health Associates, there will be necessary 24-hour medical supports to help people safely recover out of hospital to the greatest extent possible. The urgent need for this service is clear and immediate, and it has been an especially urgent focus for our energy and efforts at the City in recent weeks.

Councillor Cressy has been strongly advocating for – and now has support of City staff and Mayor Tory – leveraging these unprecedented investments in expanding the shelter system to achieve long-term solutions to our affordable housing and homelessness crisis. Hotels purchased today, for example, could be well-suited to being transformed into supportive housing after the emergency has passed. While we must move quickly to respond to the emergency, wherever it is possible to position ourselves for further future progress, we must jump to take advantage of the opportunity.

We are also working to restore services that people experiencing homelessness rely on, including daytime spaces, washrooms, food and water, and laundry. More funding is flowing to community partners this week to extend all shelter hours to 24/7. The City is also actively pursuing options to fill gaps directly, including the possibility of providing portable toilets and handwashing stations in locations where they could be helpful, as was done on a temporary basis at TESS locations during Ontario Works distribution earlier this week.

In addition to the City's work on the shelter and housing front, we have been working around the clock to scale up our work in partnership with the community and social services sector to support all vulnerable residents. A City-Community Response Table meets daily and includes representation from more than 30 agencies across Toronto and 11 City divisions. And the City has partnered with the United Way to establish a community connection model that had dedicated coordinators supporting neighbourhood organizations and agencies. Toronto Aboriginal Social Services Council is also leading the coordinated Indigenous response and will collaborate with the City and United Way.

Further, we are advocating for the provincial and federal governments to provide us with the necessary personal protective equipment for all shelter and harm reduction staff who are working on the front lines just like other emergency responders and healthcare workers.

And we are advocating to the federal government for a safe supply model for people who use drugs in our isolation and recovery sites, and in the wider community. This is necessary today to help ensure people can comply with isolation recommendations and quarantine orders to stop the spread of COVID-19, and it would continue to help save lives every day after the emergency.

This is a huge undertaking for the City, and in this emergency we will always need to move faster, do more, and respond to issues day by day. All of this is compounded by our context in an existing housing and homelessness crisis. The degree of complexity and challenge is not an excuse, but it means we recognize the amount of work that is still ahead of us, even after accomplishing this much.

As Chair of the Board of Health, Councillor Cressy is deeply engaged in many aspects of the City's ongoing COVID-19 response. He is committed to doing everything he can in support of the health and safety of our most vulnerable neighbours. Councillor Cressy, and our whole office, will always work hard for the Torontonians who need our care and compassion the most. That said, I should clarify that his position as Chair of the Board of Health does not give him direct decision-making authority over these issues. But we will do everything we can, without exception. Councillor Cressy will continue to work non-stop with his colleagues on City Council including the mayor, our senior staff in the Toronto Public Service, community organizations and advocates, and our other government partners to try to ensure our vulnerable neighbours are safe.

For a more detailed response to any specific questions you may have, I have copied senior City staff in SSHA – Mary-Anne Bedard and Gord Tanner – on this reply. They are coordinating the City's response and will be best able to provide those answers to you.

Sincerely,  
Brent

Brent Gilliard  
Chief of Staff  
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Ward 10, Spadina-Fort York  
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Communicating with a councillor or councillor's staff at the City of Toronto on certain subject matters (e.g. all communication covering sales information, pricing and business development) may require you to register as a lobbyist. To help determine if you are required to register, you may refer to the [interactive tool](#) on the Office of the Lobbyist Registrar [website](#). You may also contact the Office of the Lobbyist Registrar by phone at 416-338-5858 or by email at [lobbyistregistrar@toronto.ca](mailto:lobbyistregistrar@toronto.ca).

---

**From:** Noa Mendelsohn Aviv <[mendelsohnaviv@ccla.org](mailto:mendelsohnaviv@ccla.org)>  
**Date:** April 3, 2020 at 4:09:00 PM EDT  
**To:** Cathy Crowe <[cathyacrowe@gmail.com](mailto:cathyacrowe@gmail.com)>, Joe Cressy <[Joe.Cressy@toronto.ca](mailto:Joe.Cressy@toronto.ca)>  
**Subject: RE: introducing you**

Thank you, Cathy.

And nice to meet you again, Joe.

I am deeply concerned about the dire situation of the city's homeless population, and what seems like a seriously inadequate response on the part of the city. Am I missing something? I am sure you are all very busy with so many facets to this outbreak. I am still puzzled as to the limited response. Would you have time to discuss this?

Best

Noa



Canadian Civil Liberties Association  
Association Canadienne Des Libertes Civiles

Noa Mendelsohn Aviv  
Director, Equality Program

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Follow us on:    

**We are thinking of everyone in the CCLA family and hoping you and yours are safe at this time.**

[We're monitoring the response to COVID-19; click here for live updates.](#)

This e-mail message (including any attachments) may be confidential and protected by solicitor/client privilege and is intended for the addressee(s) only.

**From:** Cathy Crowe <[cathycrowe@gmail.com](mailto:cathycrowe@gmail.com)>

**Sent:** April 3, 2020 3:45 PM

**To:** Joe Cressy <[joe.cressy@toronto.ca](mailto:joe.cressy@toronto.ca)>; Noa Mendelsohn Aviv <[mendelsohnaviv@ccla.org](mailto:mendelsohnaviv@ccla.org)>

**Subject:** introducing you

Hello Joe, introducing you to Noa who is with the Canadian Civil Liberties Association, the organization that sent a letter to Mayor Tory, yourself and others on March 29.

*Cathy Crowe*

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

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Ryerson University**

This is Exhibit “NNN” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 7, 2020

[https://www.youtube.com/watch?v=F9Kqe\\_mJiVY](https://www.youtube.com/watch?v=F9Kqe_mJiVY)

Dr. De Villa 10:29-12:57

In terms of an update on our numbers, as of 12:30 this afternoon there are 1,449 cases of COVID-19 in Toronto. This includes 1,218 confirmed and 231 probable cases. There are 142 cases hospitalized and 63 in intensive care units. Sadly, there have been a total of 10 new deaths from COVID-19 in Toronto. And again, I would like to express my deepest condolences to the families and friends of all individuals who have died from COVID-19 in our community.

I also wanted to share today that I recently learned of a new case of COVID-19 within our shelter community. We are actively collaborating with Seaton House to carefully investigate this matter. The client is currently in self-isolation, as is the one other client with whom he shared a room, and my team is actively following up with any other close contacts identified.

My team is also working with staff at Seaton House, to ensure that enhanced infection prevention and control measures and physical distancing measures are in place to protect the residents and the staff at this facility. This includes enhanced cleaning and disinfection to reduce the risk of virus spread, prominently displayed signage on hand-washing and infection prevention and control practices and active screening for symptoms amongst both staff and residents.

In addition, Shelter, Support and Housing had already taken a number of proactive steps such as reducing capacity at the site and limiting the use of bunk beds so as to enhance physical distancing. And moving 20 clients today and more anticipated by the end of the week two hotels and other facilities, also to enhance physical distancing and to limit virus spread.

Chief Pegg: 19:42-20:35

Finally, as you know the City of Toronto has been taking a number of swift and significant steps to help our most vulnerable. To date we have secured 1,200 hotel rooms in 12 hotels. 313 people have been moved into hotels to date. An additional 15 locations are being considered.

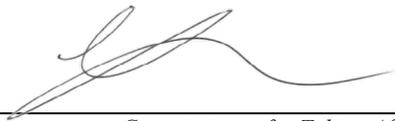
17 people were rehoused last week as part of the Toronto Community Housing rapid rehousing program. An additional 54 units have been client matched. And another 35 units

are in the process of being matched. 20 people are being housed in the City-operated COVID-19 isolation site while they await their test results.

Our additional 200 bed isolation site, in partnership with the Province of Ontario and our community health partners, is opening tonight.

[102196585\\_1.docx](#)

This is Exhibit "OOO" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 8, 2020

<https://www.youtube.com/watch?v=DmCC6Id5sKI>

John Tory: 09:10 – 10:10

... The Strategic Command team met this morning as it does every day for its daily meeting and received an update on the work being done to help the homeless during this pandemic. We've created 350 new spaces in order to create physical distance for people in our shelters, respite, and 24-hour drop-ins.

This includes five community centers across the city and three sites operated by community providers. We've also put up three isolation sites and we have a 200 room hotel site in addition to that. A 400 bed recovery site is being planned now. Twelve hotels with 1,200 rooms have been secured to be part of our shelter response, five are operational seven will be up and running over the coming week.

We are working to identify those at greatest risk and moving them into hotels. City staff are continuing to work on securing additional spaces and we will continue to provide updates on that work. Chief Pegg will have an update on the city's ongoing response to a case of COVID-19 at Seaton House.

Chief Pegg: 22:36

Yesterday, we received word of a positive COVID-19 case in the Seaton House men's shelter. A client who is exhibiting symptoms was sent for testing and subsequently received a positive result for COVID-19. Immediately upon displaying symptoms, he was transferred to our isolation site while Toronto Public Health began their Case and Contact investigation. Additionally, the person who shared a room with this client has also been transferred to the isolation site.

As you know, the City of Toronto has been taking a number of swift and significant steps to help our most vulnerable. Over the last two weeks, the capacity at Seaton House has been decreased by 40 beds as clients have been discharged.

Taking this action has allowed us to limit the use of pre-existing bunk beds and to increase physical distancing inside the shelter. By the end of this week, 100 clients will have been moved to hotel or additional community center locations to provide for appropriate physical distancing inside Seaton House.

...

We'll go to Matt Bingley now from Global News. Matt go ahead.

30:21 Matt Bingley: Hi, is Mary-Anne Bédard in the room?

Brad Ross: She is, just give us a moment and she'll switch out with Chief Pegg.

Brad Ross: Okay go ahead Matt.

Matt: Hi Mary-Anne my question is pertains to a group of homeless advocates that were outside the short time ago who said that in the shelter system there are .. screening is very waxed at the doors, people are still sleeping within two and a half feet of one another and and and they take issue with the the speed in which people have been moved out into hotel rooms. And I'm just wondering if you can, we've been at this for weeks now can you at some of their concerns when it comes to really all of those those matters?

Mary Anne Bédard

Absolutely Matt, I mean first of all I'll address the issue of hotels and then I'll remind everybody of all the steps that we have taken to date. So obviously moving. moving a large number of people into hotels is a very complicated issue. We want to make sure that the process that we follow is respectful for the clients that we're asking to move. We also want to make sure it's a tiered response based on people's vulnerabilities so we're moving the most vulnerable people first. There are also significant logistics involved, we have to make sure that the there are staff on-site, that we have fire life safety checks done, that we have contracts in place for food and cleaning and linen, and also we have to develop a fairly complicated transportation plan.

So although it might seem like an easy thing to open hotels and move people it is quite complicated. But I can assure you that we are moving people as quickly as we can and that it is an ongoing priority for the city.

But as I said it's just one of many steps that we've taken over a number of weeks. Chief Pegg talked about a swift and significant response and I will reiterate that we have been doing this for a number of weeks, and we have had a number of actions that we've been taking. So we did we did create physical distancing in our respite first by very rapidly opening programs in community centers. We've provided funding for our community agencies to allow them to enhance their hours, enhance their staff wages, purchase PPE.

We've also been staying in regular communication with our community partners. Providing them with communication materials and tools to help educate their staff and their clients. We've been working really closely with our partners in health care, both to ensure that we're taking the appropriate steps at all of our shelter sites but also in the creation of some very unique programs that that provide a place for people to isolate while they're waiting for their test results, thereby limiting the spread of COVID-19 in the shelter system.

We also took very swift action for people who might have been travelling and creating space for them to self-isolate for 14 days to make sure that people weren't introducing infection into the shelter system.

So again this is a it's a multi-tiered multi-level response, people have been working around the clock. You know it's it is it is sad that we do have people testing positive for COVID-19. But we knew that that was inevitable this is a very vulnerable population and we're working very hard to keep those numbers as low as we can.

>>Matt Bingley: Could I just sneaking just a quick follow-up before my second question I'm just wondering if you could tell me how many people within the homeless shelter system have now tested positive?

>>Mary-Anne: Yes, so today we have 8 people confirmed as testing positive

>>Matt Bingley: okay and I'll keep this quick, Dr. de Villa one of Cathy Crow outside was just saying that she doesn't understand why there hasn't been an order from, from, your, your office using your powers to ensure that there is physical distancing inside the shelter system including that two and a half feet that we continue to see with with people sleeping?

>>Dr. de Villa: So there is an order currently in place a class order under the Health Protection and Promotion Act in order to secure isolation for those who are positive for COVID-19 are suspected of having COVID-19.

And as you've just heard from Mary-Anne Bédard our colleagues at Shelter, Support and Housing have been engaging in a long list of actions over the last several weeks to create the conditions that best protect the health of those using the shelter system or respite centers and as well the staff who work within those facilities. So you know at this stage there doesn't appear to be any merit or need for an Order to be given.

And as you've heard us say from this table many times that effective public health measures are best done on a voluntary basis. We only go to issuing Orders on an as-needed basis and in this case we are seeing the kind of response that we would expect to see from our colleagues, in order to best protect the health of the residents within a shelter settings and respite settings as well as the staff who work within those facilities.

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This is Exhibit "PPP" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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## COVID-19 Interim Guidance for Homelessness Service Settings

Homelessness service settings that provide temporary housing, congregate living spaces or other services for people who are experiencing homelessness or who are under-housed (e.g. shelters, respite sites, 24 hour drop-ins) are extremely diverse and experience unique issues in relation to the population served and COVID-19 prevention and control.

These settings need to consider COVID-19 prevention and control measures that may vary based on the type of setting (i.e. congregate living) as well as strategies to protect clients, staff and visitors from COVID-19 infection.

### Background

COVID-19 is an infection caused by a new type of coronavirus. COVID-19 can present as an acute respiratory illness in humans. COVID-19 spreads through direct contact with the respiratory droplets of someone who is infected with the virus through their cough or sneeze. These droplets can spread up to two metres/six feet. It may also be possible for a person to get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes. More information on COVID-19 can be found in the [Toronto Public Health COVID-19 Fact Sheet](#).

As COVID-19 is now spreading in our local community in Toronto, more and more congregate settings, including homelessness service settings, will encounter clients who are diagnosed with COVID-19 or have symptoms of COVID-19 (e.g. fever, cough, difficulty breathing). Service providers (non-healthcare) in homelessness service settings should follow the interim guidance below at this time. As the situation evolves, Toronto Public Health (TPH) will provide updated guidance. This interim guidance should be adapted to individual service settings.

### General Advice

Strategies homelessness service settings can use to protect their staff, volunteers and clients include:

- Implement your continuity/emergency operations plans. Understand your minimum operational needs and emergency safety and closure procedures.
  - Critical areas for immediate planning and implementation include:
    - Facility readiness: signage, supplies, and staffing
    - Access to harm reduction supplies/services
    - Environmental services and related cleaning supplies
    - Food services
    - Establishing pathways of internal and external communication
    - Assessing risk to staff and measures to maintain their health
    - Education and training for staff and volunteers
    - Assessing risk to clients, which may include separating clients who have symptoms of COVID-19 (e.g. fever, cough or difficulty breathing) from clients who are well.

- Anticipate for an increase in absenteeism among staff, and implement flexible sick-leave policies as staff may need to stay home when they are sick, or are caring for a sick household member.
  - Identify critical job functions and positions and plans for alternative coverage by cross-training staff.
- Identify ways to ensure physical distancing (i.e. keep a minimum of two metres/six feet away from others) for staff, essential volunteers/visitors and clients.
  - Consider staggering meal times, set tables so that clients are not facing each other, space beds/cots two metres apart, and do not use bunk beds.
  - Clients should be provided with a way to physically distance without creating social isolation.
- In addition to routine environmental cleaning, surfaces that are frequently touched should be [cleaned and disinfected](#) twice a day and when visibly dirty.
- Review advice on infection prevention and control (including physical distancing and environmental cleaning) found in the [Toronto Public Health Infection Prevention and Control Tips for Homelessness Service Settings](#)
- Review infection prevention and control/occupational health and safety policies and procedures with all staff and volunteers.
- Consider specialist services that may be required (e.g. mental health, harm reduction and substance use support) to support clients.
- Although challenging to implement, consider service delivery via virtual means if possible. If this is not possible, ensure adequate physical distancing.
- Communicate about the risks of COVID-19 and actions your organization is taking to protect clients, staff and volunteers.
- Consider any language needs specific to your setting.
- Consider the needs of vulnerable individuals:
  - Collaborate with public health and health care providers to identify clients who are most likely to suffer severe negative impacts if they become infected with COVID-19.
  - Take steps to enhance physical distancing and protections for these high-risk individuals, such as through priority allocation of private rooms, separate bathrooms, and separating them from those who are unwell.
  - Monitor or connect frequently with clients who could be at higher risk of complications from COVID-19 (e.g. older, have underlying medical conditions, require daily nursing support).
  - Consider staff who are at [high risk of severe COVID-19](#) and, if possible, do not assign them as caregivers for clients suspected of having COVID-19.
- Keep up to date with the latest information and advice about COVID-19. Visit the [Toronto Public Health COVID-19](#) website.

## Planning

- Collaboration is key between homelessness service setting providers and organizations to develop plans for isolating clients who require it. Planning should consider:
  - How healthcare can be accessed.
  - How to transport symptomatic clients in non-emergency situations.
  - How to reach out to the local public health unit.
  - How to access extra staff and volunteers to cover for unwell staff and volunteers.
  - How to access personal protective equipment (PPE) and what kind is needed.

- Keep up-to-date information about clients, including names, times when they come in and leave your setting as well as where they are in the site (e.g. room or bed number). This will assist in any public health follow-up that may be required. Similar information about staff and volunteers should be kept.

## Prevent the Introduction of COVID-19 at your Setting

- Review infection prevention and control advice related to COVID-19 found in the [Toronto Public Health Infection Prevention and Control Tips for Homelessness Service Settings](#).
  - Provide related educational material, training and information to staff, volunteers and clients/participants.
- Encourage clients, staff and volunteers to limit movement between locations as much as possible.
- Inform non-essential volunteers and visitors that they should not be visiting the setting.
- Ensure that clients, staff and volunteers are familiar with the symptoms of COVID-19 (e.g. fever, change in cough and shortness of breath).
- Ask clients to inform staff immediately if they experience symptoms of COVID-19.
- If a staff or volunteer/visitor develops symptoms, they should stay home and inform their manager.
- Promote prevention practices, including hand hygiene, respiratory etiquette, and physical distancing.
- Post signage about COVID-19 signs and symptoms as well as prevention information (e.g. [Cover Your Cough](#), [Hand Washing](#), [Hand Sanitizing](#), [Physical Distancing](#)). These should be posted at entrances and in locations throughout your setting where they are visible to all staff, volunteers and clients.
- Ensure easy access to supplies for proper hand hygiene (e.g. soap, paper towels, alcohol-based hand rub), tissues, and no touch garbage cans.
- Clean and disinfect common spaces frequently. For shared washrooms/shower rooms, consider developing a schedule for showering. These areas should be cleaned and disinfected at least twice daily and when visibly dirty.

## Screening in general

- Settings should continue to accept referrals, but should also be conducting screening assessments.
- Undertake active screening (e.g. asking questions) and passive screening (e.g. signage) of client's, staff and volunteers. Screening as indicated below should be completed upon intake and daily for all staff, volunteers and clients for:
  - Fever (if possible);
  - New cough or change in cough;
  - Shortness of breath; and
  - Other symptoms compatible with COVID-19 (e.g., muscle aches, headache, sore throat, runny nose).
- Individuals who are conducting the screening should ideally be behind physical barriers (e.g. plexiglass) or stand two metres away from those being screened.
- If possible, screeners should be placed at the entrance of the shelter to screen all individuals wanting to access the setting.
- Surgical masks and gloves are only required when screening staff, volunteers and clients at the door if no physical barriers (e.g. plexiglass) are available.
- Make hand sanitizer available at the screening location.

- Surgical masks should only be worn inside the shelter if a staff person must have direct contact (less than two metres) with an unwell client.

### Active Screening for Staff and Volunteers

- Instruct all staff and volunteers to daily [self-monitor](#) for symptoms of COVID-19 before every shift before entering, as well as for any potential exposure risks that require self-monitoring or self-isolation.
- Staff and volunteers who have symptoms of COVID-19 should complete the ministry's [self-assessment tool](#). If required, they should go to an Assessment Centre for testing.
- All staff and volunteers who are required to self-isolate must not come to work. Anyone with symptoms of an acute respiratory illness must not come to work, and should report their symptoms to their manager immediately (if at home, inform by phone).
- All staff and volunteers who have been exposed to someone with COVID-19 outside of work should self-isolate and not go to work.

### Active Screening for Clients

- Actively screen all clients at intake for respiratory symptoms, including potential COVID-19 exposures.
- Upon intake, clients should be screened for exposures to individuals who are symptomatic and may have COVID-19. Clients should also be asked about underlying health conditions (e.g. cardiovascular disease, diabetes, chronic lung disease, cancer).
- Signage at the entrance and throughout the site should advise clients to inform staff immediately if they are feeling unwell.
- Contact Toronto Public Health if more than one client is unwell at your setting, as this may indicate an outbreak.

### Management of Clients, Staff, and Volunteers Suspected of Having COVID-19

- For clients who have been assessed as needing testing, consider access to health care and testing on site, if possible, or arrange transportation to an Assessment Centre.
  - If available, direct the client to an isolation room or space away from others at your while awaiting transportation.
- Staff or volunteers who become unwell while at work should tell their manager immediately, and separate themselves from others. They should be sent home (avoiding public transit), advised to contact a Telehealth Ontario (1-866-797-0000) or a healthcare provider, or complete the ministry's [self-assessment tool](#) to help determine if they should go to an Assessment Centre for testing.
- Symptomatic staff, volunteers and clients in shelters are included in priority groups for COVID-19 testing. They should advise the health care workers at the Assessment Centre that they use or work in a shelter.
- If a staff person is suspected of or confirmed to have COVID-19, decisions on return to work should be done in consultation with their health care provider and the local public health unit. Staff should also notify their Occupational Health and Safety lead or manager prior to returning to work.
  - Individuals with respiratory symptoms, even if they have not travelled, are asked to stay home until 14 days have passed from the start of their symptoms.

- Any transportation used to move a client with symptoms (who do not require hospitalization) between locations should be done with private vehicles. Public transportation should not be used.
  - If a private vehicle is used, the driver should wear a surgical/ mask. Clients should also wear a surgical mask and be seated in the rear passenger seat as far away as possible from the driver with the windows open, if weather permits.
  - Surfaces in the vehicle that have been touched by the client should be cleaned and disinfected.
- For individuals who are experiencing severe illness (e.g. severe respiratory issues/difficulty breathing) or have symptoms that worsen, call 9-1-1- and inform paramedic services about these symptoms.
- In all circumstances below, in addition to routine cleaning, surfaces that have frequent contact with hands should be [cleaned and disinfected](#) twice per day and when visibly dirty.
- Coordinate with affiliated shelters or congregate living facilities in the municipality to consider how to cohort those who are unwell.

### **What to do if a client develops symptoms at your setting**

- If a client develops a new cough or change in cough, has difficulty breathing, has fever and/or has been exposed to someone with COVID-19 in the past 14 days, provide them with a surgical mask, instructions for use, and encourage frequent hand cleaning.
- Place the client in a room or separate area, if possible, to avoid contact with other clients in the setting.
- If secluded space in the setting is limited, and if more than one client is unwell, consider grouping symptomatic clients together (i.e. cohorting) in the same space.
- Staff should try to maintain physical distance between themselves and the client (i.e. two metres or more) while monitoring and providing assistance to them. If direct care is being provided to the unwell individual (less than two metres between staff and client), staff should wear appropriate personal protective equipment (at a minimum a mask and gloves).

### **What to do if the client is waiting for test results**

- Any client that has been tested at an Assessment Centre will need to be isolated or grouped together (i.e. cohorted) with others who have been tested and are awaiting results.

### **What to do if a client is positive for COVID-19 and doesn't require hospitalization**

- Any client that has a positive COVID-19 test should be moved to a designated isolation facility where they can recover in their own room with a dedicated bathrooms.
- If this is not possible, they can share a room with others who have also tested positive for COVID-19 (i.e. cohorting).
- Clients should remain in their room, receive meals in their room, and not share the bathroom with others.
- Staff should monitored these clients frequently to ensure their symptoms are not worsening.

## Considerations for "Isolate in Place"

There may be times where clients/participants may require temporary, longer-term isolation at your setting before being transferred to an isolation/recover shelter. As more local transmission of COVID-19 occurs, strategies to "isolate in place" will need to be considered.

- Clients with symptoms of COVID-19 should, as much as possible, be placed in an individual room with a dedicated bathroom.
- If an individual room is not available, consider using a large, well-ventilated room to place clients who have COVID-19 together.
  - In areas where people who have symptoms of COVID-19 are staying together, keep beds two metres apart and consider using temporary barriers between beds (e.g. curtains).
  - Do not use the top bunk of bunk beds.
  - If possible, designate a separate bathroom for symptomatic clients/participants with COVID-19 symptoms.
  - If your setting is a large open space (e.g. respite site), consider designating a separate space for well clients/participants that is separate from symptomatic clients/participants and use barriers (e.g. privacy screens) between them.
- Ensure frequent environmental cleaning and disinfection of the setting.

## Response to Shelter-Associated Cases of COVID-19

- Confirmed and suspected cases of COVID-19 are reported by health care providers and laboratories to public health. Shelter staff should contact their local public health unit to report a staff member, volunteer or client suspected to have COVID-19.
  - Public health performs a risk assessment for all exposures including those that may occur in a homelessness service setting
  - Depending on the situation, public health will work with SSHA and the shelter regarding next steps for isolation of the case, contact tracing and communications for staff
- Public health will provide advice regarding any other measures that the site and staff may take to reduce the risk of transmission.

## Follow Infection Prevention and Control Advice

- Follow infection prevention and control advice outlined in the [Toronto Public Health Infection Prevention and Control Tips for Homelessness Service Settings](#).
- Follow advice during screening process as outlined SSHA COVID-19 Screening Tool for Homelessness Service Settings.

## More information

For more information visit our website at [www.toronto.ca/COVID19](http://www.toronto.ca/COVID19) or call us at 416-338-7600.

- [Ministry of Health and COVID-19 Guidance: Homeless Shelters](#)
- [Toronto Public Health COVID-19 Planning Guide for Housing Services Providers and Shelters](#)

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- [Public Health Agency of Canada Guidance for Providers of Services for People Experiencing Homelessness \(in the context of COVID-19\)](#)

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This is Exhibit "QQQ" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

## COVID-19 Interim Guidance for Homelessness Service Settings

Homelessness service settings that provide temporary housing, congregate living spaces or other services for people who are experiencing homelessness or who are under-housed (e.g. shelters, respite sites, 24 hour drop-ins) are extremely diverse and experience unique issues in relation to the population served and COVID-19 prevention and control.

These settings need to consider COVID-19 prevention and control measures that may vary based on the type of setting (i.e. congregate living) as well as strategies to protect clients, staff and visitors from COVID-19 infection.

### Background

COVID-19 is an infection caused by a new type of coronavirus. COVID-19 can present as an acute respiratory illness in humans. COVID-19 spreads through direct contact with the respiratory droplets of someone who is infected with the virus through their cough or sneeze. These droplets can spread up to two metres/six feet. It may also be possible for a person to get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes. More information on COVID-19 can be found in the [Toronto Public Health COVID-19 Fact Sheet](#).

As COVID-19 is now spreading in our local community in Toronto, more and more congregate settings, including homelessness service settings, will encounter clients who are diagnosed with COVID-19 or have symptoms of COVID-19 (e.g. fever, cough, difficulty breathing). Service providers (non-healthcare) in homelessness service settings should follow the interim guidance below at this time. As the situation evolves, Toronto Public Health (TPH) will provide updated guidance. This interim guidance should be adapted to individual service settings.

### General Advice

Strategies homelessness service settings can use to protect their staff, volunteers and clients include:

- Implement your continuity/emergency operations plans. Understand your minimum operational needs and emergency safety and closure procedures.
  - Critical areas for immediate planning and implementation include:
    - Facility readiness: signage, supplies, and staffing
    - Access to harm reduction supplies/services
    - Environmental services and related cleaning supplies
    - Food services
    - Establishing pathways of internal and external communication
    - Assessing risk to staff and measures to maintain their health
    - Education and training for staff and volunteers
    - Assessing risk to clients, which may include separating clients who have symptoms of COVID-19 (e.g. fever, cough or difficulty breathing) from clients who are well.

- Anticipate for an increase in absenteeism among staff, and implement flexible sick-leave policies as staff may need to stay home when they are sick, or are caring for a sick household member.
  - Identify critical job functions and positions and plans for alternative coverage by cross-training staff.
- Identify ways to ensure physical distancing (i.e. keep a minimum of two metres/six feet away from others) for staff, essential volunteers/visitors and clients.
  - Consider staggering meal times, set tables so that clients are not facing each other, space beds/cots two metres apart, and do not use bunk beds.
  - Clients should be provided with a way to physically distance without creating social isolation.
- In addition to routine environmental cleaning, surfaces that are frequently touched should be [cleaned and disinfected](#) twice a day and when visibly dirty.
- Review advice on infection prevention and control (including physical distancing and environmental cleaning) found in the [Toronto Public Health Infection Prevention and Control Tips for Homelessness Service Settings](#)
- Review infection prevention and control/occupational health and safety policies and procedures with all staff and volunteers.
- Consider specialist services that may be required (e.g. mental health, harm reduction and substance use support) to support clients.
- Although challenging to implement, consider service delivery via virtual means if possible. If this is not possible, ensure adequate physical distancing.
- Communicate about the risks of COVID-19 and actions your organization is taking to protect clients, staff and volunteers.
- Consider any language needs specific to your setting.
- Consider the needs of vulnerable individuals:
  - Collaborate with public health and health care providers to identify clients who are most likely to suffer severe negative impacts if they become infected with COVID-19.
  - Take steps to enhance physical distancing and protections for these high-risk individuals, such as through priority allocation of private rooms, separate bathrooms, and separating them from those who are unwell.
  - Monitor or connect frequently with clients who could be at higher risk of complications from COVID-19 (e.g. older, have underlying medical conditions, require daily nursing support).
  - Consider staff who are at [high risk of severe COVID-19](#) and, if possible, do not assign them as caregivers for clients suspected of having COVID-19.
- Keep up to date with the latest information and advice about COVID-19. Visit the [Toronto Public Health COVID-19](#) website.

## Planning

- Collaboration is key between homelessness service setting providers and organizations to develop plans for isolating clients who require it. Planning should consider:
  - How healthcare can be accessed.
  - How to transport symptomatic clients in non-emergency situations.
  - How to reach out to the local public health unit.
  - How to access extra staff and volunteers to cover for unwell staff and volunteers.
  - How to access personal protective equipment (PPE) and what kind is needed.

- Keep up-to-date information about clients, including names, times when they come in and leave your setting as well as where they are in the site (e.g. room or bed number). This will assist in any public health follow-up that may be required. Similar information about staff and volunteers should be kept.

## Prevent the Introduction of COVID-19 at your Setting

- Review infection prevention and control advice related to COVID-19 found in the [Toronto Public Health Infection Prevention and Control Tips for Homelessness Service Settings](#).
  - Provide related educational material, training and information to staff, volunteers and clients/participants.
- Encourage clients, staff and volunteers to limit movement between locations as much as possible.
- Inform non-essential volunteers and visitors that they should not be visiting the setting.
- Ensure that clients, staff and volunteers are familiar with the symptoms of COVID-19 (e.g. fever, change in cough and shortness of breath).
- Ask clients to inform staff immediately if they experience symptoms of COVID-19.
- If a staff or volunteer/visitor develops symptoms, they should stay home and inform their manager.
- Promote prevention practices, including hand hygiene, respiratory etiquette, and physical distancing.
- Post signage about COVID-19 signs and symptoms as well as prevention information (e.g. [Cover Your Cough](#), [Hand Washing](#), [Hand Sanitizing](#), [Physical Distancing](#)). These should be posted at entrances and in locations throughout your setting where they are visible to all staff, volunteers and clients.
- Ensure easy access to supplies for proper hand hygiene (e.g. soap, paper towels, alcohol-based hand rub), tissues, and no touch garbage cans.
- Clean and disinfect common spaces frequently. For shared washrooms/shower rooms, consider developing a schedule for showering. These areas should be cleaned and disinfected at least twice daily and when visibly dirty.

## Screening in general

- Settings should continue to accept referrals, but should also be conducting screening assessments.
- Undertake active screening (e.g. asking questions) and passive screening (e.g. signage) of client's, staff and volunteers. Screening as indicated below should be completed upon intake and daily for all staff, volunteers and clients for:
  - Fever (if possible);
  - New cough or change in cough;
  - Shortness of breath; and
  - Other symptoms compatible with COVID-19 (e.g., muscle aches, headache, sore throat, runny nose).
- Individuals who are conducting the screening should ideally be behind physical barriers (e.g. plexiglass) or stand two metres away from those being screened.
- If possible, screeners should be placed at the entrance of the shelter to screen all individuals wanting to access the setting.
- Surgical masks and gloves are only required when screening staff, volunteers and clients at the door if no physical barriers (e.g. plexiglass) are available.
- Make hand sanitizer available at the screening location.

- Surgical masks should only be worn inside the shelter if a staff person must have direct contact (less than two metres) with an unwell client.

### Active Screening for Staff and Volunteers

- Instruct all staff and volunteers to daily [self-monitor](#) for symptoms of COVID-19 before every shift before entering, as well as for any potential exposure risks that require self-monitoring or self-isolation.
- Staff and volunteers who have symptoms of COVID-19 should complete the ministry's [self-assessment tool](#). If required, they should go to an Assessment Centre for testing.
- All staff and volunteers who are required to self-isolate must not come to work. Anyone with symptoms of an acute respiratory illness must not come to work, and should report their symptoms to their manager immediately (if at home, inform by phone).
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- Signage at the entrance and throughout the site should advise clients to inform staff immediately if they are feeling unwell.
- Contact Toronto Public Health if more than one client is unwell at your setting, as this may indicate an outbreak.

### Management of Clients, Staff, and Volunteers Suspected of Having COVID-19

- For clients who have been assessed as needing testing, consider access to health care and testing on site, if possible, or arrange transportation to an Assessment Centre.
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- If secluded space in the setting is limited, and if more than one client is unwell, consider grouping symptomatic clients together (i.e. cohorting) in the same space.
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## More information

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This is Exhibit "RRR" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.



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*Commissioner for Taking Affidavits (or as may be)*

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April 11, 2020

**To:** Homelessness Service Providers

**Re:** Update on April 11, 2020 – Responding to COVID-19

### 1. New cases in shelter and working with Toronto Public Health

As you may be aware, we had a number of clients with positive test results reported this week. Toronto Public Health has confirmed a total of 17 positive cases of COVID-19 to date for clients who have been in the shelter system.

In each case, Toronto Public Health conducts a thorough investigation, and works in partnership with SSHA and staff in the identified program to implement recommended actions to manage the health risks for clients and staff. This includes identifying anyone who may have had close contact with the individual and providing those individuals with the appropriate instructions about what they need to do.

Some of the other steps that TPH may recommend include:

- Enhanced screening and monitoring for symptoms of both staff and clients, and referral to testing and isolation as needed
- Increased cleaning measures, with an emphasis on high touch surfaces
- Increased physical distancing measures on site

We continue to learn from each of our experiences, in working with our colleagues at Toronto Public Health to take steps to address these cases, and this learning will help us respond to any new cases that are confirmed in the coming weeks.

### 2. Staff screening tool and physical distancing for staff

A reminder of the critical importance of actively screening all staff or visitors entering and/or working in homelessness services settings at the beginning of every shift, prior to entering the workspace. Staff and visitor screening will help to minimize the risk of exposure to COVID-19 in the workplace and support staff and client health and safety. See attached COVID-19 Staff and Visitor Screening Tool for Homelessness Services Settings for a screening tool that you can use. Updated versions will be posted on the [City's website](#).

### 3. Service updates this week

Given the critical need to ensure rapid action is taken to protect people experiencing homelessness, we continue to implement and expand our tiered response.

We have taken additional action this week to increase ability to achieve physical distancing in our existing shelter programs. We opened the seventh community centre location to

provide services to clients who were relocated from Seaton House to reduce capacity at that site. We are also working rapidly to activate new hotel locations and have secured 1200 hotel rooms at 12 locations across the city.

As of April 8, 6 hotel locations in total have been activated. Ramp up of those programs to full occupancy of 550 rooms is underway, along with activation of additional locations, in partnership with many of our community providers. Ensuring staffing supports are in place, along with other logistical considerations such as food, cleaning, and transportation is a key part of this activation plan. Shelter staff are working with our health partners to identify those most vulnerable to COVID-19 to move into these spaces to protect the most vulnerable.

This is an unprecedented scale-up of our services and we know that all of you are working extremely hard to continue to sustain and expand our response. We are not in this alone, and continue to receive support from redeployed staff from within the Division, across the City, as well as from you, our community partner agencies.

#### **4. Updated Ontario Ministry of Health guidance**

On April 1, 2020, the Ontario Ministry of Health released [COVID-19 Guidance: Homeless Shelters](#). This document is intended to assist with the minimizing of COVID-19 transmissions among Ontarians experiencing homelessness and to help plan for, prevent and manage individual cases and outbreaks of COVID-19 and flu-like symptoms in shelters and facilities that support homeless individuals. This guidance is also applicable to 24-hour drop-in locations as well as 24-hour respite centres.

#### **5. Updated Toronto Public Health guidance**

Toronto Public Health updated their [COVID-19 Interim Guidance for Homelessness Services Settings Providers](#) and [COVID-19 Infection Prevention and Control Tips for Homelessness Services Settings Providers](#) documents based on the new provincial guidance.

#### **6. Toronto Hostels Training Centre Webinar Training - Free E-Learning Module**

Toronto Hostels Training Centre, in collaboration with Toronto Public Health, has developed a free six hour e-learning module "Communicable Diseases Prevention and Control" with



funding from SSHA. The course covers the basics of communicable diseases and recommendations for protecting and promoting health for yourself and your clients. Topics include responding to Public Health alerts in SMIS, identifying the links in the chain of transmission and infection prevention and control, performing adequate hand hygiene and caring for your hands; and selecting, putting on and removing personal

protective equipment appropriately. For more information please visit the Toronto Hostels Training Centre website: <https://thtcentre.com/>

## **7. Next webinar date with Toronto Public Health**

Save the date for the next webinar with Toronto Public Health, scheduled for **Thursday April 16, 2020 at 1pm**. This webinar will share updated information on COVID-19 for homelessness service providers. The webinar log-in details will be shared early next week.

## **8. Canada Emergency Response Benefit**

As a result of loss of income because of the COVID-19 pandemic, some of your clients may be eligible to receive the Canada Emergency Response Benefit (CERB).

CERB is a taxable benefit of \$2,000 for a 4-week period, for up to 16 weeks. The Ministry of Municipal Affairs and Housing has confirmed that the CERB must be included as income when calculating RGI rent.

Please see the attached "Applying for the Canada Emergency Response Benefit – April 9, 2020". Please consider printing and posting in a place where clients have access (elevators, lobbies, entrance doors, etc.).

## **9. Media Inquiries**

We have heard that many of you are receiving increased media inquiries related to the pandemic. Some information for how to handle these media inquiries:

- Feel free to answer media questions about your own operations, programs and supports for clients at their own site(s).
- Make it clear that you are speaking on behalf of your own agency and not the City of Toronto.
- Send any media inquiries related to health status or cases of clients or staff to Toronto Public Health's media inquiry email [TPHmedia@toronto.ca](mailto:TPHmedia@toronto.ca) as they have info on confirmed cases and know what they can/can't disclose without giving away any private health information.
- Any media inquiries about what the City of Toronto is doing, please refer to [media@toronto.ca](mailto:media@toronto.ca) and the City will respond to all of those media inquiries

## **10. Homelessness Service Provider FAQ**

We are continuing to update the **FAQ** (attached) for homelessness service providers that may help answer questions during the COVID-19 response. We have also attached a resource developed by the City for non-healthcare community settings on when personal protective equipment (PPE) is needed.

Please keep yourself informed of new developments by referring to credible sources of information, such as Toronto Public Health's [website](#). As the situation continues to evolve rapidly, we will continue to provide you with regular updates and new information. This includes scheduling additional Webex and Teleconference meetings to share information with the sector. If you have questions, we encourage you to contact your Agency Review Officer or continue to send us your questions to the centralized email address ([sshadoc@toronto.ca](mailto:sshadoc@toronto.ca)) and we will provide responses in our future email communications.

We truly thank all of you and your staff for your commitment to providing services to the most vulnerable members of our community during this challenging time.

This is Exhibit "SSS" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 13, 2020

<https://www.youtube.com/watch?v=RZpRGZEhJE0>

Dr. de Villa: 13:40

In long-term care homes that had a high number of cases the rate of new infections is slowing I want to recognize the tremendous effort these outbreak measures involve. Hundreds of staff across all our long term care homes are working together tirelessly and are committed to protecting and caring for our loved ones in those settings.

The other vulnerable community that we are concerned about are those experiencing homelessness. Currently in Toronto shelter system, as of 12:30 this afternoon there are 25 confirmed COVID-19 cases amongst clients. I will be providing a more comprehensive update tomorrow on our local situation in this setting. As you know all of these numbers are constantly changing as our local situation evolves. My team continues to actively follow up on all of these situations.

The people who are ill, and those who have died in our community as a result of COVID-19 are not just numbers. They are our neighbors and they are our loved ones these tragic losses have devastating impacts on our community and I know you join me as I extend my sincerest condolences to the families and friends of all individuals who have died from COVID-19 in our city. And for those who are ill I wish them a speedy recovery. I recognize that these numbers are unsettling. It is difficult, truly difficult, to witness the increasing impact of COVID-19 on our community particularly on our city's most vulnerable.

We know that COVID-19 continues to circulate in Toronto. currently approximately 30% of our cases are the result of community spread this is why it is so important to stay home as much as you can. This is the only way we will reduce the spread of this virus in our city. This is not the time to relax our approach or our commitment to physical distancing. We believe the number of COVID-19 cases will continue to climb in the coming weeks.

Talia Ricci, CBC News: 35:06

My first question is around the City's shelter system. There was a letter that was sent to the city today, signed by over 300 surrounding physicians and nurse practitioners calling for a faster response to ensure physical distancing is happening in shelters.

I know you mentioned this is happening at Willowdale but they're asking in part for this to happen by accessing more hotels. So I'm wondering if you've had the chance to review this letter. I know it was sent later in the afternoon. And what's being done to continue to ensure that Toronto's homeless shelters and refuge shelters are quick to handle outbreak?

Mary-Anne Bédard:

Thank you for the question Talia. Actually, yes I did get a chance to review that letter and concur with much of what they're asking for. And many of those things are in fact in place. We have been proactively asking our provincial partners for priority testing for individuals who are homeless and also proactive testing as well to help us understand how this virus is moving through the shelter system.

We have also been working incredibly hard with our community partners across the sector to move people to create opportunities for social distancing. I can tell you that we've been successful in moving over 1,000 people so far, which is a significant amount of movement to create in the shelter system. And we will continue those efforts until we are able to create that physical distancing right across the sector. In the meantime we are working with our partners in the sector. We are promoting screening physical distancing as you can, different ways to orient your space to increase the opportunity for that: staggering mealtimes, limiting the amount of people in recreation spaces, a variety of different tactics that people can use until, until that till we're able to achieve that number.

...

Jeff Gray, Globe and Mail: 49:19

Hi thank you. I wanted to ask about the total number of homeless people that we, we think have COVID-19. The number I think was 25 that number includes the four, the number four so the tally at this the refugee center because I've been told that that number is actually much higher. It's actually 11 people now and can I get some clarity on why there'd be a time lag in that in the numbers here?

Mary-Anne Bédard:

I can confirm we had the information from public health this afternoon that there are 25 confirmed cases in the shelter system I don't have the exact details to know whether or not it's four or ten at that particular site I can certainly follow up and let you know. But we do get our numbers confirmed from public health on a daily basis. So they received the results of the tests and then they share that with both the individual and also with us, and so the number is 25.

>> Jeff Gray:

And as a related follow up. Can I ask about the plans for a recovery center a 400 and recovery center that's going to open for people who homeless people who have COVID-19. And I understand it, it will use the expertise of Doctors Without Borders but you talked a bit about why at first when that facility is supposed to open and why we need doctors without borders there?

Mary-Anne Bédard:

I think it's really important in a time like this that that we look across the spectrum at all kinds of partners we've had a really great partnership with health care providers and I think this is just another organization that is identifying that this is a very vulnerable population and that they would like to do their their part to join us and our local health care providers and in providing a really needed service. And so we continue to, to work on activating that site, and, and hopefully in the very near future and we can let you know that in fact has happened

>> Brad: okay.

...

Francine Copeland, Toronto Star: 55:26

I'm following up on the 35 confirmed cases amongst clients and in Toronto shelters how many shelters are involved.

Maryann is just coming to the to the table friends, I believe that number is 25 cases.

25 cases and they have happened in 7 separate locations.

Mary-Anne Bédard:

Yes, to confirm, there 25 cases and they have happened in 7 separate locations

Francine: And had there been any deaths?

Mary-Anne Bédard: No not that I'm aware of.

Francine: Do we know how many are in ICU?

Mary-Anne Bédard: That's health information that we're actually not privy to so I unfortunately I don't have that information for you

Francine: ok thanks

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This is Exhibit "TTT" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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## COVID-19

**Details on most toronto.ca pages may not be accurate while the City responds to COVID-19.**

**Learn about the current health situation, service changes and economic support**  
(<https://www.toronto.ca/home/covid-19/>)

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# News Releases & Media Advisories

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A list of news releases and media advisories issued by the City of Toronto.

## City of Toronto provides update on COVID-19 supports for individuals experiencing homelessness

14-Apr-2020

Today, Toronto's Medical Officer of Health, Dr. Eileen de Villa, General Manager of the City's Shelter, Support & Housing Administration (SSHA), Mary-Anne Bédard, University Health Network Executive Director of Health and Social Policy, Dr. Andrew Boozary, and Inner City Health Associates (ICHA) Medical Director, Dr. Andrew J. Bond, provided an update on existing and forthcoming actions taken to protect individuals experiencing homelessness from COVID-19.

Individuals experiencing homelessness are particularly vulnerable to respiratory infections, including COVID-19. There are currently 30 confirmed client cases of COVID-19 in the city's emergency shelter system. Given the scale of this pandemic, additional cases are expected. The City, with the help of our community and health sector partners has put measures in place for active screening, testing and providing isolation spaces to slow transmission and mitigate the impact of COVID-19 on our emergency shelter system.

SSHA continues to lead the City's three-tiered approach to protecting vulnerable people experiencing homelessness. The three tiers – prevention, mitigation and recovery – allow the City, community partners, and healthcare providers to respond to each stage of the pandemic. The City has implemented an inter-governmental and sectoral response to COVID-19 involving the city, provincial/federal government, provincial

healthcare sector, and community non-profit sector. We have moved over 1,000 people to programs that meet a range of client needs, including spaces in community centers, hotel rooms, and permanent housing and we are on track to move another 1000 into new spaces by April 30.

Weeks ago, before the virus was spreading within the community, SSHA engaged community partners in prevention. In partnership with Toronto Public Health, SSHA provided updated guidance, training and resources to the sector to initiate enhanced Infection Prevention and Control (IPAC) measures. Ongoing screening for illness and travel history began by phone during intake and in-person and, in the following weeks, a new screening tool for homeless service settings was shared widely. The City has distributed \$1.2 million among shelters, 24-hour respites, and drop-ins for cleaning supplies, personal protective equipment (PPE), and wage increases for frontline staff.

Physical distancing remains one of the best ways to prevent spreading COVID-19. To enable people within our emergency shelter system to physically distance, since March 16, 11 new facilities have been mobilized with more than 470 spaces to allow for physical distancing.

The City has also secured more than 1,200 spaces at 12 hotel locations to further enable physical distancing and provide isolation space. Eight of these sites are active and we are working quickly to activate the others. One of the additional hotel sites has been activated as an isolation program with 200 spaces to respond to the increasing number of people undergoing COVID-19 testing. SSHA staff are working with ICHA to identify those most vulnerable to COVID-19, including the elderly and those with health conditions, to move into new spaces or add measures to protect them in pace.

As of today, 176 shelter clients have been transported for testing and isolation related to COVID-19. Clients are transported directly to provincial assessment centres. Following testing, clients are brought to a dedicated isolation space with medical and harm reduction supports as they await test results.

The clearing of encampments has been suspended since the start of the pandemic. Street outreach has been enhanced to increase safety, cleaning and garbage removal, provide advice on public health recommendations and hygiene kits, and help screen for symptoms. Portable washrooms and handwashing stations have been deployed at locations across the city.

With prevention and mitigation strategies in place, the City is working with partners to

strengthen recovery supports. The interim recovery site operated by the City in partnership with ICHA and the wider healthcare sector is now operational.

Regardless of this pandemic, the best and only solution to homelessness is to provide people with permanent housing. The new Rapid Housing Access Initiative, introduced at the start of the pandemic, has helped to prioritize access to housing for individuals in the shelter systems. More than 250 vacant Toronto Community Housing units have been identified for the initiative and, by the end of the week, 50 people will have been housed. Housing referrals are made through the Coordinated Access system and people matched with housing are provided with housing stability supports and home furnishings. Units are being prioritized for particularly vulnerable individuals, including seniors.

The City is also looking beyond the current extreme situation and this unprecedented expansion of our service system into new locations, and considering the opportunity to leverage investments to secure properties through purchase or long-term lease to secure for future affordable and supportive housing.

More information on supports for individuals experiencing homelessness is available at [toronto.ca/home/covid-19/covid-19-social-support](https://www.toronto.ca/home/covid-19/covid-19-social-support) (<https://www.toronto.ca/home/covid-19/covid-19-social-support/>). If you or someone you know needs street outreach, call 311 or Central Intake at 416-338-4766.

The City's website is updated daily with the latest health advice and information about City services and social supports. Check [toronto.ca/home/covid-19](https://www.toronto.ca/home/covid-19) (<https://www.toronto.ca/home/covid-19/>) for answers to common questions before contacting the Toronto Public Health COVID-19 Hotline or 311.

Backgrounder: [toronto.ca/home/media-room/backgrounders-other-resources/backgrounder-city-of-toronto-covid-19-response-for-people-experiencing-homelessness](https://www.toronto.ca/home/media-room/backgrounders-other-resources/backgrounder-city-of-toronto-covid-19-response-for-people-experiencing-homelessness) (<https://www.toronto.ca/home/media-room/backgrounders-other-resources/backgrounder-city-of-toronto-covid-19-response-for-people-experiencing-homelessness/>)

Quotes:

"All people in our city deserve to be protected from COVID-19. Shelter, Support & Housing Administration staff, along with our community and health partners, are working tirelessly to ensure people experiencing homelessness have access to safe

space to practise physical distancing, isolate, and receive medical attention. This all hands on deck effort is focused on helping our most vulnerable residents and saving lives.”

- Mayor John Tory

"While COVID-19 doesn't discriminate, we know that it is disproportionately dangerous for those who are homeless and in the shelter system. Working in tandem with our provincial and federal counterparts, as well as the healthcare and community sector, as a City we must continue to do absolutely everything possible to care the most vulnerable. This is not easy work – it involves many sectors and levels of government – but it is absolutely critical that we all get it right".

- Councillor Joe Cressy, Spadina-Fort York (Ward 10), Chair of the Board of Health

Toronto is home to more than 2.9 million people whose diversity and experiences make this great city Canada's leading economic engine and one of the world's most diverse and livable cities. As the fourth largest city in North America, Toronto is a global leader in technology, finance, film, music, culture, and innovation, and consistently places at the top of international rankings due to investments championed by its government, residents and businesses. For more information visit [toronto.ca](http://www.toronto.ca) (<http://www.toronto.ca>) or follow us on Twitter at [twitter.com/CityofToronto](http://www.twitter.com/CityofToronto) (<http://www.twitter.com/CityofToronto>), on Instagram at [instagram.com/cityofto](http://www.instagram.com/cityofto) (<http://www.instagram.com/cityofto>) or on Facebook at [facebook.com/cityofto](http://www.facebook.com/cityofto) (<http://www.facebook.com/cityofto>).

## Media Relations

[media@toronto.ca](mailto:media@toronto.ca) (<mailto:media@toronto.ca> )

## Contact Information

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### Media Inquiries

See the list of corporate, divisional and member of council **media contacts** (<https://www.toronto.ca/home/media-room/media-contacts/>)

Media Relations Desk

Email: [media@toronto.ca](mailto:media@toronto.ca) (<mailto:media@toronto.ca>)

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*Commissioner for Taking Affidavits (or as may be)*

**Transcript News Conference COVID-19: April 14, 2020 (additional to regular conference at 3:45 pm)**

<https://www.youtube.com/watch?v=P5Qx9d9X4kw>

**Part 1:**

Dr. de Villa: 01:25 Thank you Brad. And good afternoon everybody. As I shared yesterday, I continue to receive questions about the status of COVID-19 in our city's shelter system. I am very concerned about the devastating impacts of COVID-19 on our city's most vulnerable community those experiencing homelessness.

We're therefore taking this opportunity to provide you with an update on work that is underway to minimize the impact of COVID-19 in this very complex setting. But first and foremost I must say that affordable, good quality, and stable housing is fundamental to health and overall well-being. People who enjoy stable housing, people who enjoy stable living conditions are better positioned to lead their healthiest, happiest, and most productive lives. Unaffordable housing, poor quality housing, and housing instability are associated with a range of poor mental and physical health outcomes that can result in significant costs and strain to our health care system and to society at large.

These health outcomes and risk factors include injuries, chronic and communicable diseases, and risk factors for poor health such as food insecurity and stress. People experiencing homelessness are at increased risk of dying prematurely and suffer a higher incidence of health problems including infectious diseases.

Early studies from the United States suggests that there may be higher frequency of COVID-19 diagnoses amongst the homeless population when compared with the house population. We suspect the people experiencing homelessness will have an increased burden of disease as they have a higher incidence of risk factors for poor outcomes related to COVID-19 compared to those who are housed.

This includes such things as pre-existing hypertension, pre-existing diabetes, and cardiovascular disease, and respiratory disease and as Medical Officer of Health this deeply concerns me. By way of COVID-19 case updates, as of 10:30 this morning, unfortunately there have been a total of 30 cases of COVID-19 amongst clients in seven different shelter service settings in Toronto.

While many of these cases have thankfully resolved, my team is currently working on three active investigations these are at the Willowdale Welcome Center, and Dixon Hall on Lakeshore and at Seaton House.

Given that COVID-19 is spreading in our community it is not unexpected to see COVID-19 infections amongst those who are experiencing homelessness. We were prepared for

this unfortunate situation of having cases in the shelter system and I'm relieved to report that there have not been any COVID-19 deaths amongst clients in our shelter settings.

Overall, though I'm still very concerned because COVID-19 continues to circulate in our community with approximately 30% of our cases attributed to community spread. This is why I keep asking this is why I continued to ask people who are fortunate enough to have a home to stay home as much as possible, and to please practice social distancing.

As I've said individuals who access our local shelter services are some of our most vulnerable residents. We know that any infectious disease can spread easier and faster in congregate settings. We also know that many people who use these services have chronic health issues. As a result, residents of the shelter service system are very vulnerable to severe illness from COVID-19.

Thankfully, we are fortunate to have many partners and levels of government who are all contributing their unique perspectives, their expertise and their resources to address a shared goal a shared goal of reducing the spread of COVID-19 in this very complex sector.

Providing comprehensive services to those who do not have stable housing encompasses the work of a myriad of agencies including those that provide shelter, community agencies, municipal government, local public health, and provincial health care agencies, organizations and practitioners. These are all operated by different agencies and funded by a number of different sources sometimes local government, sometimes provincial government and sometimes private funding sources.

While each of these stakeholders has an independent mandate that they must consider, our partners have quickly convened to go above and beyond their independent mandate in the face of this global pandemic. What can I say but this is truly, truly amazing and nothing short of true collaboration at its very best. To minimize the risk of COVID-19 outbreaks and prevent disease spread, my team actively works with our city partners and with shelters in the community, we provide guidance to ensure enhanced infection prevention and control, enhanced screening and physical distancing measures making sure that these are all in place to protect residents and staff at shelters and other similar facilities. We also provide guidance and ensure that we have enhanced cleaning and disinfection happening at these settings to reduce the risk of virus spread, as well as prominent display of signage regarding hand washing and COVID-19 signs and symptoms. These are the many activities, or amongst the many activities that are put in place to support COVID-19 prevention and control within shelters.

We also provide recommendations on self-isolation spaces and consultation on how to triage clients to self-isolation facilities as needed. And, importantly, as local public health we investigate confirmed cases of COVID-19 and conduct case investigations to thoroughly assess each situation so as to determine where a person may have acquired their

infection and to determine who they might have exposed so that we can control the spread of disease.

When COVID-19 first started to appear in our community, a foundation of infection prevention and control work was already in place. My team at Toronto Public Health had developed infection prevention and control resources focused on shelter services settings, and provided training sessions for shelter service providers, and provided on-site support for infection control recommendations.

I'm pleased to say that this work that had been done has already been recognized both nationally and internationally. And our approach has been adopted by many jurisdictions, and referenced in guidance put out by the Centres for Disease Control in the United States.

To prevent further spread of COVID-19, along with our key partners, we've established a recovery site for people who test positive for COVID-19 in our shelter system. This space will enable individuals to be isolated while they recover and therefore minimize the chance of spread of COVID-19 to others. Ontario Health, Inner City Health Associates, the City of Toronto and other community partners are actively working to get this site up and running soon.

In closing, I would just like to take a moment to acknowledge the critical work the very, very important work of the staff who provide service in shelter settings in our city and sincerely thank them for their commitment to serving our community's most vulnerable residents.

I also would like to extend my sincere thanks to the many people who are working around the clock on our COVID-19 response. Our local healthcare system, community agencies and not-for-profit organizations are all working tirelessly to protect all of us during this pandemic. We all have a role to play in protecting our community, and in protecting everyone within the shelter system, both individuals who depend on these services and the staff who work there. We all play a part.

So please, to help reduce the spread of COVID-19 in all areas of our community, I ask you to remember to please stay home, stay safe and to take care of each other. I'll now pass the microphone over to Dr. Andrew Bond.

Inner City Health Associates Medical Director Dr. Andrew Bond:

Thanks so much Dr. de Villa and hello everybody thank you for being here. Inner City Health Associates is an organization that has a history of providing care across over 50 sites in the city of Toronto to people experiencing homelessness.

Historically, we've been an organization of physicians with over a hundred physicians working together with our partners across the healthcare system and the shelter system.

Since the advent of the pandemic we have grown substantially to include an interprofessional collaborative care team that includes now over 50 nurses.

And is partner more widely with the healthcare system including hospitals, community agencies and the City Public Health and the Shelter Support Housing Administration. We've taken a three-pronged approach to ensure that we are able to work with our partners across the system to deliver the strongest possible response to COVID-19 for people experiencing homelessness.

For the first few weeks what we've been operating has been with our partners' isolation facilities for people waiting for their test results to come in to ensure they have somewhere safe to isolate until we know their test results and to keep from adding to any spread within the shelter system.

And that's been very effective. And as the laboratory systems have improved over time we've been moving now to a slightly different approach, as Dr. de Villa had mentioned to ensure there's a place for people who do test positive as that's been happening now. And so we've now been working with our partners to establish an interim solution for the short-term, for the moment to ensure that people have somewhere to go for when they have COVID to recover from their illness and to be supervised by both nursing and medical services as most community partners and harm reduction services as well.

We are working also as people are aware possibly with the support and consultation from Médecins Sans Frontières or Doctors Without Borders who is bringing their international with communicable disease responses to ensure that we have a new permanent site that will be open air and congregate to ensure that we have the strongest possible response that is guided by international humanitarian expertise as we carry out our work with our partners in the hospital sector community sector and healthcare partners across the city.

Last is that we have a very new but developing risk stratification program where we make sure that we understand for every person who's experiencing homelessness how to identify those at the highest risk of having a COVID related outcome that we would prefer to avoid -- whether it's morbidity or mortality and we want to try and prevent any loss of life and ensure the best health possible for people.

That risk stratification program that is run by a team of population health physicians with our team is helping and working with the city Shelter Support and Housing Administration to guide the relocation of people from shelter systems into hotels and other spaces throughout the city of Toronto.

That will allow us to ensure that those people at greatest need of social distancing and isolation space have that there for them to keep them protected throughout the duration of the pandemic. We're grateful for all of our partners and the community agencies Toronto

Public Health, City Support Shelter Support Housing Administration and, and the University Health Network and other Hospital partners who are all working together to bring the strongest possible response and to the both the Minister of Health and Premier for funding this important work.

Brad Ross: Dr. Boozary

University Health Network Executive Director of Health and Social Policy, Dr. Boozary: You know, no one I think has been said it's becoming more, more clear about COVID-19 that it is not the great equalizer. That it is a cruel exposure of long-standing inequality and poverty in all cities and across you know almost every major country.

And this is a complex challenge. It is one again that has been chronic and is one that I think COVID-19 is exposing like we've never seen before. We are very supportive and to step up as a hospital long knowing in terms of University Health Network that health of our patients is usually outside the hospital walls and even with, amidst a pandemic, maybe like ever never before and we have been coming together and I think in terms of where we can have it requires a complex group of characters that come together to tackle a wicked problem.

And in, from the sense that we've been able to partner currently to come forward and address both the interim solution, we know as others have said that the cure for COVID-19, the cure for homelessness is going to be housing. And as we can't have interim solutions currently that can provide safety with the list of partners that both Dr. de Villa and Dr. Bond have mentioned, we are privileged to step up and we're privileged for the and honored for the healthcare workers working within our hospital walls and hospital wards and also all the shelter staff and community staff that have also been frontline and have been frontline like never before.

So we are grateful for the partnership hoping we can see really quick interim solutions and safety for a vulnerable population. And we can also hope that we can work towards more long-term solutions for a chronic issue that has plagued the country for decades. Thank You.

Brad Ross: Mary-Anne

Mary-Anne Bédard, University Health Network Executive Director of Health and Social Policy:

I know that what is being done for people experiencing homelessness during this pandemic is a matter of real public interest and concern. And the information has been changing from day to day as this crisis unfolds. And so I'd like to take some time today to share the actions that are being taken to protect the most vulnerable people in our community.

Toronto has the largest shelter system in Canada. There are 72 separate respite and shelter sites sheltering more than 7,000 people each night, including the almost 3,000 people already being sheltered in hotel settings and family settings. 11 of these locations are operated by the City of Toronto and 61 locations are operated by our community nonprofit providers.

The city has implemented an intergovernmental and sectoral response to COVID-19. It involves the City, the Provincial and Federal Governments, the Provincial healthcare sector, the community nonprofit sector.

And in every decision we make our sole goal is to save lives and ensure that we do not overwhelm the healthcare system at this critical time. The first thing we did was an impact assessment to determine our areas of greatest risk so that we could prioritize our actions.

The initial objective of our response was prevention with a goal of keeping COVID-19 out of the shelter system for as long as possible, to allow us additional time for planning. We work closely with our colleagues in Toronto Public Health to provide guidance, training, tools and resources to all homeless service providers on infection prevention and control measures required to protect both their clients and their staff.

The city has provided community agencies with over a million dollars for their own personal protective equipment and cleaning supplies. We have also distributed PPE supplies from our own limited stock. We continue to follow provincial guidelines on the use of PPE for frontline workers, while also strongly advocating to the provincial government for the provision of these critical supplies.

To recognise the importance and value of the work of our frontline shelter staff we have also provided funding to increase their wages. To recognise the impact of the closed services and what this will mean to people experiencing homelessness, we have provided funding to shelters who were not operating 24/7 so they could extend their hours and remain open during the day.

We've also installed portable washrooms and hand washing stations in the downtown area for use. We are working closely with service providers to help them take steps to increase physical distancing measures at their current sites. Similar to what you see in grocery stores, this includes adding visual cues throughout the building to remind clients and staff to keep physical distance.

Staggering mealtimes, delivering meals to rooms where possible and staggering use of common areas are some of the ideas that we have shared. Given that there are over 70 separate shelter locations with varying layouts and age of building creating adequate physical distancing has been one of our biggest challenges. Many shelters were able to

meet the physical distancing guidance and those that were not we have focused on reducing their capacity and relocating people to other sites.

Moving someone out of a shelter into a new space requires time, and choice, and resources and most importantly it has to be done with dignity. Although on the surface it looks like it is simple a simple matter of moving somebody from one location to another there are significant steps that we need to take to ensure that it is done properly.

This starts as Dr. Bond spoke of an individual assessment of each person to determine who is able to move and what is the appropriate place to move them. The city has redeployed over 300 staff from across other divisions. Each one of these people must be trained appropriately so they can safely and effectively work in shelter environments.

Fire life safety inspections and site modifications have to take place to ensure such things as adequate washroom and laundry facilities. Contracts for cleaning, catering, linen, laundry and security all have to be secured and put into place.

And lastly the complex coordination of transportation to move people from one location to another. Despite these numerous considerations we have moved over 1,000 people in the last few weeks. To programs that meet a range of needs including spaces in community centers, hotel rooms and permanent housing. And we are on track to move another thousand by April 30th.

This is an unprecedented number of new spaces. And we have opened them in a very short time. And I am hugely thankful for the support of our staff at Shelter Support and Housing, our colleagues across the corporation and also to our community partners across the sector without your help we would not have been able to make this happen.

Our enhanced street outreach response includes a moratorium on clearing encampments since the beginning of this pandemic. And our focus has shifted to safety of those in encampments. Increased cleaning and garbage removal, screening and referral for testing and the provision of hygiene supplies and information about physical distancing.

Street outreach teams continue to work with people who are staying outdoors and we are offering them the opportunity to come inside by offering hotels, housing and other safe spaces. We are working relentlessly to maintain our system of crucial services during these unprecedented circumstances. Despite increasing pressures from other systems that are shutting down.

Given the scale of this pandemic we knew that despite our best efforts it would unfortunately only be a matter of time before we saw cases of COVID-19 within the shelter system. And as of this morning as Dr. de Villa shared, four weeks into our response there have been 30 confirmed cases of COVID-19 in seven locations. To mitigate the impact of the pandemic and protect those in our shelter system we have put measures in place to act

to do active screening and testing and providing isolation spaces to slow the transmission of this virus.

We provided a shelter program for people who required travel related self-isolation. To ensure that they did not introduce the virus into our shelter system.

One week ago we opened a second isolation program for people waiting for test results to respond to the increased demand. More than a 175 people have been transported to testing sites and provided shelter at our isolation programs while they waited for their results.

We have strongly advocated to the provincial government to prioritize testing of this vulnerable population. And to conduct proactive testing so that we can respond quickly to new infections. We have secured a location to provide a recovery program for people experiencing homelessness who have tested positive for COVID-19, and this interim site will be operational today.

We also know that regardless of this pandemic the best and only solution to homelessness is housing. We are working with the Toronto Community Housing and other housing providers on a rapid rehousing initiative. With more than 250 units available to us, we have moved already 50 people into fully furnished units with more being actively matched and making that move in the coming weeks.

And we are looking beyond the current extreme situation and this unprecedented expansion of our service into new locations. And we are considering the opportunity to leverage investments and secure properties through purchase and long-term lease to secure future affordable and supportive housing.

The city will be advocating for future stimulus funding from provincial and federal governments to take advantage of this opportunity to advance long-term solutions to homelessness. These are the swift and significant steps that we have taken as a city and as a community.

These steps will require tens of millions of dollars in partnership with other levels of government to get us through the next 90 days. Given the fluidity and the ever-changing circumstances of COVID-19, the final dollar amount spent to protect Toronto's most vulnerable will be rolled up and reported at the pandemics conclusion.

As we work closely with Toronto Public Health to understand the trajectory of the virus. We know that we will need to plan beyond these initial 90 days. We remain committed to a plan that is nimble and responsive to the virus and to the needs of this vulnerable community.

And I would like to end by echoing Dr. de Villa sentiments on the dedication and the commitment of the frontline shelter staff and our community agencies. And also the

dedication of the staff in Shelter Support and Housing Administration and their colleagues across the corporation that are working tirelessly to ensure that we are able to maintain these critical services to this vulnerable population.

My thanks goes out to them and to their families for allowing them the opportunity to come to work and deliver these important public services. Thank you.

Brad Ross: Thank you Mary-Anne.

We'll go to questions now just reminder to our friends online, two questions please start with Bryan Passifiume from the Toronto Sun, Bryan go ahead.

Bryan Passifiume: I guess it's afternoon good afternoon everybody first question can you explain the role that Doctors Without Borders will be playing in terms of the response?

Dr. Bond: Sure I can take that question. So Inner City Health Associates has reached out to Médecins Sans Frontières, Doctors without Borders, to provide consultative and supportive advice and direction based on their long-standing experience leading complex humanitarian operations especially for, for infectious diseases.

We all know that we're facing an unprecedented situation and so, we along with our partners both in public health, the city and also the hospital sector have ensured that we have the strongest possible response and that includes leaning on the expertise available to us by our colleagues Médecins Sans Frontières here in Toronto who are guiding us in this work and helping us to understand how to think critically and quickly to build the fastest and strongest response possible towards a open-air congregate setting to support people through their recovery.

Bryan: My follow up, it's a question for Dr. de Villa it's about Eatonville Care Home coordinate numbers released earlier this month Eatonville is only seen one confirmed case of COVID-19 now over the weekend we find out from family members and residents I should point out that there are not 14 deaths and yesterday they got automatic call saying the number of deaths is now 25. After yesterday's press conference Dr. de Villa said he'd circle back with media offline about the detail situation and I can't speak for my colleagues but all I got for my inquiries was a 9 p.m. statement that seemed to use local outbreak response as an excuse not to release numbers.

Can you explain exactly what what's going on at Eatonville over the past 12 days and why when asked about outbreaks that specific long-term care homes.

Dr. de Villa: So I can certainly start to take that question Bryan and I thank you for that. Certainly there is no interest in trying to hide anything here at Toronto Public Health we've been very forthcoming with information as it becomes available to us. We will be talking about long term care a little bit later this afternoon that might be a more appropriate juncture

at which to more fulsomely address the question but suffice it to say that the long-term care sector is actually a very complex one. We have certain roles and responsibilities as the local Public Health Department in order to support and provide advice when it comes to infection prevention and control and certainly to support outbreak management sorts of situations.

However when we look at long-term care as a sector at large it is under the purview of the provincial government there is a Ministry of Long-term Care and so regulation of that particular sector and a very important sector it is is under the provincial purview however we'll have more on that later this afternoon as I will be addressing specifically questions has there been a number of questions around long term care homes another very important setting another setting where we know that the residents are vulnerable to the impacts of COVID-19 and so we that's an important area for us as public health and certainly I would imagine to those who work within that sector and to those who have loved ones within those settings.

Brad Ross: Thank you. We'll go to Francine Kopun from the Toronto Star, Francine go ahead.

Francine Kopun: Hi we've had a couple of shelter workers reach out to us to say that they feel that they weren't properly protected. That they didn't have access to the right kind of PPE they didn't have masks and actually that in the beginning they were told that they couldn't wear masks and I'm wondering if someone can speak to how these shelter workers were dealt with in terms of PPEs and masks and so on?

Mary-Anne Bédard: Yes I'm happy to take that question. COVID-19 you know causes an incredible amount of anxiety as people try to figure out exactly what the impact is what the symptoms are and how to go about protecting themselves.

We've worked very closely with Toronto Public Health and with provincial government on their guidelines for the use of personal protective equipment in shelter settings. And we have provided that guidance. Sometimes that doesn't meet the expectations of staff where they would like to wear personal protective equipment when it in fact is not necessary or required.

And I totally understand that the anxiety that this virus is causing and I and I understand their position but it is important for us to provide accurate information about when it is appropriate to wear personal protective equipment in what circumstances and what particular piece of personal protective equipment is actually going to provide them with that protection. So we have been guided by the provincial government guidelines and through Toronto Public Health. We've been sharing that with our community partners posting that information on our website and you know sharing it as much as we can to address people's anxiety and to assure them that we are taking appropriate and adequate steps.

Francine: So follow-up question so are you saying that the shelter workers were provided with sufficient PPE?

Mary-Anne Bédard: I can't speak to every specific opportunity I do know that there is adequate PPE in the shelter's across the across the city that the city runs. I can tell you that we have provided funding and actual pieces of PPE to our community partners so that they also have access to PPE. But how that was individually dispensed on-site in any particular moment is not something that did I know.

Brad Ross: Okay thank you. We'll go to Jeff Gray from The Globe and Mail just go ahead.

Jeff Gray: Hi thanks just to pick up on that and do we have a number on the number of shelter workers that have tested positive we did hear yesterday that at that Willowdale Center there were at least a dozen and there's more now do we have a total number on that?

Mary-Anne Bédard: Unfortunately, I don't have that we are tracking the number of city employees at Shelter Support and Housing. I can confirm that we have one positive staff person who has tested positive for COVID-19. The individual results would go back to the agencies that runs shelter sites but I can certainly consult with my colleagues in Toronto Public Health and see if we can gather that information.

Jeff Gray: And to follow up I wanted to ask about the enforcement of physical distancing in public spaces we've heard some concerns that that homeless people with nowhere else to go are being moved you know off park benches and things like that even if they are maintaining physical distancing is there is there some sort of guidance that would be stand out or is being sent out to ensure that by law enforcement police you know aren't needlessly harassing homeless people?

Mary-Anne Bédard: We are working very closely with our colleagues around enforcement of physical distancing. My expectation would be that people experiencing homelessness are treated as any other member of the public when they are out in public. And so if you are or I were sitting on a park bench and asked to move on I would anticipate that that would be the same treatment that people experiencing homelessness would have. We are spending a lot of time trying to educate clients on the importance of physical distancing the importance of not gathering in groups outside shelters and, and you know working with all of our providers to ensure that that information is available.

Brad Ross: Okay thank you. Go to Matt Bingley from Global News, Matt go ahead.

Matt Bingley: I just have a question about the recovery sites you mentioned that the interim site would be open today is this the, the one that is going to carry on as the recovery site or is there a separate one outside of that?

Mary-Anne Bédard: Well as I've said in my remarks it's been always very very important for us to remain one step ahead. We don't know the end result of this pandemic and we always want to make sure that we are planning appropriately for what is next.

So working with our, our health care partners we very quickly identified a site where we could provide recovery, appropriate recovery for, for clients with COVID-19. And now we are putting in place plans for a secondary location that that can be used.

Matt Bingley: So can you take me through just what the logistics of that would be. Just how many beds, what kind of supports people will have how long they are allowed to stay?

Mary-Anne Bédard: Well I'll ask Dr. Bond to speak to the to the medical side certainly people would be expected to stay until they had been fully recovered from, from COVID-19 and making sure that they did not return to the shelter system until they had been cleared and were confirmed as no longer infectious. Dr. Bond.

Dr. Bond Thank you. Thank you for the question so for the short-term interim solution the goal is to have a place where people can stay right now if you're COVID positive that has the right kind of supports in place both for a social support and medical support and nursing support. So that people want to stay and feel comforted and and cared for and a dignified way until we have a larger more permanent solution in place in the very near future to ensure that we actually actually operationalize the model that we've been working on in support of community agencies you know Hospital partners and Médecins Sans Frontières and we're working towards that very quickly with all of our partners here but we're ensuring that all these models that were developing are places that people not only do you need to stay for safety of themselves in the public health but also places that they people feel cared for and respected in a dignified manner and so we're working very carefully with all of our partners to ensure that we have that ability for people.

Brad Ross: Okay thank you. We're going to Talia Ricci from the CBC. Talia you go ahead.

Talia Ricci: My question is regarding the hotel rooms. I'm spoken with some frontline staff and say they may be in specific shelters where I know Mary-Anne said they're still working on ensuring physical distancing as possible. But a lot of the staff that are working with the homeless population are having a hard time finding out and like where these hotels are and how they can access these rooms. I just wondering how that communication is happening between the city and that front line staff:

Mary-Anne Bédard: Thank you for the question. So we are working with our our partner agencies. So we have reached out to all of our community agencies to find out if they are interested and able to to run a hotel program for us. They provide the staffing we provide the physical location, and then we work together on moving appropriate clients to those locations.

We also have activated some hotels with city staff and likewise we are looking at the clients that are in our city run shelters and doing a similar assessment and then also reaching out more broadly across the shelter system to identify people who should move. So it's being coordinated through our agency partners and it is it is not being coordinated through central intake. This is a very purposeful selection of, of who should go into those programs based on their their risk and their their need to move.

Talia: Thank you.

Brad Ross: Follow up Talia, no?

Talia: No I'm okay.

Brad Ross: Thank you. Okay we go now to Mark Douglas from 680 News, Mark go ahead.

Mark Douglas: Thank you Brad. Dr. de Villa, are, are you folks suspecting that a fatality from COVID-19 within the shelter system may be an inevitability?

Dr. de Villa: Well you know as I've spoken to in the comments we know that those who are experiencing homelessness often you know are with a series of chronic health conditions and already have a number of risk factors at play. So unfortunately given COVID-19, given its impact on you know our our community and given its impact particularly on those who have pre-existing risk factors that may be an unfortunate eventualities.

And this was the kind of thing that we are preparing ourselves for and hence you've seen the many activities that have been conducted in partnership as discussed by the folks here at this table.

Mark Douglas: A follow up for Dr. de Villa or Mary-Anne Bédard. Has there been any specific modelling done just for the shelter systems that in terms of how far COVID-19 could spread in terms of in terms of estimated numbers. In lieu of the modelling has anyone been able to come up with a guess estimate?

Dr. de Villa: So I am not aware of any particular modelling unique to this population. Certainly we have known that because of the pre-existing health conditions that we were concerned that this population had particular vulnerabilities and certainly given the circumstances you know the lack of homes in which to isolate, that also comes into play and is a relevant factor. There are certainly modelling exercises that have been undertaken they tend to be done at a larger level because the models are more valuable and they're more they're more robust and able to provide more valuable information when done at a larger level with large numbers within the model.

So that may be one of the challenges when you try to take modeling exercises down to smaller and smaller subpopulations that the results become less valuable in terms of informing the course of action.

Brad Ross: Okay thank you go to Marie-Hélène Ratel from Radio Canada, go ahead Marie-Helene.

Marie-Hélène Ratel: Hi good afternoon I have some questions about the first with the recovery side that will be open soon. Can you provide a bit more of information, how many people will it accommodate, when are you hoping to open? Is it still a hotel that is converted?

Mary-Anne Bédard: So so we're currently using a private hotel and then moving as Dr. Bond said at a later date to a more congregate setting. We don't share the locations of sites like this for personal privacy issues. We are you know trying to stay one step ahead always planning to hopefully be ready for more service than is required and so we are planning for upward of 400 people to be able to receive care during their recovery. Dr. Bond I don't know if you'd like to add anything about the particular medical?

Dr. Bond: Thanks Mary-Anne, yeah so in the short term we're trying to make sure that we have adequate numbers to respond to the need that's out in the community right now. So the numbers will be dynamic and reflect that but somewhere close to a 50 for the short-term, in the longer-term as Mary-Anne said we're looking to have in the next few weeks, at the very latest to have a large congregate site open as soon as possible that would have up to 400 people in an open-air space to ensure that we have the right kind of capacity to respond to respond there. We're moving as fast as we can with all of our partners to deliver on that and we have a plan together to get there very quickly.

Marie-Hélène Ratel: And for my follow-up I wanted to talk a bit about the outbreaks you talked about seven shelters are we talking about outbreaks at seven shelters and do you have any main concerns about the three active investigations that are ongoing so?

Dr. de Villa: In respect of my remarks what I talked about was a total of 30 cases thus far amongst clients in seven different shelter settings. So you know these require investigations and three of those are actively underway. We're always concerned where there is a, you know an infectious disease investigation. That's our job as public health and we know that with COVID-19 this particular infectious disease in this particular setting we are of course concerned because we know that clients within this setting are particularly vulnerable to negative impacts associated with this infectious disease.

However what I am not concerned about is the level of partnerships that we've seen as we engage in these active investigations and including some that have wrapped up. We have successfully investigations at other shelter settings and where shelter services are provided

in the city and I think that that's a testament to the excellent collaboration that occurs between local public health, shelter providers and all the other partners that are involved in this very complex system of care. So to date we've had good success on our investigations thus far and we have three active investigations that are ongoing right now and to my knowledge things are moving according to plan. The collaboration is strong and that the partners are working well with each other in order to respond as effectively and as efficiently as possible so as to protect the health and safety both of residents in the setting and of course of staff as well.

Brad Ross: Okay thank you. Last question is to Mark McAllister from City News, Mark go ahead.

Mark McAllister: Mary-Anne if you would you referenced earlier the number of considerations that have to be taken or that have to be put in place in order to get people moved. There's quite a few it seems but I'm wondering if you could break it down even further possibly even offer a hypothetical when you're dealing with one particular person what do you have to go through in order to make sure that they are put in the best possible position?

Mary-Anne Bédard: Thank you for the, the question Mark you cut out a little bit so if I miss anything in my response please please let me know. So we are we're looking at each individual client and we have to take a number of things into consideration. Some people especially those possibly at high risk have been in the shelter locations for a long period of time this is their home for all intents and purposes. And to suggest moving their home on a temporary basis does require a certain amount of discussion, support perhaps visiting the site to make them feel comfortable that they will continue to receive proper care and support at that location.

So you know it is really vital that this be a choice for people. And so talking to them about the type of space that they're moving to where it is in the city the type of supports that will be in place whether or not the staff that are currently working with them will work with them in the new site. All these things you know create a lot of anxiety and so we want to make sure we're able to provide very good answers for each individual person that we're moving.

We also need to consider the level of support that people need, sometimes it's not appropriate to put a person alone in in a hotel room because of a number of issues like active addictions or serious mental health needs. So we need to make sure that we're considering the safety of the client in the decisions that we make as well so those are just a few of the client-centered specifics that we have to go through in addition to all of the other logistical issues that have to be put in place and although it may seem like it's taking a lot of time we understand the urgency that these actions need to be taken in and so we're trying to balance that urgency with that level of appropriate planning and appropriate

respect and dignity of the clients and trying to come up with the best fastest most appropriate solution.

Mark McAllister: Thank you.

Brad Ross: Okay thank you very much Mark Thank you as well to Dr. Bond and Dr. Boozary for your leadership and partnership in in helping the city's most vulnerable through this most difficult time.

Thank you everybody for tuning in we will be back at 3:45 this afternoon with our regular COVID-19 City update thank you.

**Regular News Conference COVID-19: April 14, 2020 (3:45 PM)**

<https://www.youtube.com/watch?v=CtkKBva5mIc>

Bryan Passifiume, The Toronto Sun: 20:57

Good afternoon. Our first questions for the Mayor, you've been focused a lot of enforcement to social distancing in city parks, why is not more attention but paid to the tragedy unfolding in the city's long term care homes and homeless shelters, which are both accidents waiting to happen?

Mayor Tory:

We have spent an immense amount of time in our emergency meetings. It's something that we have obviously talked about as events have unfolded but I think in terms of the time and I've said this many times publicly the time that is spent and the priority that is given to issues of how we address the needs and, and the the trials facing our most vulnerable populations including the elderly in long-term care and outside and including the homeless population has been way in excess of what has been talked about including on the enforcement issue. So I certainly I'm confident that every single day and I mentioned that in my remarks today, I have asked the question is there more we could be doing as a city both with respect to our own long term care homes and those that we don't have direct responsibility for. And we've had that discussion every single day, and never has there been an answer that says well yes there's four more things we should be doing or could be doing that we weren't doing. But we've had the discussion constantly and it's been a source of very acute attention.

...

Francine Kopun, The Toronto Star: 35:23

Good afternoon. My questions are for Dr. de Villa. This afternoon, earlier this afternoon we learned that there are 30 COVID-19 cases in 7 shelters in the city. I wondered if you could tell me how many of those 7 shelters are experiencing what you would define as an outbreak, which I think is it more than one case?

Dr. de Villa:

So yes, within most congregate settings save and exclude for long-term care and retirement homes it's generally considered two cases. So I don't have the specific details on a shelter by shelter basis. I can tell you that we have active investigations ongoing at three different locations: the Willowdale Welcome Center and I will give you the other two at Seaton house and if I've got it right yes Dixon Hall on Lake Shore.

So that's where we actually have active investigations ongoing. When I talked about the number of cases spread out over the different shelter settings some of those actually refer to cases that have resolved in investigations that have been wrapped up thankfully. So in terms of active investigations we have 3 on the go right now.

Francine:

What is meant by an active investigation? What are you doing as part of an active investigation?

Dr. de Villa:

So what that refers to is that there are cases there at this point in time and outbreak measures that are in place. So infection prevention and control and outbreak measures to understand you've got cases, you've got contacts that are happening, so those are actively being followed up to determine exposure sites for the original cases and who in turn they may have exposed to. Who are the close contacts that then need to be watched carefully in order to try to limit spread. So that's the case and contact aspect of the investigation. And then of course there are other measures that need to be put in place in order to limit spread. So everything from enhanced cleaning to more active screening to determine whether new people, staff or residents are developing symptoms so that kind of thing is what's happening.

>> Brad: Okay thank you we go to Jeff Gray now from The Globe and Mail Jeff.

Jeff Gray:

Hi, just just following up on that so we can't get a breakdown of how many cases we're talking about it those 3 shelters. Could you tell us how many cases have resolved of the 30?

Dr. de Villa:

Unfortunately I don't have those details in front of me at this moment but I would be very happy to follow up

Jeff Gray: All right I'll leave the floor to my colleagues thank you.

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Matt Bingley, Global News: 45:42

Just my second question had to deal with the homeless population you've taken us through how many positive cases there are. Can you tell us how many probable cases are within the homeless community?

Dr. de Villa:

So I'm sorry I don't have those figures with me now. I can I can certainly ask the data team back at public health and perhaps that consult with my colleagues in the shelter system to see what we can provide you.

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This is Exhibit “VVV” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

**Update on COVID-19**  
**Dr. Eileen de Villa, Medical Officer of Health**  
**April 14, 2020 at 12 p.m.**  
**Members' Lounge, Toronto City Hall, 100 Queen St. W.**

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- Good afternoon. As I shared yesterday, I continue to receive questions about the status of COVID-19 in our city's shelter system. I am very concerned about the devastating impacts of COVID-19 on our city's most vulnerable community – those experiencing homelessness. I'm therefore taking this opportunity to provide you with an update on work that is underway to minimize the impact of COVID-19 in this complex setting.
- Affordable, good quality, and stable housing is fundamental to health and overall well-being. People who enjoy stable living conditions are better positioned to lead their healthiest, happiest, and most productive lives.
- Unaffordable housing, poor quality housing, and housing instability are associated with a range of poor mental and physical health outcomes that can result in significant costs and strain to the health care system and society at large. These health outcomes and risk factors include injuries, chronic and communicable diseases, and risk factors for poor health such as food insecurity and stress.
- People experiencing homelessness are at increased risk of dying prematurely and suffer a higher incidence of health problems including infectious diseases.
- Early studies from the United States suggest that there may be higher frequency of COVID-19 diagnosis among the homeless population compared with the housed population.
- We suspect that people experiencing homelessness will have an increased burden of disease as they have a higher incidence of risk factors for poor outcomes related to COVID-19 compared to people who are housed. This includes pre-existing hypertension, diabetes, cardiovascular disease and respiratory disease. This deeply concerns me.



## Public Health

- By way of a COVID-19 case update, as of 10:30 a.m. today, unfortunately there have been a total of 30 cases of COVID-19 among clients in 7 different shelter service settings in Toronto. While many of these cases are resolved, my team is currently working on 3 active investigations at:
  - The Willowdale Welcome Centre
  - Dixon Hall on Lakeshore; and
  - Seaton House
- Given that COVID-19 is spreading in our community it is not unexpected to see COVID-19 infections among those who are experiencing homelessness. We were prepared for the unfortunate situation of having cases in the shelter system. I am sincerely relieved to report that there have not been any COVID-19 deaths among clients in our shelter settings.
- Overall, I am still very concerned because COVID-19 continues to circulate in our community with approximately 30% of our cases attributed to community spread. This is why I keep asking people who are fortunate enough to have a home to stay home as much as possible, and practise social distancing.
- The individuals who access our local shelter services are some of our most vulnerable residents. We know that any infectious disease can spread easier and faster in congregate settings. We also know that many these people who use these services have chronic health issues. As a result, residents of the shelter system are very vulnerable to severe illness from COVID-19.
- Thankfully, we are extremely fortunate to have many partners and levels of government who are all contributing their unique perspectives, expertise and resources to address a shared goal to reduce the spread of COVID-19 in this complex sector.
- Providing comprehensive services to those who do not have stable housing encompasses the work of a myriad of agencies including: those that provide shelter, community agencies, municipal government, local public health, and provincial healthcare agencies, organizations and practitioners. These are operated by different agencies and funded by different sources: sometimes local government, sometimes provincial government and sometimes private funding sources.

- While each of these stakeholders has an independent mandate that they must consider, our partners have quickly convened to go above and beyond their independent mandate in the face of a global pandemic. This is truly amazing and nothing short of true collaboration at its best.
- To minimize the risk of COVID-19 outbreaks and prevent disease spread, my team actively works with our city partners and shelters in the community:
  - We provide guidance to ensure enhanced infection prevention and control, screening and physical distancing measures are in place to protect residents and staff at these facilities.
  - This includes enhanced cleaning and disinfection to reduce the risk of virus spread, prominently displaying signage on hand washing and COVID-19 signs and symptoms, and active screening for symptoms amongst both staff and clients.
  - We provide recommendations on self-isolation spaces and consultation on how to triage clients to self-isolation facilities, as needed.
  - And, importantly, we investigate confirmed cases of COVID-19 and conduct case investigation to thoroughly assess each situation to determine where a person may have gotten the infection and who they may have exposed.
- When COVID-19 first started to appear in our community a foundation of infection prevention and control work was already in place. My team had developed infection prevention and control resources focussed on shelter services settings, provided training sessions for shelter service providers, and provided on site supportive infection control recommendations.
- I'm very proud to share that this work has been recognized nationally and internationally. Our approach has been adopted by many jurisdictions and referenced in the Centres for Disease Control guidance.
- To prevent further spread of COVID-19, along with key partners, we have established a recovery site for people who test positive for COVID-19 in our shelter system. This space will enable individuals to be isolated while they recover and therefore minimize the chance of spread of COVID-19 to others. Ontario Health, Inner City Health Associates, the City of Toronto and other community partners are actively working to get this site up and running soon.



## Public Health

- In closing, I want to take a moment to acknowledge the critical work of the staff who work in shelter settings in our city and sincerely thank them for their commitment to serving our community's most vulnerable residents. I also extend my sincere thanks to the many people who are working around the clock on our COVID-19 response. Our local health care system, community agencies and non-profit organizations are all working tirelessly to protect all of us during this pandemic.
- We all have a role to play in protecting everyone within the shelter system – both individuals who depend on these services and the staff who work there. We all play a part. So please, to help reduce the spread of COVID-19 in all areas of our community, remember to stay home, stay safe and take care of each other.

-30-

**Media contact:** Lenore Bromley, Toronto Public Health, 416-338-7974,  
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This is Exhibit “WWW” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 15, 2020

[https://www.youtube.com/watch?v=\\_3D1VgIrbfw](https://www.youtube.com/watch?v=_3D1VgIrbfw)

Francine Kopun, The Toronto Star: 27:17 :

Oh hi you'll have to excuse the noise in the background, my question is for Dr. de Villa. Dr. de Villa yesterday we learned that there were 30 cases of COVID-19 at 7 Shelters in the city. I'm wondering if you could update that figure for us today?

Dr. de Villa:

Unfortunately Francine I don't have specifics on that today. I was able to provide some information in respect of the Willowdale Welcome Center and happy to provide you with further updates. I just don't have that data with me today.

...

Francine: 31:15

Yes, for Mary-Anne Bédard this afternoon there was a protest at City Hall they were socially distancing themselves from each other but it was a protest. And I think the you know what they were basically saying is that the City isn't moving fast enough to create social distancing in shelters. How do you respond to that criticism?

Mary-Anne Bédard

Thank you for the question. I recognize that this is a time where people feel that we need to move very, very swiftly. And as I spoke of yesterday that the city has engaged in a very swift and significant response. We have been able to move more than a thousand people in just a matter of a few weeks. In addition to a number of other actions that are going on in the background to increase safety within the shelter system. I know it's very frustrating. I recognize that this is a very vulnerable group. But I can assure the public that we are moving with with all agency.

>>Brad Ross: Okay thank you Mary-Anne will now go to Scott Lightfoot from CTV News go ahead Scott.

Scott Lightfoot: Question for Mary-Anne and if the Mayor wants to jump in as well he can. Sanctuary which of course is a not a city run facility that deals with homeless have started a tent drive and they're allowing people to set up tents on their property because they believe the shelters are still too crowded and that the homeless population not being moved into hotels or other centers fast enough. What do you make of this idea of allowing people to camp out in tents at this point well?

Mary-Anne Bédard

As you said this is an independent private organization but I can tell you that our streets to homes personnel have been working very closely with the organization to offer support to the people that are there. And we continue to do that anyone staying outside, we are committed to working with to encourage them to come inside into safe spaces. As well as accessing other resources through our Streets to Homes teams.

Mayor Tory: I would only add to that first of all my commendation to our public service staff. Because if you think of the challenge of moving so far so far a thousand people and doing it in a sensitive manner that takes into account the fact that many of these people are vulnerable with very special issues facing them not just the fact that they have to be moved from one place to another.

I think that this is a very significant accomplishment with then that it's not over there are more that are being moved as we speak. I don't encourage people to be, to locate themselves in tents. I do commend the fact that our Streets to Homes people are still working to make sure that there are other alternatives available including the hotels that are now in use.

And I would say had we moved too rapidly and insensitively to move very vulnerable people and get it done faster, but not do it in a way that was sensitive and took account of those particular needs we'd be criticized for that. And what we're doing here is doing it carefully but we're doing it as quickly as possible and it's going to be involving thousands of people when it's all said and done a thousand moved already and I think that's a significant accomplishment and I thank the public servants and the nonprofit and other people for the work they've done to accomplish that so far in much more to come.

...

Jennifer Pagliaro , The Toronto Star 39:36:

Hey thanks I'm just wanting to in terms of the numbers whether it's possible and I know this is this is asking again for additional work. But you know we're constantly asked me about the shelter numbers I think you mentioned the current number for Willowdale I'm not sure if that includes shelter staff or just clients and whether or not it's possible to get individual numbers of shelters and agencies as well.

Dr. de Villa:

So thanks Jennifer the number I provided in respect of the Willowdale Welcome Center was with respect to clients. We are certainly trying to work on making as much data available as possible. Shelters are certainly on the list. But I would just ask that you give

us the time to work our way through we are working our absolute hardest to try to put this information out there in order to inform the public and the media. We know that this is an important piece of information that you would like to have, and I assure you they are working very hard to try to put that out there.

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Transcript News Conference COVID-19: April 17, 2020

[https://www.youtube.com/watch?v=m0D\\_rUoJnuU](https://www.youtube.com/watch?v=m0D_rUoJnuU)

Dr. de Villa: 20:45

The other congregate setting that is of great concern, great concern for us is Toronto's shelter services community. Today my team is posting aggregate data regarding shelters and we'll post a more detailed analysis online on Monday.

Staff in these settings are also working diligently to ensure good physical distancing, to expand shelter capacity, screen clients as they enter the facility, reinforce good hand hygiene, and increased cleaning of high touch surfaces. The availability of more shelter facilities and recovery centres is very important to keeping infections down and to help those impacted by COVID-19 to recover safely.

...

Francine Kopun, The Toronto Star: 26:38

I have two questions the first one is for Dr. de Villa I wondered I know you mentioned something about more information becoming available on Monday. But are you in a position to tell us how many people in shelters have now been diagnosed with COVID-19 and how many shelters are affected?

Dr. de Villa:

So Francine, I don't have the latest figures for today and I do apologize for that. But I expect that we will be seeing a posting an aggregate posting later this afternoon, and we'll have more detailed analyses available online on Monday.

...

Lauren Pelley CBC News: 43:20

One more question just focusing on the homelessness piece. Looking forward to seeing that data one issue raised to me by emergency physician was that right now a lot of homelessness members of our city don't know where to go if they feel they have COVID because they're not getting tested in a widespread way in a shelter system. So they are flooding emergency rooms and when they get test results they're waiting there for hours and hours on end in a closed confined space with what I've heard is a dozen or more sometimes other homeless individuals in the same space. Obviously for infection control

it doesn't seem like a great situation can you comment on on that situation that this is it's a notice on the ground and if it exists can it be avoided at all?

Dr. de Villa:

I think it's precisely to avoid those kinds of circumstances that the province has introduced uh you know new testing efforts and, and this new testing plan which includes more active testing within the shelter settings themselves. This is exactly what we want to see and yes it will increase our case counts and it will increase our numbers here in Toronto but that is exactly what we need more testing in order to understand what's happening within those congregate settings and to better direct our actions and our response.

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Transcript News Conference COVID-19: April 20, 2020

<https://www.youtube.com/watch?v=j10SkvEXThg>

Dr. de Villa: 09:18

... In response to the COVID-19 emergency and through the collaborative efforts of many partners and community agencies, we have been able to transition many people out of congregate settings and establish them in more sustainable housing. This is a remarkable achievement. We must continue to build on this momentum to best protect the health of people in our city experiencing homelessness.

This is not just for COVID-19, but it is also for the many other negative health impacts associated with homelessness and under-housing. All health, government, and community partners must continue to be united as we all have a valuable role in fighting virus spread. Working together is the only way forward. We continue to learn new information about this virus each and every day.

...

31:35 Go now to Mark McAlister from City News. Mark go ahead.

Mark McAlister: I'm not sure if Mary-Anne Bédard is in the room if so I have a question for her.

Brad Ross: Mary-Anne is on the line. Go ahead Mark.

Mark McAlister:

Mary-Anne, if you would, when we're talking about relocation of some of our city's homeless into all of the different locations that you've managed to secure, some of which are Toronto Community Housing units, just curious what type of testing may be done before these people are moving into these spaces? We've got some concerns from the residents in the buildings these units are being prepared about the people that are going to be moving into those spaces?

Mary-Anne Bédard:

Oh hi, it's Mary-Anne. I can understand those concerns and I can assure them that we will not be utilizing TCHC units for anybody that has tested positive for COVID-19. You know as we've been taking measures to prepare and respond to this response, one of the key pieces that we always wanted to keep in mind was the opportunity to make sure that people could be housed. So, with that in mind we've been working with TCHC on our rapid

rehousing initiative and exploring opportunities to permanently or temporarily house people in TCHC units.

And that is the case with the units that you're referring to in Regent Park. They have been recently vacated for future revitalization. But that does mean that for a short period of time they might be available to us to be able to create that all-important social distancing for, for people in in shelters that just need a little bit more time to find more permanent housing.

So you know obviously you know I will want to reassure those tenants and we will be proactively engaging with tenants to make sure they understand when and if we activate units like that what the purpose is who the people will be coming into to stay in those units. We are making sure we make good housing connections. We're using our coordinated access process which assesses eligible clients making sure that we're able to match the appropriate level of support for successful tendencies.

Brad Ross: Follow up Mark?

Mark McAllister: That's all. thank you

34:06 Brad Ross: Thanks Mark. go now to Jennifer Pagliaro from the Toronto Star. Jen

Jennifer Pagliaro: Hi there, have a question for Dr. de Villa we heard from the provinces update earlier that there is some data by postal code to show that those living in low-income neighborhoods are at highest risk. And I wonder if you've seen that data and if that applies to Toronto in your assessment?

Dr. de Villa:

So thanks for the question Jennifer. We certainly do look at data, and we map data frequently when it comes to infectious disease outbreaks. This is often an important component of our work in terms of understanding the spread of disease in a community and who is impacted by that disease.

It's interesting though with this particular virus. There are you know, I can appreciate why there would be interest in looking at it this way and I've had some early conversations with some academic partners about how best to provide data to the residents of the city in a way that's meaningful and appropriate and also provides people with the right context and a meaningful context in which to understand those data.

So when it comes to respiratory diseases, it's it's actually difficult to know whether in fact having a sense as to the home address of those individuals are impacted gives you a sense as to risk that's appropriate. We know that we have community spread and that people do move we have a very mobile population, so understanding where people live may or may

not give you an appropriate understanding of risk in our community and I think we have to be very mindful of that.

I think the other thing is is that when we look at this particular outbreak we you might recall that initially at the outset travel was a more significant risk factor, and so the data told us a very different story and over time as we started to see community spread and you know knowing how generally mobile our population is the story did start to change.

So I think there are a number of different considerations we're just working through how best to put out meaningful data with appropriate context so as not to stigmatize particular neighborhoods inadvertently or stigmatize particular areas of the city in, in a manner that frankly isn't helpful to us as Public Health or to the residents of this city at large.

Jennifer Pagliaro: And can I just follow up with you on a different topic you mentioned the increase in testing capacity and targeting long-term care homes to help with the situation there. Is the city looking to also have increased testing or having any broad kind of testing in the shelter system knowing we're experiencing outbreaks there?

Dr. de Villa:

So just to be clear testing is within the provincial purview. They're the ones that actually have the labs and they're the ones that are best able to you know increase capacity because that's actually something that they're responsible for. There is the Public Health Ontario Laboratory System and as well there are labs associated with hospitals, which of course are funded through the Ministry of Health.

When it comes to our role in Toronto Public Health, clearly our role is around supporting efforts to improve public health in the city and as I've mentioned through my remarks both today and other times ensuring that we're taking care of the health of those who live in our shelter and respite system is an important concern for us at Toronto Public Health. So I can tell you that we are actively partnering with those who actually have purview over testing hospitals and their assessment centers and the shelters in order to facilitate more testing in these settings, similar to that which is happening within the context of long-term care for exactly the same reasons The more testing that you're able to do the earlier you are able to do, the earlier you are able to identify infections and the sooner you're able to implement appropriate controls to minimize virus spread.

So you know the short answer is yes but because testing is not entirely within our purview actually it's not within our purview at all we have some influence that we can bring to bear which we're doing but it is something that we rely on other partners to collaborate with

...

Francine Kopun Toronto Star: 42:35

My question is for Mary-Anne Bédard I wonder if you could tell us what specific actions are being taken to control the outbreak at Willowdale?

Mary-Anne Bédard:

Hello Francis, Yes, we're working very closely with Toronto Public Health at that site. They'll be doing the contact tracing. We are also working with North York General, who provided the mass testing over the last few days. And they'll be helping us as assess the health status of client there.

We are making sure that we're triaging clients and sending them to appropriate programs based on their health status. We're working with Homes First who is the provider on-site making sure that there are proper enhanced infection prevention and control measures as per TPH guidelines, and that any clients that are remaining on-site continue to respect the physical distancing that is required.

Francine Kopun: And a follow-up question. Has everyone, have all the clients been tested and are all the tests back?

Mary-Anne Bédard:

We do not have all the tests back yet. My understanding is that that they've tested almost all of the people on site. We received some test results back last night. I think we're receiving some more today. And each little bit of information gives us a lot more information to go on.

I think as Dr. de Villa has talked about at this site and I think as we're learning more about the virus quite a few of the of the people were actually without symptoms. And so this is why it is so critical for us to work with the province on this proactive testing measures in shelter because it's really important for us to know where the where the virus is and to help us respond appropriately and quickly to it.

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*Commissioner for Taking Affidavits (or as may be)*

**Update on COVID-19**  
**Dr. Eileen de Villa, Medical Officer of Health**  
**April 20, 2020 at 3:45 p.m.**  
**Members' Lounge, Toronto City Hall, 100 Queen St. W.**

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- As of 12:30 p.m. today there are 3,682 cases of COVID-19 in Toronto. This includes 3,343 confirmed cases and 339 probable ones. There are 262 cases hospitalized, and there are 99 in intensive care units. I'm sad to report that we continue to see deaths in our community. In total 181 people have died of COVID-19 in Toronto. We offer our sincerest condolences to everyone who has lost their loved ones or friends to COVID-19.
  
- My team continues to work very hard to provide more timely and detailed COVID-19 data to the public. Data are at the core of the COVID-19 response in Toronto. This information helps us understand what is happening in our city and informs our actions to reduce virus spread and prevent deaths. It also helps us to see whether public health measures like physical distancing are working and when and if we need to change our approach.
  
- Last week, I committed to providing you with an update on our local COVID-19 data story. There are three parts of the story: the number of people currently infected with this virus; the simultaneous COVID-19 outbreaks in our city and where our story goes next.
  
- The first part of our story is the number of positive COVID-19 infections at any given time. This figure helps us understand and prepare for demands on our healthcare system. It also tells us if public health measures are working and when they might need adjusting.
  
- Given the recent provincial changes to testing guidelines particularly in our long-term care homes, we will see this number go up in the coming weeks as more people are tested. While this may be unsettling, it is not unexpected. More aggressive testing is critical, particularly in long-term care homes as it will help us to identify infections sooner and support our long-term care homes to implement stringent outbreak control measures faster.

- The second part of our data story is that there are two distinct outbreaks within our city – one in our broader community and the other in congregate settings, particularly in long-term care. These are distinct because they occur among two different populations with different risk factors for acquiring infection. We also see COVID-19 infections leading to different outcomes in these two settings.
- Looking at our data, we can see that local hospitalizations for COVID-19 have been driven by cases in our broader community. On the other hand, deaths in our community have been driven largely by the COVID-19 outbreaks we are experiencing in our long-term care homes.
- In addition, the actions we must take to protect people in these two settings are also different:
  - In our broader community, the data collected informs physical distancing measures and other public health actions.
  - In long-term care homes and other settings where people are in close proximity to each other, data informs specialized infection, prevention and control measures and more outbreak control measures such as the comprehensive long-term care action plan that was recently released by the province.
- To ensure that you continue to be informed, my team continues to post new data online about outbreaks in local long-term care homes and retirement homes. It will be updated every Monday, Wednesday and Friday.
- The final part of our data story relates to where we go next. This is informed by the use of data models to help us gain a better understanding of where we are on the curve of pandemic activity and where we might be going next. Our data modeling shows us that we are currently in the peak period for our reported cases.
- The COVID-19 case doubling rate, which captures the number of days for our case counts to double has slowed over the past two weeks. This tells that our pandemic activity is slowing down and this is good news.

- The province has increased testing capacity and will be testing more people, especially in long-term care settings. So we can expect to see more positive COVID-19 cases. While this is important for our understanding of how this virus is spreading and supporting better implementation of virus control measures, with this change in testing, it is difficult to project how many more cases we will be seeing.
- Another data point we continue to monitor to understand where we are on the COVID-19 curve is hospitalizations. There is good news here. We haven't seen the dramatic surges in hospitalizations that we originally feared and in fact the number of new hospitalizations each day has started to decrease.
- This information should be considered with cautious optimism. We are seeing our curve flattening because you are washing your hands, you are staying home, and you are keeping a safe distance from your friends, your families and other loved ones, as difficult as I know this is.
- I do need to stress that the only way we will continue to be successful is if we continue to keep these measures in place for more time, and for everyone to continue to do their part by staying at home.
- Another update I have been asked to provide is on the situation occurring at the Willowdale Welcome Centre. As of morning, there were approximately 74 positive cases of COVID-19 in this setting.
- In closing, I applaud the province for the stronger measures they have implemented to support vulnerable residents in congregate settings such as long-term care homes. We need to further strengthen these measures in long-term care homes, and I encourage the province to ensure that appropriate policies and resources are in place for these settings. This action will support optimal infection prevention and outbreak measures to ensure that these residents are getting the best care possible.

- Another congregate setting we need to consider is our shelters and respite centres. Earlier this year, our city recognized housing as a human right and a key determinant of our health. Everyone in our community deserves appropriate housing. In response to the COVID-19 emergency and through the collaborative efforts of many partners and community agencies, we have been able to transition many people out of congregate settings and establish them in more sustainable housing. This is a remarkable achievement. We must continue to build on this momentum to best protect the health of people in our city experiencing homelessness. This is not just for COVID-19, but it is also for the many other health negative impacts associated with homelessness and under-housing.
- All health, government, and community partners must continue to be united as we all have a valuable role in fighting this virus spread. Working together is the only way forward.
- We continue to learn new information about this virus each day. We need to be open to working outside our comfort zones, we must be nimble and armed with empathy to respond and adjust our actions as new facts are confirmed. When we are divided, the virus gets through the cracks between us. Please remember that the most important thing you can do right now is to continue to stay home, stay safe and take care of each other.

-30-

**Media contact:** Lenore Bromley, Toronto Public Health, 416-338-7974,  
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This is Exhibit "AAAA" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

**Update on COVID-19**

**Dr. Eileen de Villa, Medical Officer of Health**

**April 21, 2020 at 3:45 p.m.**

**Members' Lounge, Toronto City Hall, 100 Queen St. W.**

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- As of 12:30 p.m. today there are 3,820 cases of COVID-19 in Toronto. This includes 3,462 confirmed cases and 358 probable ones. There are 281 cases that have been hospitalized, and there are 109 in intensive care units. I'm sad to report that we continue to see deaths in our community. In total 190 people have died of COVID-19 in Toronto. On behalf of my team, we offer our sincerest condolences to everyone who has lost their loved ones to COVID-19.
- Today, I'm providing you with a further update on our local COVID-19 data. In particular, within the context of what is occurring provincially and nationally.
- The first slide shows that the trajectory for cases of COVID-19 is lower for Toronto, Ontario and Canada than other countries such as Spain and the United States. These countries have unfortunately seen a large number of cases since their COVID-19 outbreaks began.
- We believe, at this point, that the number of cases to date in Canada, Ontario and locally in Toronto is lower than originally forecasted. This is due in part to the strong public health measures that were put in place early in our outbreak and the fact that our residents took these measures seriously. Thank you everyone for following the advice to stay home and practise physical distancing. I know it has been difficult but I hope you are now seeing the benefits of these actions.
- The second slide shows us the actual number of cases we have experienced in Toronto over time. Specifically, it shows that we believe we are now in the peak period of the epidemiological curve of our community outbreak.
- I use the term "peak period" because a peak is really not just one day, nor is it one number, as the number of cases on any day during the peak will vary. The reality is that we will only know when we have hit our peak for COVID-19 cases after it has passed. This is because we need to see the number of new cases levelling and then going down to know that we have experienced this milestone and see exactly what has occurred.

## Public Health

- Managing outbreaks is part of our core work in public health. We do analyses to make predictions to inform our public health actions. We monitor what is occurring to adjust our actions as needed. It is only at the very end of an outbreak that we can know exactly what happened. This occurs once we have all of the confirmed facts and numbers.
- In this instance, as it relates to slide two, as we move down the curve, the timeline of the outbreak may be shorter or longer. This depends in part on our ability as a community to remain diligent in following the public health and physical distancing measures we have put in place.
- Slide three illustrates how we can now look back to understand what has occurred in our city. This slide shows the number of hospitalizations, ICU admissions and deaths to date. This information helps us understand how we have used our healthcare system resources during this outbreak.
- As I shared with you yesterday, the information on slide three should be considered with cautious optimism. It illustrates that we are seeing our curve flattening.
- This slide also illustrates the impacts of our collective work to prevent overburdening of our healthcare system, and to ensure that critical health resources remain in place for those who need them most.
- This is an important indicator for us to continue to monitor as we move down the curve. It will help us to plan and know when can begin to ease some of our local public health and physical distancing measures.
- It is critical that we ensure that we have healthcare resources and capacity in place to manage outbreaks we are seeing among vulnerable groups including our long-term care homes and shelter settings.
- The City is looking to support the ten long-term care homes it operates through the redeployment of some members of my team at Toronto Public Health, particularly registered nurses and registered practical nurses, whose unique skills are needed to provide care to some of our city's most vulnerable residents.

- We also need to ensure that our health system remains strong to help to continue to manage this outbreak through the second wave. We know that we will experience another COVID-19 wave because we have yet to reach a high level of immunity in our community.
- We will continue to see COVID-19 spreading in our community until we start to experience herd immunity. This will not happen until many people are infected with COVID-19 and recover and they build immunity that lasts, or we develop a vaccine. We know that treatments and a vaccine for COVID-19 are several months, if not more than a year away. This is why we continue to ask everyone to stay home and practice physical distancing so that the rate of infection does not overburden our local health system.
- The final slide tells the tale of the two outbreaks we are experiencing. We know from our data that we have an outbreak within the general community which we believe is peaking.
- A key point on this slide is the information on the cases in institutions. Of note, we see that females represent approximately 60% of our cases in long-term care homes, retirement homes, chronic care and hospital settings. We believe that this is because on average females tend to live longer than males and therefore comprise a significant proportion of people in these settings. In addition, knowing that these data also reflect staff cases, we know that women are more likely to be employed in professions in these settings.
- These slides summarize some of the main types of data we are analyzing at this time. In addition, I am pleased to announce that starting today, a data dashboard with data that depicts the two COVID-19 outbreaks we are experiencing —community and institutional — will be available on our website. The dashboard will be updated frequently so that you can track in real time how the outbreaks are evolving in our community.
- Finally, I have been asked to provide updates about the situation in specific long-term care homes and shelters:
  - At Eatonville Care Centre, there are approximately 130 COVID-19 cases at this home, which is an increase of 16 cases since yesterday. Tragically, there have been 30 deaths at this home.



## Public Health

--Lastly, at the Willowdale Welcome Centre, there are approximately 110 positive COVID-19 cases in this setting, associated with the testing efforts undertaken at this site. These are premised on verbal reports received today.

- The large number of cases reported in these settings is due to a very proactive approach that has been taken within these facilities where all residents and staff have been tested to ensure that there is a good understanding of the status of their outbreaks. This approach also allows for thorough follow up to occur and for the situations to be well-managed going forward.
- This concludes my remarks for today. In the meantime, please remember that the most important thing you can do is to continue to stay home, stay safe and take care of each other.

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**Media contact:** Lenore Bromley, Toronto Public Health, 416-338-7974,  
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This is Exhibit “BBBB” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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Transcript News Conference COVID-19: April 21, 2020

<https://www.youtube.com/watch?v=k9YsCJhEbgA>

37:12 Brad Ross: Thank you go now to Jennifer Pagliaro with the Toronto Star. Go ahead Jen.

Jennifer Pagliaro:

Wondering if Mary-Anne could provide an update as to the city's progress in increasing distancing and shelters?

Mary-Anne Bédard: Hello Jennifer how are you? So yes we've been making continued progress with our with our plan to create physical distancing in the shelter system. We are, more than 1200 people have been moved in the last few weeks to create physical distancing.

We also continue to work on our rapid rehousing program making sure that people are moving into, into permanent housing as part of the response. And we also continue to call on the provincial government to, to work with us to help us prioritize proactive testing. To work with us on a regional recovery response, and, and to make sure that we are responding appropriately to the needs of this vulnerable community.

Jennifer Pagliaro:

There was a letter sent from a coalition that is threatening legal action against the city saying that there are charter violations Human Rights code violations I wonder how the city responds to that and what other measures can be put in place in order to do what these groups are asking?

Mary-Anne Bédard:

Well I mean first of all you know I'd like to acknowledge the the urgency that they talked about in their letter is absolutely something that we share, it has been at the heart of the swift response that we have implemented in the City of Toronto. In every decision that we have made our sole goal has been to save lives and to make sure the health care system doesn't become overwhelmed.

And we focused our response on a number of tiers to make sure that we were doing the appropriate things at the appropriate time. You know initially we focused on, on prevention working with Public Health to make sure that our operators knew the appropriate guidance and training and providing tools around physical distancing and infection prevention control. We provided funding for agencies to help them secure PPE and enhance their staff wages and as I said we've worked closely with our community organisations as well to

create almost, almost 1,300 spaces for physical distancing and we will continue to do that until we reach our goal of 2,000 by the end of the month.

And you know it's, it was only a matter of time before the pandemic did enter into the shelter system despite our best efforts. And, and we've continued to take significant steps to make sure we're mitigating the impact. We had Canada's first isolation program for people who are waiting for test results. We've secured a recovery program for people who have tested positive and this is a significant relief to the provincial health care system so that they can actually receive the care that they need and not burden the healthcare system during their illness. So I think you know there are there are lots of frustrations and I and I recognize that, that people will always feel like more should be done. But I can assure the public that everything that can be done is, is being done and we take this responsibility very seriously.

Brad Ross: Thank you Mary-Anne. The next question is to Matt Bingley from Global News Matt.

Matt Bingley: I'd just like to follow-up on what Jennifer was asking about was just wondering if Mayor Tory could actually respond to the fact that there is a group seeking an injunction against the city to compel it to do more saying repeatedly that the city is not doing enough for the city's homeless?

Mayor Tory: I've been satisfied that well you know you could always find a way to do more that if we're going to apply the sensitivity and the responsibility of putting these programs in place for people who in many cases have issues in their life beyond the fact that they are homeless that it takes time to do this and that the city and all of its staff and all of the agencies we work with have been moving with the maximum amount of speed to to move what is now 1,200 people. These are not moves where you sort of say well here we'll give you a presto card and you know you show up at this place and you'll be welcome there.

These are complex sensitive moves if we did them too fast we'd be probably facing a potential legal action from somebody who said we were being insensitive to the needs of people who are among our most vulnerable people. And I think it is a remarkable accomplishment we're gonna try and do as much as we can as fast as we can.

I think it is a remarkable accomplishment that 1,200 people in a matter of a couple of weeks have been moved with plans to move hundreds more in the next very short period of time. And we will do it as fast as we can we will speed it up as much as we can but in some cases it's been external considerations that have not even been to do directly with us, that have caused things to be on the timetable they're on. But I am just very admiring of the job that our staff and all of our outside partners have done in providing for things that are unique

and at a standard that is tops in North America and that's exactly where we want to stay in terms of treating some of our most vulnerable people.

Matt Bingley: And just to Mary-Anne, you just gave us an updated number on how many people within the sheltered system are infected with COVID-19?

Mary-Anne Bédard:

We received the same official numbers as Public Health. And I think at the moment it is 87 people in 11 locations. Having said that though, we do know that there is a higher number being reported at Willowdale and we are just waiting to have that number officially confirmed. But we continue to work with the Willowdale Welcome Centre to make sure we are responding appropriately at that location

Brad Ross: Thank you Mary-Anne. We go to Mark McAllister now from City News Mark.

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This is Exhibit “CCCC” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

**INFO SHEET FOR HOMELESSNESS SERVICES PROVIDERS  
WHAT TO EXPECT WHEN A CLIENT TESTS POSITIVE FOR COVID-19**  
Shelter, Support and Housing Administration  
Current as of April 22, 2020

Toronto Public Health (TPH) is the local authority on COVID-19 testing and prevention. When a client who has used the shelter system tests positive, shelter staff and clients should follow TPH's expert guidance and advice.

- A TPH investigator will contact your organization to begin a case and contact investigation.
- TPH will make recommendations as a result of their investigation and will work with SSHA and the shelter or respite provider to implement those recommendations.
- TPH will provide advice regarding any other measures that the site and staff may take to reduce the risk of transmission.

**If you become aware of a client who has been diagnosed with COVID-19 prior to being contacted by TPH:**

- Notify TPH and SSHA with the client name and DOB.
- TPH will confirm the lab results and an investigator will contact your organization to begin a case and contact investigation.

**Below is an overview of what actions may be identified through the TPH investigation and some steps you can take immediately to prepare for the investigation:**

**Cleaning**

- Clean and disinfect common areas (e.g., rooms, bathrooms, dining spaces).
- Use only disinfectants that have a Drug Identification Number (DIN). A DIN is an 8-digit number given by Health Canada that confirms it is approved for use in Canada.
  - Check the expiry date of products you use and always follow manufacturer's instructions and appropriate **contact time** (i.e. amount of time that the product will need to remain wet on a surface to achieve disinfection). Contact time is usually found on the product's label.
- Place possibly contaminated laundry in a plastic bag and wash with regular laundry soap and hot water (60-90°C) and dry well.
- Dispose of client garbage in a plastic bag before disposing of it with other waste.
- In addition to routine cleaning, surfaces that have frequent contact with hands should be cleaned and disinfected twice per day and when visibly dirty.
- Special attention should be paid to commonly touched surfaces such as doorknobs, elevator buttons, light switches, toilet handles, counters, hand rails, touch screen surfaces and keypads.

**Physical distancing and prevention of further transmission**

- Where there is an outbreak, staff and clients may need to wear PPE to reduce transmission. This may be recommended for the floor/program of the confirmed case only or throughout the program, depending on the circumstances.

**INFO SHEET FOR HOMELESSNESS SERVICES PROVIDERS**  
**WHAT TO EXPECT WHEN A CLIENT TESTS POSITIVE FOR COVID-19**  
Shelter, Support and Housing Administration  
Current as of April 22, 2020

- Remind everyone at your site to maintain a two metre/six foot distance from others as much as possible
- Ensure clients are following physical distancing guidelines in all common areas. Provide visual cues such as taping 2m distances in seating areas and where clients line up for services.
- If multiple floors use a shared dining room or common area, establish a schedule to reduce contact between clients on different floors.
- Reinforce the importance of physical distancing for staff working in all areas of the shelter/respice.

**Reinforce Hand Hygiene & Respiratory Etiquette**

- Ensure signage for hand hygiene and respiratory etiquette (e.g., cover your cough).
- Ensure that supplies that are necessary to clean hands are accessible. This includes alcohol-based hand rub (also known as ABHR or hand sanitizer), hand soap, paper towels, and garbage cans.
- Ensure liquid hand soap and ABHR dispensers are checked regularly and replenished when empty.
- Ensure ABHR used on site has an alcohol concentration of at least 70%.
- If possible, have wall-mounted ABHR/provide portable ABHR to staff.
- Educate clients about the importance of not sharing items that come into contact with their mouth (e.g. utensils, cigarettes, drinks, drug use supplies).

**Active screening**

- Actively screen all clients and staff for symptoms.
- All staff should be screened at the start of every shift and include temperature checks.
- Screen clients at least once per day if possible to monitor for symptoms and include temperature checks.
- Any symptomatic individuals should be sent immediately for testing.
- Clients that are awaiting test results should be held at the hospital until results are known.
- If clients waiting for test results return to the shelter, keep them isolated from other clients.
- Any clients who test positive should be referred directly from the hospital or assessment centre to the COVID-19 recovery program.

**Identify the exposure period**

- Consider when the client last accessed your program.
- The exposure period begins 48 hours before the onset of symptoms and continues until the client left the site for testing and isolation.

**Identify any client close contacts of the confirmed case**

- Close contacts may include:

**INFO SHEET FOR HOMELESSNESS SERVICES PROVIDERS**  
**WHAT TO EXPECT WHEN A CLIENT TESTS POSITIVE FOR COVID-19**  
Shelter, Support and Housing Administration  
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- Anyone sleeping in the same bedroom or a bed next to the individual.
- Any clients who are friends, associates, partners, who may have had interactions with the confirmed case of more than 15 min, or without maintaining 2 metres physical distance.
- Close contacts who have symptoms should be referred for testing.
- Asymptomatic close contacts may also be referred for testing, depending on the circumstances.
- All close contacts should isolate for 14 days.
- Referral to a designated isolation program for close contacts may be possible.
- Until that referral is made, close contacts should stay in a room with the door closed or in an isolated area, where possible, to avoid contact with other clients in a common area of the shelter.
- Asymptomatic close contacts who are tested and receive a negative result will still require isolation for 14 days to monitor for signs and symptoms, as the virus can incubate for 14 days.

**Identify any staff who may be close contacts**

- Identify any staff who had interactions with the confirmed case during the exposure period.
- Close contact means an interaction of more than 15 min within 2 metres, and where they were not wearing PPE.

**Staff testing and isolation**

- Staff who worked with the confirmed case during the infectious period (from 48 hours before onset of symptoms to the end of last shift worked / to the time a resident case was put in isolation) should stay home and self-monitor and self-isolate.
- [Work-home isolation](#) may be recommended in consultation with Toronto Public Health.
- All staff at the shelter should not work at other facilities during the isolation period, in order to prevent further spread of COVID-19 to other high-risk settings.
- Ensure all staff who are symptomatic get COVID-19 testing at an Assessment Centre.
- Give staff the COVID-19 outbreak number provided by TPH to provide at the Assessment Centre to ensure they are tested promptly and their test result is linked to the outbreak.

**Communication**

- Offer staff [EAP support](#).
- Provide ongoing COVID-19 updates to keep staff and clients informed
- Inform any agency partners going into the setting about COVID-19 at the site.

This is Exhibit "DDDD" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 23, 2020

<https://www.youtube.com/watch?v=D-KUXDZ49QM>

Jeff Gray, the Globe and Mail: 37:45

I just wanted to follow up on the plans for the homeless and I think Mary-Anne might be on the line to take the question. Have plans changed with regard to this 400 bed Recovery Center? Is there a different plan in the works. We had heard maybe a week ago or more now that there was going to be this large facility that would be a Recovery Center is there a different plan now in the works or is that still coming?

Brad Ross: Go ahead Mary-Anne.

Mary-Anne Bédard: Hi Jeff, thank you for the question, yes we are continuing to work with our health partners. I think what we have learned over the last few weeks at the interim site that we're currently running is that we have a model that works really well. It works really well for the clients who are recovering from COVID-19. It provides them with an environment of dignity and privacy in which to recover from COVID-19. And it works well for both the shelter support and staff housing shelter support and housing staff that are there as well as our health partners.

So what we're going to do going forward as we need more capacity is we're going to look to replicate to the model that is currently working and so we'll be looking for another site that will provide us additional capacity. And we'll definitely be having those discussions with the province because this is a significant support to the healthcare system and we'll be looking for some partnership on that.

Jeff Gray: Maybe you could just develop another model, you mean a hotel with rooms instead of a large a large facility is that what the change that you've enacted here?

Mary-Anne Bédard: Yes, initially there was some some thought that sort of a more open congregate setting would be appropriate. I think what we've learned through the working model that we have going now is that it's it's actually more beneficial for the clients and, and for the staff to provide the type of accommodation that we've already been able to do. And it's a working model and when you have something that works you're better just to build on that than to change course.

This is Exhibit "EEEE" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

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April 23, 2020

Goldblatt Partners LLP  
20 Dundas Street West  
Suite 1039  
Toronto, ON M5G 2C2

Attention Jessica R Orkin

Dear Ms. Orkin:

Mayor John Tory, Dr. Eileen de Villa, Mary-Anne Bedard and I wish to thank you for your letter of April 20, 2020. Your clients raise a number of very important concerns, many of which we share. We would like you to know that we take these issues very seriously and wish to provide our assurances that every decision we make is guided by our goal of keeping all of our residents healthy and safe.

The outbreak of COVID-19 in our City presents an unprecedented challenge to all of us, but that is particularly so for the City's most vulnerable populations. For people experiencing homelessness, the outbreak presents unique risks. We understand that certain solutions proposed for the general population are not necessarily workable for people without permanent housing. Shelter, Support & Housing Administration ("SSHA") is working tirelessly with Toronto Public Health, other City Divisions, provincial and federal governments and the community non-profit sector to tailor solutions for our homeless population as quickly and effectively as possible. We would like to share with you many of the actions that have and are being taken to that end.

Toronto has the largest shelter system in Canada. There are 75 shelter/respite sites ("Toronto shelters") that shelter more than 7,000 people every night, including the almost 3,000 people already sheltered in hotels/family settings. Of the 75 shelter sites located in Toronto, only 11 locations are operated by the City. The remaining 64 programs are operated by community non-profit agencies.

At the outset of this pandemic, SSHA conducted an impact assessment to determine the greatest areas of risk so that the City could prioritize its actions. This was done in conjunction with Toronto Public Health.

The initial objective of our response was prevention, with the goal of keeping COVID-19 out of our shelter system for as long as possible. This work included providing guidance, training and resources to all our service providers on Infection Prevention and Control measures required to protect staff and clients. It has also included providing personal protective equipment for frontline shelter workers and advocating to other levels of government for the provision of these critical supplies. We have extended operating hours in several of our shelters.

We are aware of the federal and provincial governments' respective Guidances regarding spacing of beds in shelter settings during the COVID-19 crises. We agree with these recommendations.

A critical component of our prevention work has been working closely with service providers to help them take steps to increase physical distancing measures on site, where possible, including reducing or eliminating the use of bunk beds. Many of our shelter sites have been able to meet the increased physical distancing guidelines of 2 metres referred to in your letter. However, given the varying sizes and layouts of Toronto shelters, creating adequate physical distancing at many of our sites has been a significant challenge.

Immediately imposing a mandatory standard requiring 2 metres of physical distancing between beds in all shelters was not workable given the space restrictions and number of residents that are served in Toronto shelters. Instead, where the City has been unable to ensure that a site is able to meet physical distancing guidelines, our focus has been on reducing the site's capacity and relocating people to other sites.

Relocating people out of shelters is an essential but complex task. Each resident has different needs and a number of steps are required before we can move someone to a new space. We first need to complete an individual assessment of each person to determine whether the individual is able to move and whether it is appropriate to do so. Where relocation is appropriate, we have to ensure that any location identified has undergone life safety inspections, and that the site has adequate amenities for residents. We also need to secure contracts for cleaning, catering, security and linen/laundry services. There are also issues surrounding the coordination of transportation to move people between sites and programs.

To facilitate this, the City has redeployed staff from other divisions to assist with this enormous effort. There are currently hundreds of redeployed staff being trained/working in our shelter system.

To date, we have opened 11 new facilities and secured more than 1200 hotel rooms. The City has also identified 15 additional locations for future use. To date 770 people have been moved to hotel rooms and 492 people to community space.

We are also working with Toronto Community Housing and other housing providers on a Rapid Housing Initiative, which has enabled people to move out of shelters and into permanent housing. More than 250 units have been identified for this initiative, 73 people have moved into new homes and others are being actively matched with housing.

The City has already moved over 1000 residents to new spaces. We expect to move another 1000 residents into new spaces by April 30, 2020. Our goal is to ensure that by the end of the month, all residents are housed in spaces that meet physical distancing guidelines. We are acutely aware of the urgency of implementing physical distancing guidelines in Toronto shelters and we are marshalling all resources available to us to implement this as soon as possible.

In addition to our relocation efforts, SSHA is making every effort to mitigate the impact of COVID-19 for shelter residents. We have strongly advocated to the provincial government that testing be prioritized for Toronto shelter clients so that we can respond quickly to new infections, and are working with healthcare partners to implement mobile on-site testing where recommended by Toronto Public Health. We have also provided isolation spaces to slow the transmission of the virus. We have one program for people who required travel related self-isolation to ensure they were not introducing the virus into the shelter system. We also opened an isolation program for

people waiting for test results so that people waiting for test results were not released back into the shelter system or onto the street.

Finally, the City has opened an interim 200-bed recovery facility for people experiencing homelessness who have tested positive for COVID-19 in partnership with Inner City Health Associates (ICHA) and other community health providers. We are working to prepare an additional expanded program to respond to anticipated increased demand for this service.

You have made specific reference to the Willowdale Welcome Centre. We advise that extensive testing has been carried out at that Centre. As a result we have and are continuing to work closely with Willowdale and TPH on a risk based response to the test results to address clients' specific needs that has included moving a number of residents to other locations.

The City's response to the outbreak of COVID-19 in our shelters is understandably a matter of public interest. Implementing a comprehensive and nimble response as quickly as practicable is the City's paramount goal. We are working very closely with Toronto Public Health to address the immediate needs of this vulnerable population but also to understand the trajectory of the virus so that we can plan for the future. As you can appreciate, this is an evolving situation and we expect further developments in the coming days. The City will continue to provide regular public updates on the Toronto shelter situation.

Yours truly,



Chris Murray  
City Manager

c.: Mayor John Tory  
Giuliana Carbone  
Mary-Anne Bedard  
Wendy Walberg  
Diana Dimmer  
Hon. David Lametti, Attorney General of Canada,  
(via E-mail [David.Lametti@parl.gc.ca](mailto:David.Lametti@parl.gc.ca))  
Hon. Doug Downey, Attorney General of Ontario  
(via E-mail [doug.downey@pc.ola.org](mailto:doug.downey@pc.ola.org))  
Leilani Farha, United Nations Special Rapporteur on Adequate Housing  
(via E-mail [leilani.farha@unhousingrapp.org](mailto:leilani.farha@unhousingrapp.org))  
Andrew Porter, Lenczner Slaght (via E-mail [aporter@litigate.com](mailto:aporter@litigate.com))

This is Exhibit "FFFF" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 24, 2020

<https://www.youtube.com/watch?v=3s8ZgdvxeF8>

Francine Kopun, The Toronto Star: 26:41

My question is for Mary-Anne Bédard. I'm looking at the number of cases at Willowdale on the chart that's posted and you know with the city with the public house and the number of the cases right now is 60 in the table when we learned earlier this week that it was 110 and I'm wondering how you can explain that discrepancy

Mary-Anne Bédard:

There yes and maybe I'll get Dr. de Villa to add on to my answer my understanding is that the the public health data is updated when they've been able to verify the result. The testing that was done at Willowdale was coordinated through North York General and the results were given directly to the agency and to the clients and then with a partnership with public health Bay Co and we also received those results and thereby the findings and that's when the information gets updated.

Francine Kopun: Okay someone has tweeted us a question that pointing out that the site for people from shelters who have tested positive COVID-19 -- 200 room site is full and another 400 bed site has been cancelled is that accurate?

Mary-Anne Bédard:

No that's, that's completely inaccurate the 200 bed facility that we currently have active has 130 people up there currently as of this morning so we continue to have space at that site and we are actively engaged with our community health partners on an expanded site and working very closely with the province to ensure that that site gets opened very quickly

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This is Exhibit “GGGG” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 27, 2020

<https://youtu.be/uRUaqDwSc4E>

Mayor Tory: 08:20

I want us to protect the health of each and every resident and to continue to save as many lives as we possibly can. That's why we took decisive action last month and it's why unfortunately these restrictions will have to last some period of time longer which is by definition longer than anyone would like. We have made progress and your actions your cooperation your assistance those have all contributed to the saving of lives.

...As you've seen today we are once again taking action to help people as much as the city government can do at this point in time. Whether on food security, payment deferrals, mental health, extraordinary action to help the homeless, physical distancing or childcare just to name a very few your city has been there to provide support and assistance especially to the most vulnerable.

This is Exhibit “HHHH” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: April 28, 2020

<https://youtu.be/DKKUE3zxeIg>

Mayor Tory: 02:15

I want to stress that divisions across the city are working tirelessly and have been throughout to protect worker health and safety throughout so many different workplaces across the city.

The Emergency Operations Centre remains diligently focused on ensuring that our front-line staff, who serve our most vulnerable residents in long-term care homes and in our shelter system, have the personal protective equipment that they need to keep themselves, and others around them, safe and healthy.

As you know, we have been encouraging Torontonians to stay home as much as possible. For those without regular access to the Internet, this can be extremely difficult, and it can even be harmful to their overall well-being.

Adding to that difficulty, our libraries and community centers many of them where people often access the Internet, are completely closed to the general public to stop the spread of COVID-19.

We're happy to announce that in partnership with some technology and telecommunications companies, the City of Toronto has been able to coordinate free temporary internet access for many vulnerable Torontonians, including residents in lower-income neighborhoods, seniors in long-term care homes and clients in many city-operated shelters.

Rogers is donating free Wi-Fi for three months to four permanent City of Toronto shelter locations and has also installed free Wi-Fi in five temporary shelter locations, to help facilitate physical distancing during the pandemic period. This will ensure that there is coverage throughout the shelter to allow those experiencing homelessness to access important online supports and services.

And finally, through a partnership between the City, TELUS Mobility for Good Program, the Toronto Police Service, the United Way of Greater Toronto and Lead Community Service providers, eligible vulnerable Torontonians have received a cell phone, data plan or a SIM card free of charge to help stay connected during the time of the pandemic and to access mental health and other crisis services during this difficult time.

Brian from The Toronto Sun: 35:41

Second questions for the Mayor. A lot of private sector businesses mine included I have announced pay cuts during the COVID-19 emergency. The city has similar plans to cut salaries to reduce cost?

Mayor Tory:

We don't have any present plans to implement pay cuts we have of course ended up redeploying and in some cases placing on emergency leave some of our employees who were not able to perform their jobs most of our employees the vast majority would be would be employed pursuant to collective agreements and so it is not within our purview to simply in some unilateral way alter the pay scales that are provided for on those collective agreements but as a result what we've done is we've made adjustments to the work force based on these discussions held directly with the unions and I I'm grateful to them for the fact they have sat down with us and negotiated something that did allow for these emergency leaves and also allowed for widespread redeployment of workers in order to help with areas that had particularly need like long term care in our shelter system but there have been no pay cuts and in many cases it wouldn't be possible for us to unilaterally impose any such pay cuts even if we had any desire to do so which at this time we don't

This is Exhibit "III" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



Jessica R. Orkin  
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Our File No. 20-632

April 27, 2020

**Via E-mail**

Kirsten Franz, David A. Gourlay, Michele Brady  
and Alison Barclay  
City Solicitor's Office  
City of Toronto  
Station 1260, 26th Floor  
Metro Hall, 55 John Street  
Toronto ON M5V 3C6

Dear Counsel:

**Re: *Sanctuary Ministries of Toronto et al. v. City of Toronto***

We are writing further to the case conference with Justice Sossin to provide a request for disclosure of information in the interest of transparency and dialogue.

By way of background to the Applicants' request, we note that in his letter dated April 24, 2020, the City Manager communicated the City's intention to achieve certain deliverables by this Thursday, April 30, 2020, namely:

- To move an additional 1,000 residents into new spaces by April 30, 2020, in addition to 1,000 residents already moved to new spaces;
- To ensure that "all residents are housed in spaces that meet physical distancing guidelines."

We further note that at the case conference with Justice Sossin earlier today, counsel for the City communicated additional information, including:

- Out of a shelter population of about 7,000 people, about 2,500 people are already in single rooms or family settings, leaving about 4,500 people who require physical distancing;
- The City believes it needs to move about 2,000 people to meet physical distancing goals;

- Of those, 1,580 people have been moved, leaving 420 people who must still be moved in order to meet physical distancing goals;
- The City shares the Applicants' goal of achieving physical distancing, including a minimum of 2-metre bed spacing, across the shelter system.

We are requesting that the City provide the following information:

1. By what date does the City currently expect to achieve the goal of having all residents of shelters, respites and overnight drop-ins in Toronto (and new spaces including 'physical distancing shelters') meeting physical spacing guidelines;
2. What are the "physical distancing guidelines" being referred to in the City Manager's letter quoted above, and do these guidelines include bed spacing of 2 metres and no bunk beds;
3. Current number of residents at each shelter facility, including both:
  - a. Pre-existing shelters, respites and overnight drop-ins ("Pre-Existing Sites"), and
  - b. Newly created spaces such as hotels and physical distancing shelters ("New Sites");
4. The information that formed the basis for the City's statements above, including:
  - a. In order to meet its "physical distancing guidelines", what is the intended occupancy number for each Pre-Existing and New Site;
  - b. What is the basis for the target occupancy number at each site, i.e. how were they determined;
  - c. What is the basis for the determination that 2,000 shelter residents must be relocated in order to meet physical distancing guidelines, and how this number was arrived at, including the breakdown (in terms of original site of residence) of the 2,000 residents to be relocated;
5. Identification and description of all identified New Sites, including:
  - a. Location;
  - b. Nature of site (community centre, hotel, etc);
  - c. Number of spaces;
  - d. Configuration and occupancy of spaces (dormitory, individual hotel rooms, etc);

- 3 -

- e. Intended use (isolation for COVID+, isolation for symptomatic residents, general shelter space, etc);
  - f. When it is anticipated that the site will be opened for occupancy, if this has not already occurred;
6. Update on number of people relocated to New Sites, including the following information for each New Site:
  - a. Number of people relocated to each New Site, and where these people were relocated from;
  - b. Number of spaces remaining at each New Site;
  - c. Plan and timeline for further relocations at each New Site, including any potential barriers that may prevent the City from meeting said plan and timeline;
  - d. How many of the 1,580 (moved already) and 420 (to be moved by April 30) shelter/respite users will be sheltered in single room settings (i.e. community centres such as Trinity Bellwoods);
7. Where will the 420 people you have identified be moved from, i.e. what is the breakdown of their 'origin', and does the 420 people include people who have already left the shelter system in favour of tents and will be moved by the City from tents into new shelter spaces;
8. Some shelter residents have left the shelter system since the start of the COVID-19 pandemic in favour of (a) sleeping rough in tents or otherwise, or (b) 'couch surfing' or other precarious housing. Approximately how many people does the City estimate have left the shelter system in the past six weeks but have not been relocated to new City-operated or City-funded shelter;
9. Are the residents at 5800 Yonge (Willowdale Welcome Centre) still included in the now periodic (previously daily) shelter census figures that are made public;
10. Update on plans in respect of not-yet-operational New Sites, including:
  - a. Updated plan and timeline for opening each New Site;
  - b. Any barriers that may prevent the City from meeting said plan and timeline;
11. Given City of Toronto's apparent commitment to comply with 2-metre bed spacing (physical distancing) by April 30, 2020, what is the status of bed spacing in each Pre-Existing Site and New Site, specifically:

- a. What Pre-Existing Sites are in compliance with 2-metre guidelines;
  - b. What Pre-Existing Sites are not yet in compliance;
  - c. What New Sites are in compliance with 2-metre guidelines;
  - d. What New Sites are not yet in compliance;
12. For Sites not yet in compliance with 2-metre guidance:
- a. What occupancy level must be reached to meet 2-metre spacing;
  - b. How many residents need to be relocated to reach that occupancy level;
  - c. What is the City's plan and timeline to bring each Site into compliance.

The above information requests concern information that will be disclosable in any event in the coming days/weeks as part of the litigation. As discussed in the case conference with Justice Sossin earlier today, we are requesting that the City disclose this information now, and on a rolling basis, in the interest of transparency and to ensure that the parties explore any and all ways for mutual resolution of this matter. Please let us know if the City is amenable to producing the information set out above.

We look forward to discussing this further with you tomorrow.

Sincerely,



Jessica R. Orkin  
JRO:es/cope 343

c.c. Zachary Green and Savitri Gordian, *Crown Law Office (Constitutional Law Branch)*  
Louis Century and Geetha Philipupillai, *Goldblatt Partners LLP*  
Andrew Porter, Anthony Sangiuliano, Sahar Talebi, *Lenczner Slaght LLP*  
Emily Hill, *Aboriginal Legal Services*

This is Exhibit "JJJ" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



Jessica R. Orkin  
Direct Line: 416.979.4381  
Fax: 416.591.7333  
jorkin@goldblattpartners.com  
Our File No. 20-632

April 29, 2020

**Via E-mail**

Kirsten Franz, David A. Gourlay, Michele Brady  
and Alison Barclay  
City Solicitor's Office  
City of Toronto  
Station 1260, 26th Floor  
Metro Hall, 55 John Street  
Toronto ON M5V 3C6

Dear Counsel:

**Re: *Sanctuary Ministries of Toronto et al. v. City of Toronto***

We are writing further to our call yesterday. We are looking forward to receiving the City's responses to our questions as soon as possible.

In the meantime, we wish to reiterate that we welcome partial information and responses as they become available. To the extent that documents already exist that are responsive to any of the questions, we would appreciate those being sent now, in the format in which they exist. It seems to us that disclosing pre-existing documents need not detract from SSHA's work on-the-ground.

Among other things, you mentioned an "impact assessment" or "needs assessment" document, which identified the target occupancy numbers identified by the City for each shelter, respite and drop-in site, in order to meet physical distancing guidelines. We would appreciate receiving that document now, and any other document that formed the basis for the City's determination that physical distancing guidelines will be met by relocating 2,000 residents.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Orkin'.

Jessica R. Orkin  
JRO:es/cope 343

c.c. Zachary Green and Savitri Gordian, *Crown Law Office (Constitutional Law Branch)*  
Louis Century and Geetha Philipupillai, *Goldblatt Partners LLP*  
Andrew Porter, Anthony Sangiuliano, Sahar Talebi, *Lenczner Slaght LLP*  
Emily Hill, *Aboriginal Legal Services*

This is Exhibit “KKKK” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



Jessica R. Orkin  
Direct Line: 416.979.4381  
Fax: 416.591.7333  
jorkin@goldblattpartners.com  
Our File No. 20-632

April 30, 2020

**Via E-mail**

Kirsten Franz, David A. Gourlay, Michele Brady  
and Alison Barclay  
City Solicitor's Office  
City of Toronto  
Station 1260, 26th Floor  
Metro Hall, 55 John Street  
Toronto ON M5V 3C6

Dear Counsel:

**Re: *Sanctuary Ministries of Toronto et al. v. City of Toronto***

At our case conference on Monday, April 27, the parties discussed information sharing as an interim measure to assist the Applicants in understanding the steps the City is taking. Following the case conference, the Applicants sent a comprehensive list of information and evidence being sought on an interim basis. This included a request for the information underlying the City's assessment of the numbers of shelter residents who need to be relocated in order to achieve physical distancing.

On Tuesday, April 28, the parties discussed the existence of an "impact assessment" or "needs assessment" which, we understand, forms the basis for the City's indication that 2000 residents must be moved out of the City's shelter system in order to meet the physical distancing guidelines of 2 meters/6 feet between beds and to eliminate the use of bunk beds. The Applicants indicated this was a priority item. This request was confirmed in my letter of Wednesday, April 29.

The Applicants understand that the City has been in possession of an "impact assessment" since at least April 2, 2020. In an email from Ms. Bedard, the General Manager of SSHA that was received by a representative of Sanctuary Ministries of Toronto on April 2, 2020, Ms. Bedard wrote:

SSHA has conducted a comprehensive space analysis to determine how much capacity has to [be] reduced, on a site-by-site basis, to achieve 6ft of physical distancing.

The Applicants have not received a response to our repeated request for this document.

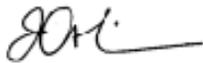
- 2 -

Given the urgency of the situation, the litigation timelines, the targeted request for production made by the Applicants, and our overarching desire to engage in constructive discussions with the City, it is unreasonable that the City has not produced a single document or response since the parties' case conference on Monday.

In light of the urgent timelines in the litigation, the Applicants are considering seeking direction from Justice Sossin with respect to immediate production of the “impact assessment” or “comprehensive space analysis”. We again request that you commit to provide this document without delay. We request your position on this point no later than 10am tomorrow, Friday May 1, and your commitment to provide the document no later than 3pm tomorrow, failing which we reserve our right to seek further direction on an urgent basis from Justice Sossin.

If a call to discuss any of the above would be helpful, I am available at (647) 242-0502.

Sincerely,



Jessica R. Orkin  
JRO:es/cope 343

c.c. Zachary Green and Savitri Gordian, *Crown Law Office (Constitutional Law Branch)*  
Louis Century and Geetha Philipupillai, *Goldblatt Partners LLP*  
Andrew Porter, Anthony Sangiuliano, Sahar Talebi, *Lenczner Slaght LLP*  
Emily Hill, *Aboriginal Legal Services*

This is Exhibit “LLLL” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

[https://youtu.be/EM\\_mhaNgHrA](https://youtu.be/EM_mhaNgHrA)

Mayor Tory: 02:13

As I said last week, I will be asking City Council to extend the emergency so that the city government can continue to be flexible and ready to deal as quickly as possible with anything that COVID-19 might throw down in front of us. In the course of tomorrow's meeting, I will also be asking City Council to endorse a modular housing in that will see the quick creation of 110 supportive housing units ready for occupancy early this fall and then 140 more supportive housing units - a total of 250 units by next year. The full capital costs for phase 1 of this pilot is estimated at \$20.9 million.

Funding would come from the City's development charges reserve fund for subsidized housing and from the Canada housing and mortgage corporation, through its affordable housing Innovation Fund in which it will through which it will invest \$8.25 million in grants and recoverable loans. I am grateful to CMHC and to the Government of Canada for this assistance in this unique project in the history of the City of Toronto. I'll be working with the province of Ontario to secure from them the operating funding for health-related support services and housing subsidies so that deeply affordable supportive homes can be delivered at the two sites and delivered at wartime speed something I'm totally confident that we can do. This is a good example of how all three governments can work together to help people and to get affordable supportive housing built quickly.

I believe supportive housing is one of the best ways in which we can help people to move from homelessness into permanent housing but you need the spaces built and modular housing is our best option to get good quality units built in weeks not years. I believe this before the pandemic but given the crisis the need for more supportive housing delivered as fast as possible has become even clearer. That's why I asked city staff to move this forward at an urgent record pace and that is why I hope Council will agree and approve the first phases of this plan at its meeting tomorrow

... We are doing everything we can as a city government to confront homelessness and to help people. Starting today, city staff for helping people living in encampments to move into two buildings with a total of 125 apartments that we've been able to mobilize for temporary housing through an innovative partnership between the city and The Times Group which is a development company.

As you know, we stopped clearing encampments during the stages of the pandemic but those encampments have grown and beyond the regular public safety concerns which existed with the encampments before the pandemic, they have now begun to raise serious public health concerns about the risk of COVID-19 spreading in these large groups where there's often no physical distancing.

We are offering people in the encampments a temporary home in furnished units with on-site supports including meals, 24/7 staff, harm-reduction support, and long-term housing support to help bridge people into more permanent housing. Some have already moved in today and many more will move in the coming days. 40 of the units were furnished thanks to donated furniture and housewares from DelSuites and I thank them and The Times group for their cooperation in this endeavor. Health and safety will be a priority at this site with active and ongoing screening for COVID-19 an enhanced room and common area cleaning. Access to units will be prioritized for people in encampment sites that present health and safety concerns and are identified as higher risk to COVID-19 related harms.

Dr. de Villa: 12:46

As always, I extend deepest condolences to those who have lost loved ones and wish a speedy recovery to those who are sick. I remain concerned about the devastating impact that COVID-19 is having on our community and our most vulnerable residents in particular people who are experiencing homelessness today the city's shelter support and housing administration announced a new program to provide interim housing for up to six months and other supports for people experiencing homelessness.

This is welcome news affordable quality and stable housing is important for good health and overall well-being people who enjoy stable housing conditions with supports that are appropriate for their needs are best positioned to lead their healthiest happiest and most productive lives housing instability is associated with a range of poor mental and physical health outcomes improving health status and reducing health inequities are two of our main objectives in public health one of the most powerful ways in which we can achieve these objectives is by ensuring stable housing for all of our residents this is why as your medical officer of health ending homelessness in our city is one of my top priorities

we are currently facing challenging circumstances at times like this I think it is important to remember that even when things feel overwhelming there is always hope we see this hope reflected in the many ways throughout our city including creative leadership demonstrated by some key organizations

This is Exhibit “MMMM” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

*Commissioner for Taking Affidavits (or as may be)*

April 29, 2020

**To:** Homelessness Service Providers

**Re:** Update on April 29, 2020 – Responding to COVID-19

## 1. Service updates this week

We continue to implement our three tier response to COVID-19 for people experiencing homelessness. More than 1,400 people have been moved to achieve physical distancing in our shelter system to date, including in temporary community centre programs, hotels, and into housing.

SSHA has developed an infographic (attached) that highlights key data points and actions undertaken to implement our three-tier COVID-19 response. The infographic will be updated regularly to keep you informed and up to date on the latest information on our response.

### **Interim Housing Program for Clients Sleeping Outdoors**

The City of Toronto and community partners are taking immediate steps to support those sleeping outdoors by mobilizing a COVID-19 response strategy for outreach and encampments that includes three key components: Access to safe indoor space, shelter and housing; Targeted strategies for outreach, engagement, education and prevention; and Harm reduction and encampment health and safety.

As part of that strategy, today SSHA has started moving clients sleeping outdoors into a new interim housing program located in a vacant apartment building with up to 130 units that we have leased from a local developer.

This partnership allows SSHA to provide temporary interim housing with supports for these vulnerable clients for up to six months. The City's Streets to Homes outreach team, working with community partners will approach individuals and couples who are sleeping outdoors for an opportunity to move into one of these units. Access to units will be prioritized for clients in encampment sites that present health and safety concerns and are identified as higher risk to COVID-19 related harms.

## **Additional Sanitation and Washroom Service Locations**

The City of Toronto is opening seven City-operated recreation centres as Sanitation and Washroom Services (SWS) locations with showers, washrooms, and drinking water for people experiencing homelessness. This is in addition to the seven toilet and hand washing stations in the downtown core that are currently in operation.

The locations and hours will be posted on the City's website shortly.

## **2. Province of Ontario Announcement on Temporary Pandemic Pay for Front-Line Workers**

The Province of Ontario has recently announced support for frontline workers responding to COVID-19 by providing temporary pandemic pay of \$4/hour on top of their regular wages. In addition, the government is providing monthly lump sum payments of \$250 for four months to eligible frontline workers who work over 100 hours per month. The Province has stated that pandemic pay will be effective for 16 weeks, from April 24, 2020 until August 13, 2020, and is expected to support over 350,000 frontline workers. Emergency shelters, respite/drop-in centres, temporary shelter facilities such as re-purposed community centres or arena, hotels/motels used for self-isolation and/or shelter overflow, shelters for survivors of gender-based violence and human trafficking, and supportive housing facilities are among the many eligible workplaces. For more information including a full list of eligible workplaces, please see the Province on Ontario's [news release](#).

The City has requested further information from the Province on how this pandemic pay will be implemented. We will share an update with community partners as soon as we receive additional information.

## **3. New policies, protocols and guidance documents**

### **Updated COVID-19 client screening tool and staff/visitor screening tool**

The Ontario Ministry of Health has updated their assessment tool has to add more symptoms to their tool. Based on this guidance, we have updated our *COVID-19 Client Screening Tool for Homelessness Services Settings* (attached) and the *COVID-19 Screening Tool for Staff and Visitors in Homelessness Services Settings* (attached).

The updated screening tools will be posted on the new [website](#) shortly.

### **Bed Deactivation for Clients in Isolation/Recovery Policy and Procedure**

We have developed a *Bed Deactivation for Clients in Isolation/Recovery Policy and Procedure* (attached) which outlines the steps to follow when clients leave the shelter to go for testing or are admitted to an isolation/recovery program. When a client goes for testing, staff must hold their bed. Once confirmation is received that a client has been admitted to an isolation/recovery program, the client should be discharged from the current shelter program and their bed should be deactivated in the Shelter Management Information System (SMIS). When they return from the isolation/recovery program their bed can be

reactivated. Every effort will be made to arrange for an alternative discharge plan for people leaving the recovery program to a hotel program or housing where possible. Clients will not be discharged back to a shelter with an active outbreak.

The policy and procedure will be posted on the new [website](#) shortly.

### **Pets in Temporary Care Policy and Procedure**

We have developed a *Pets in Temporary Care Policy and Procedure* (attached) which outlines the steps to follow in cases where clients who have COVID-19 symptoms and have a pet and need to go to an assessment centre, hospital, or isolation/recovery site that is not pet friendly. Staff must arrange for care of the pet onsite while the client goes for testing. If the client does not return to the shelter after 12 hours or is transported to an isolation/recovery site, their pet will be placed in the temporary care of a family member/friend or, if no emergency contact has been identified at intake, in the temporary care of Toronto Animal Services. Service animals should always stay with their owners, in accordance with provincial Accessibility for Ontarians with Disabilities Act (AODA).

The policy and procedure will be posted on the new [website](#) shortly.

### **Guidance from Toronto Public Health on Naloxone Kit Distribution**

Naloxone distribution remains a vital lifesaving service and Toronto Public Health has developed a [COVID-19 Guidance for Naloxone Kit Distribution](#) fact sheet which includes advice from the Ontario Naloxone Program on naloxone distribution and how to adapt practice in order to maintain the health of clients, the community and staff.

### **Canadian Alliance to End Homelessness Personal Protective Equipment Resource**

The Canadian Alliance to End Homelessness has developed a [Personal Protective Equipment \(PPE\) in Shelter Isolation and Quarantine Settings](#) resource. The resource has information about proper use of PPE, sourcing PPE, and managing and conserving PPE which is in limited supply.

## **4. Updated communication resources**

### **New City Webpage for Shelters and Homelessness Services**

The City has created a new COVID-19 [webpage](#) for Community and Workplace Settings, including Homelessness Services. All of our resources, tools, protocols, and guidelines for homelessness service providers are posted on this webpage. You will still continue to find information about SSHA's COVID-19 response as well as any service updates on the COVID-19: Changes to City Services [webpage](#) (Housing and Shelter).

## **Next webinar date with Toronto Public Health**

Save the date for the next SSHA/Toronto Public Health webinar on the Homelessness Sector COVID-19 Response Update, scheduled for **Thursday April 30, 2020 at 2:30pm**. This webinar will share updated information on COVID-19 for homelessness service providers.

Event address for attendees:

<https://toronto.webex.com/toronto/onstage/g.php?MTID=ebb4c053a4769b31cb0b637726a3497fb>

Call +1-416-915-6530

Access code: 282 969 881

## **Homelessness Service Provider FAQ**

We are continuing to update the **FAQ** (attached) for homelessness service providers that may help answer questions during the COVID-19 response.

Please keep yourself informed of new developments by referring to credible sources of information, such as Toronto Public Health's [website](#). As the situation continues to evolve rapidly, we will continue to provide you with regular updates and new information. This includes scheduling additional Webex and Teleconference meetings to share information with the sector. If you have questions, we encourage you to contact your Agency Review Officer or continue to send us your questions to the centralized email address ([sshadoc@toronto.ca](mailto:sshadoc@toronto.ca)) and we will provide responses in our future email communications.

**Please share this document with staff in your organization, as it may answer questions they may have about the current situation.**

We want to thank you and your staff once again for your dedication and efforts at providing services to the most vulnerable members of our community during this challenging time.

# Shelter, Support and Housing Administration Three Tier Response to COVID-19

20.04.27

## Tier 1 Prevention

Responses include enhanced Infection Prevention and Control guidance, physical distancing in the shelter system, and focus on outreach and encampments

**\$6.1 million** to shelters, 24-hour respites and drop-ins for IPAC, PPE and wage increases

**11 new facilities** opened



**865 people** moved into hotels



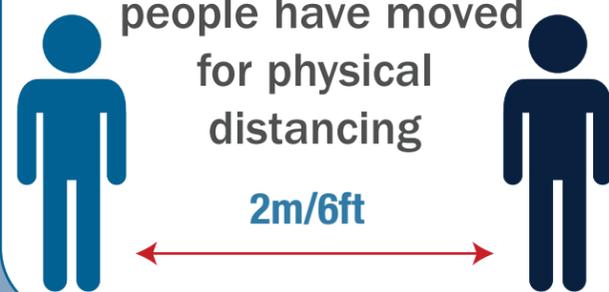
**11 hotels** have been secured with more than **1,020 rooms**

Plus **200 room** isolation hotel

**9** hotel locations are operational

**1,300**

people have moved for physical distancing



**500 people** moved to temporary respite programs to create more opportunity for physical distancing



## Tier 2 Mitigation

Responses include screening and testing for COVID-19 and implementation of a dedicated isolation program

Standard screening processes using Toronto Public Health guidelines at all points of entry by phone or in-person



Sites using active ongoing screening and monitoring of clients and staff



**Dedicated isolation program** with medical supports

**More than 150 clients** have been provided space for isolation while waiting for test results

## Tier 3 Recovery

Responses include a recovery site, rapid housing, leveraging investments for permanent housing, and ensuring housing stability

**Recovery site planning**

120 clients who are COVID-19 positive provided isolation spaces to recover

Up to 100 people moved into housing by end of April through Rapid Housing initiative



Built on a foundation of strong communication and partnership

# COVID-19 SCREENING TOOL FOR HOMELESSNESS SERVICE SETTINGS

Shelter, Support and Housing Administration  
Based on Public Health Ontario Criteria  
Current as of April 29, 2020

**ALL** clients should be screened using this tool on arrival. Existing clients should also be actively screened on a regular basis. Clients should not be restricted from service if they decline to participate in screening but should be isolated where possible. While conducting the screening **maintain a distance of 2 metres between yourself and the client**, and remain behind a plexiglass barrier where possible.

**If the client is having severe difficulty breathing, severe chest pain, feeling confused, losing consciousness or experiencing other severe symptoms, call 9-1-1.**

## STEP 1 – COMPLETE COVID-19 SCREENING TOOL WITH YOUR CLIENT

COVID-19 SCREENING TOOL FOR HOMELESSNESS SERVICE PROVIDERS			
Is the client currently homeless (i.e. staying in a shelter, 24-hour respite site, 24-hour women's drop-in or sleeping outdoors)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>Ask the Client:</b>			
(A) Do you have any of the following symptoms: fever (higher than 37.8°C), chills, cough that is new or worsening, shortness of breath, sore throat, runny nose, headache, digestive issues, or fatigue?  Other symptoms may include barking cough, making a squeaky or whistling noise when breathing, difficulty swallowing, hoarse throat, stuffy or congested nose, lost sense of smell or taste, falling down more than usual.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>IF YES to (a):</b> <ul style="list-style-type: none"> <li>• <b>ASK CLIENT TO SANITIZE HANDS &amp; PUT ON A MASK</b></li> <li>• <b>HOMELESS CLIENTS SHOULD BE CLINICALLY ASSESSED FOR COVID-19</b></li> </ul> <b>If there is no plexiglass barrier and close contact (less than 2 metres) with the client is anticipated:</b> <ul style="list-style-type: none"> <li>• <b>SANITIZE YOUR HANDS AND PUT ON APPROPRIATE PERSONAL PROTECTIVE EQUIPMENT (AT A MINIMUM A MASK AND GLOVES)</b></li> </ul>			
(B) Do you have <u>any</u> of the following: <ul style="list-style-type: none"> <li>• Traveled out of country in last 14 days</li> <li>• Close contact with someone who tested positive for COVID-19</li> <li>• Are 65 years or over</li> <li>• Underlying health condition(s). Including: cardiovascular disease, diabetes, chronic lung disease, cerebrovascular disease (e.g. previous stroke), cancer, immunosuppression</li> </ul>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<b>If client is not experiencing homelessness, but YES to (a) and (b), CALL TELEHEALTH ONTARIO AT 1-866-797-0000 FOR PHONE ASSESSMENT</b>			

REFERRAL INFORMATION (COMPLETE IF CLIENT IS HOMELESS & SCREENS 'YES' FOR COVID-19 TESTING)			
Client Name:	Client has pets?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
SMIS ID (if applicable):	Client has medication?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Location:	Referring Staff:	Contact Phone #:	
Other relevant information (E.g. Supports required such as mental health support or substance use supports)			

Date: \_\_\_\_\_

Time: \_\_\_\_\_



# COVID-19 SCREENING TOOL FOR HOMELESSNESS SERVICE SETTINGS

Shelter, Support and Housing Administration  
Based on Public Health Ontario Criteria  
Current as of April 29, 2020

## STEP 2 – ASSESS CLIENT RESPONSES

Based on client responses to the above questions, do the following:

### Client needs a clinical assessment

#### If client responded 'Yes' to (a) presenting symptoms and is experiencing homelessness:

- Client should be clinically assessed for COVID-19 at a Toronto Region COVID-19 Assessment Centre (or Emergency Department if after hours).
- If available, direct the client to an isolation room or space if your site has one while awaiting transportation for COVID-19 assessment. Practice physical distancing. Keep the client two (2) metres from other individuals and ask them to wear a mask, if available.
- Immediately disinfect any surfaces touched by the client including door handles with Cavicide® or a hospital grade disinfectant while wearing gloves. If any other clients touched the surfaces after the client they should be asked to disinfect their hands. Encourage all clients to clean their hands regularly.
- Clients should only stay in shelter overnight to await transfer to a testing centre if an isolation space is available on-site.

### Client self-isolation required

#### If client responded 'No' to (a) presenting symptoms and 'Yes' to (b) other risk factors:

- Contact telehealth or do Ontario's online assessment tool, if they advise the client should be clinically assessed for COVID-19, direct them to a Toronto Region COVID-19 Assessment Centre (or Emergency Department if after hours).
- If client is not recommended for testing and has other risk factors including out of country travel, client should self-isolate in a separate room or space where possible.
- If a client has had exposure to someone who tested positive for COVID-19, TPH will provide advice on next steps and who should go for testing through the investigation and contact tracing process.
- If client cannot self-isolate on site, please contact SSHA DOC at [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca) and continue to monitor for symptoms.
- If client is housed, ask client to self-isolate at home.
- If client **ONLY** has underlying health condition(s) of concern and has not traveled/been exposed to COVID-19, remind client of physical distancing practices. Self-isolation is not necessary.

### Continue providing normal service delivery

#### If client responded 'No' to (a) presenting symptoms and (b) other risk factors:

- No special testing is required. Disinfect hands; remind the client of physical distancing practices.
- Please follow Toronto Public Health's guidelines on [Infection Prevention and Control \(IPAC\) for Homelessness Service Settings](#).

If the client is interested in more information. Refer to the [Public Health Ontario](#) website for general referral information or contact Telehealth 1-866-797-0000.

### IF CLIENT IS REFERRED FOR CLINICAL ASSESSMENT FOR COVID-19:

Arrange for transport of client to the closest [Toronto Region COVID-19 Assessment Centre](#) (Check website for any updates to locations and hours).

For homeless clients, please refer to [Instructions for Arranging Non-Emergency Transportation & send this form as an email attachment \(scan or .jpg\) to \[sshadoc@toronto.ca\]\(mailto:sshadoc@toronto.ca\) for tracking purposes. Please title your email "REQUESTING NON-EMERGENCY TRANSPORTATION TO COVID-19 ASSESSMENT CENTRE"](#).

If client is not currently homeless, please help to offer transportation supports to an Assessment Centre. If the individual is not well enough to personally transport themselves to an assessment centre, then 911 should be called.

# COVID-19 SCREENING TOOL FOR STAFF AND VISITORS IN HOMELESSNESS SERVICE SETTINGS

Shelter, Support and Housing Administration

Current as of April 29, 2020

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

**ALL** staff and essential visitors entering and/or working in homelessness services settings should be actively screened using the tool below **before every shift, prior to entering the site**. Non-essential visitors should not be visiting the site at this point in time. Staff are asked to assess themselves **before they travel to work**, in order to minimize the risk of exposure to COVID-19 and to support staff and client health and safety.

## STEP 1 – COMPLETE COVID-19 SCREENING TOOL FOR STAFF WORKING IN HOMELESSNESS SERVICE SETTINGS or the self-assessment available at <https://covid-19.ontario.ca/self-assessment/>

(a) Do you have any of the following symptoms: fever (higher than 37.8°C), chills, cough that is new or worsening, shortness of breath, sore throat, runny nose, headache, digestive issues, or fatigue? Other symptoms may include barking cough, making a squeaky or whistling noise when breathing, difficulty swallowing, hoarse throat, stuffy or congested nose, lost sense of smell or taste, falling down more than usual.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(b) Has someone you are in close contact tested positive for COVID-19?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(c) Are you in close contact with a person who is sick with new respiratory symptoms (e.g., fever, cough, difficulty breathing) or who recently travelled outside of Canada?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(d) Have you travelled outside of Canada within the last 14 days?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

## STEP 2 – ASSESS YOUR RESPONSE

Based on your response to the above questions, do the following:

**If you answer 'no' to all of the questions:**

- You are permitted to enter the site and work your scheduled shift. Please continue to practise physical distancing and self-monitor for symptoms.

**If you answer 'yes' to any of the questions:**

- Stay home. DO NOT** enter the site and work your scheduled shift.
- Return your vehicle/home if you are at your workplace and contact your supervisor.

## STEP 3 – MONITOR YOURSELF

Please follow these steps if you have answered 'yes' to any of the questions above

- If you have symptoms, you must self-isolate at home for 14 days after your symptoms began.
- If you have recently travelled, you must self-isolate at home for 14 days after your return to Canada.
- If you have had close contact with a person that is currently ill with COVID-19 / new respiratory symptoms, self-isolate for 14 days from your last close contact and monitor yourself for symptoms.
- If you do not have symptoms, please monitor yourself for symptoms. If you develop symptoms, self-isolate for 14 days.

**Please ensure that you stay in communication with your supervisor.**

**For more general health referral information, refer to the Public Health Ontario website. If you have questions about your symptoms or concerns, or your symptoms are worsening contact your primary care provider (for example, family doctor) for a phone or virtual assessment or speak with Telehealth Ontario at 1-866-797-0000 to speak with a registered nurse.**

**If you need urgent care, contact 9-1-1.**

# BED DEACTIVATION FOR CLIENTS REFERRED TO ISOLATION AND RECOVERY SITES POLICY AND PROCEDURE

Shelter, Support and Housing Administration

Current as of April 27, 2020

## POLICY

SSHA has a screening process in place across all shelter, respite and temporary sites to identify clients who require COVID-19 testing. Individuals who are confirmed positive cases are referred to isolation/recovery sites for 14 days.

It is critical that people in isolation/recovery do not lose their regular bed from the program where they were screened. Staff should deactivate beds in the Shelter Management Information System (SMIS) assigned to people who are in isolation/recovery as per procedures outlined below.

## PROCEDURE

### 1. Client is referred to a Toronto Region COVID-19 Assessment Centre:

- Hold their shelter bed until further notice. Do not discharge the client. (Client should receive results the same day as turnaround time for test results has significantly improved).
- Notify the client that their bed will be held so they can return to it if they receive a negative result or after they recover from a positive result.
- Encourage the client to take their essential belongings with them (i.e. medication, identification) in the event that they are admitted to an isolation or recovery site. If the client wishes to leave their belongings on-site, staff will bag and safely store them until their return.
- Add the client name and bed held to your site's manual record.

### 2. Client Receives Test Results:

- If the client tests negative for COVID-19, Toronto Public Health may recommend one of two outcomes:
  - The client return back to the referring shelter program.
  - The client isolates for 14 days. They will be provided care at an isolation site where they will remain for at least 14 days.
- If the individual tests positive for COVID-19, they will be provided care at a recovery site and/or hospital, where they will remain for at least 14 days.

### 3. Client is Admitted to Isolation or Recovery Program:

- Intake staff at the isolation/recovery site should provide a status update to the referring program.
- Once you have confirmation that the client has been admitted to an isolation/recovery program, discharge the client from the current program and deactivate the bed on SMIS and state the reason: 'Client transferred to recovery site with positive COVID-19 test result' or 'Client transferred to isolation site with negative COVID-19 test result'.

# BED DEACTIVATION FOR CLIENTS REFERRED TO ISOLATION AND RECOVERY SITES POLICY AND PROCEDURE

Shelter, Support and Housing Administration

Current as of April 27, 2020

## 4. Client returns to the referring shelter:

- Intake staff should refer to their site's manual record of beds deactivated for client isolation/recovery and identify the bed connected to the returning client.
- Activate the bed on SMIS and intake the client into that bed.

## Issues/Support

Shift Leads/Site Leads should contact the SSHA DOC at [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca) if there are any concerns or questions.

# PETS IN TEMPORARY CARE POLICY AND PROCEDURE

Shelter, Support and Housing Administration

Current as of April 26, 2020

## POLICY

The current spread of COVID-19 is a result of human-to-human transmission. There is no evidence to suggest that pets or other animals play a role in directly transmitting the disease to humans. There is evidence that the virus can live on pet fur for some time. Pet owners are encouraged to wash their hands before and after handling their pet.

COVID-19 emergency shelters, respite sites and 24-hour drop-ins are generally pet-friendly. Where possible, pets should remain with their owners, even when the owner is ill. Service animals should always stay with their owners, in accordance with provincial legislation (AODA).

Staff should only follow the procedure below for clients who have COVID-19 symptoms and have a pet and need to go to an assessment centre, hospital, or isolation/recovery site that is not pet friendly.

## PROCEDURE

**When sending a client who has a pet to a COVID-19 assessment centre or hospital:**

1. When a client with a pet is required to go to a hospital or assessment centre for COVID-19 testing, staff must arrange care for the pet. Only service animals are to accompany their owners to test sites.
2. Let the client know that testing can take a number of hours. If the client tests negative for COVID-19, they will be able to return to the site. Staff will keep the pet on-site for up to 12 hours and will feed and take care of the pet.
3. If clients test positive for COVID-19, they will be transported directly to a recovery site. If the client has had contact with someone who has tested positive, they may be ordered to go to an isolation site.
  - If the site is pet-friendly, the client will be reunited with their pet at the recovery site/isolation site.
  - If the site is not pet-friendly, the client will be reunited with their pet when they are being discharged from the recovery site/isolation site. Their pet will be placed in the temporary care of a family member/friend, or in the temporary care of Toronto Animal Services until the client has recovered.
4. Ask the client to complete paperwork about their pet (Section A and Section D of form attached). Make a copy of paperwork and give one to the client, keep a second on file.

# PETS IN TEMPORARY CARE POLICY AND PROCEDURE

## Shelter, Support and Housing Administration

Current as of April 26, 2020

5. Advise the client to give their copy of the pet information form to staff at the isolation/recovery site upon their arrival to arrange reunification with their pet, which will happen immediately if the site is pet friendly, or upon discharge if the site is not pet-friendly.
6. Collect all of the pet's medications and any vaccination records. Print any photos of the pet that the client is able to share, labelled with the pet's name and client's name and contact information.

### **If the client does not return to the site after 12 hours:**

1. If an emergency contact family member/friend is identified in client paperwork:
  - a. Contact the family member/friend to determine if that person can pick up the pet.
  - b. If they cannot pick up the pet, and the pet needs to be transported to that person, confirm address of family member/friend and complete Section B of paperwork.
  - c. Email completed paperwork to [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca). SSHA Transportation Dispatch will respond to arrange transportation. If urgent, contact SSHA Transportation Dispatch at 416-397-0598.
  - d. Photocopy the form and keep one copy on file and send one copy with the dispatched driver to give to the family member or friend with the pet.
2. If there are no family member(s) and/or friend(s) who can take care of the pet, contact 311 and request 311 to have Toronto Animal Services (TAS) Dispatch contact the shelter.
  - a. Give 311 your name and phone number. You should get a response from TAS within 15 minutes.
  - b. Inform TAS Dispatch that a client's pet needs temporary shelter while their owner undergoes assessment and confirm the site the animal can be sent to.
  - c. Complete Section B of paperwork with TAS site address and contact information.
  - d. Email completed paperwork to [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca). SSHA Transportation Dispatch will respond to arrange transportation. If urgent, contact SSHA Transportation Dispatch at 416-397-0598.
  - e. Photocopy the form, keep one copy on file and send one copy with the pet to the identified TAS site.

# PETS IN TEMPORARY CARE POLICY AND PROCEDURE

## Shelter, Support and Housing Administration

Current as of April 26, 2020

3. Seal medications, vaccination records and photos of pet labelled with pet's name and client name and contact information in a plastic bag along with the information form to be transported with the pet.
4. Include the pet's collar and leash, if the client has these.
5. When transportation arrives, put the pet in a carrier/crate. If they do not have their own, the transportation unit will bring one. Ensure this is clearly marked on the pet information form.

### **When a client who has a pet leaves a COVID-19 assessment centre or hospital and is transported to isolation/recovery sites:**

#### **If the isolation/recovery site is pet-friendly:**

1. When a client arrives with a pet information form, contact the shelter the client left to determine if the pet is still at that location, has been sent to stay with the client's emergency contact or has been sent to a TAS site.
2. If the pet has already been sent to stay with the client's emergency contact or has been sent to a TAS site, ask shelter staff to email you the updated paperwork (with Section B completed) or to share that information over the phone.
3. Complete Section C of the paperwork and email the updated form to [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca). SSHA Transportation Dispatch will respond to arrange transportation. If urgent, contact SSHA Transportation Dispatch at 416-397-0598.
4. Keep the pet information form on file for the duration of the client's stay at the site. Provide the client with a copy of the completed form.
5. When transportation arrives, ask the client to review and confirm that all items sent with the pet, such as medications and accessories, have been delivered with the pet.
6. Let the client know that if they have an emergency and need to leave the building, staff will keep the pet on-site for up to 12 hours and will feed and take care of the pet.
7. Let the client know that after 12 hours, staff will contact the emergency person listed on their form to request they take the pet.
8. If no arrangements are made, staff will call TAS, who will care for their pet until the client returns.

# PETS IN TEMPORARY CARE POLICY AND PROCEDURE

Shelter, Support and Housing Administration

Current as of April 26, 2020

## If the isolation/recovery site is not pet-friendly:

1. When a client arrives with a pet information form, inform them that staff will arrange for the pet to arrive on-site when the client is being discharged.
2. Contact the shelter the client left to determine if the pet has been sent to stay with the client's emergency contact or has been sent to a TAS site. Ask shelter staff to email you the updated paperwork (with Section B completed) or to share that information over the phone.
3. Keep the pet information form on file for the duration of the client's stay at the site. Provide the client with a copy of the completed form.
4. Upon client discharge, complete Section C of the paperwork and email the updated form to [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca). SSHA Transportation Dispatch will respond to arrange transportation. If urgent, contact SSHA Transportation Dispatch at 416-397-0598.
5. Keep the pet information form until the pet arrives onsite. Provide the client with a copy of the completed form.
6. When transportation arrives, ask the client to review and confirm that all items sent with the pet, such as medications and accessories, have been delivered with the pet.

# PETS IN TEMPORARY CARE POLICY AND PROCEDURE

Shelter, Support and Housing Administration

Current as of April 26, 2020

## CLIENT CONTACT AND TEMPORARY CARE INFORMATION

### Section A: To be completed by site staff with the client before they are sent for COVID-19 testing

<b>Client Name:</b>			
<b>SMIS ID:</b>			
<b>Client Phone Number:</b>		<b>Client Email:</b>	
<b>Client Emergency Contact Name:</b>		<b>Client Emergency Contact Phone/Email:</b>	
<b>Veterinary Clinic:</b>			
<b>Vet Phone Number:</b>		<b>Vet Email:</b>	
<b>Referring Site Name:</b>		<b>Referring Site Address:</b>	

### Section B: To be completed by site staff when animal is being transported to family friend or TAS site:

<b>Referring Site Contact Person:</b>		<b>Referring Site Contact Phone Number:</b>	
<b>Family friend Drop-off Address (if applicable):</b>			
<b>Toronto Animal Services Site Name and Address (if applicable):</b>			
<b>Toronto Animal Services Contact Person:</b>		<b>Toronto Animal Services Contact Phone Number/Email:</b>	

### Section C: to be completed by staff at isolation site when client is to be reunited with their pet

<b>Receiving Site Name:</b>		<b>Receiving Site Address:</b>	
<b>Receiving Site Contact Person:</b>		<b>Receiving Site Contact Phone Number:</b>	

# PETS IN TEMPORARY CARE POLICY AND PROCEDURE

Shelter, Support and Housing Administration

Current as of April 26, 2020

## PET INFORMATION

Section D: To be completed by site staff with the client before they are sent for COVID-19 testing

<b>Name:</b>		<b>Age:</b>	
<b>Species:</b>		<b>Sex:</b>	
<b>Breed:</b>		<b>Spayed/Neutered:</b>	
<b>Vaccination information:</b>			
<b>Health Issues, including any medications and allergies:</b>			
<b>Behavioural Concerns:</b>			
<b>Feeding Instructions:</b>			
<b>Location of Emergency Supplies:</b>			
<b>Collar Tag Information i.e. City of Toronto Lic.:</b>		<b>Microchip Number:</b>	
<b>Inclusions with transportation:</b>	<ul style="list-style-type: none"><li><input type="radio"/> Carrier/crate</li><li><input type="radio"/> Collar</li><li><input type="radio"/> Leash</li><li><input type="radio"/> Medications</li><li><input type="radio"/> Vaccination card</li><li><input type="radio"/> Photos</li></ul>	<input type="radio"/> Other, specify:	

# PETS IN TEMPORARY CARE POLICY AND PROCEDURE

## Shelter, Support and Housing Administration

Current as of April 26, 2020

### Checklist for Pet Owner:

- Work with shelter staff to complete the pet information form for the referral.
- Document all of your pet's medications on the pet information form. Include dosages and administering directions from your veterinarian (if you have them). Give shelter staff all of your pet's medications. Provide shelter staff with pet vaccination records, if you have them. They will seal these items in a plastic bag along with the information form to be transported with your pet.
- Include your pet's collar with identification tags that link to your information, if you have one. If your pet is microchipped, ensure your contact and emergency contact information is current with the registry.
- Include your pet's leash, if you have one.
- If possible, give shelter staff a picture of your pet(s) for them to attach to the information form so they are easily identified, especially if you own more than one pet.
- Shelter staff will label a carrier/crate with your name, your pet's name and phone number.
- When you leave the hospital or assessment centre, you may be transported to a new facility to isolate, or you may be cleared to leave the facility. To get your pet transported back to you, either:
  - Give your pet information form to the staff at the new facility and request they arrange for your pet to be returned, or;
  - Return to the shelter where you were staying, give your pet information for to the staff at that site and request they arrange for your pet to be returned.

**Shelter, Support & Housing Administration Division**

**Homelessness Services COVID-19 Response  
Frequently Asked Questions and Resources**

This FAQ sheet has been developed to answer questions that homeless service providers may have about COVID-19 and SSHA's response. In addition to this document, service providers are encouraged to review the [City's website for updates on SSHA services](#). Information is posted in two places: 1) [Updates on the City's response and service](#) (look under 'Housing and Shelter'), and 2) [Resources for service providers](#) (look under 'Homelessness Services'). Service providers are also encouraged to review the following resources:

- [Updated Ontario Ministry of Health COVID-19 Guidance: Homeless Shelters](#)
- [TPH Interim Guidance for Homelessness Service Setting Providers](#)
- [COVID-19 Infection Prevention and Control Tips for Homelessness Service Providers](#)
- [TPH Pandemic Planning Guide for Housing Services and Shelters](#)
- [COVID-19 client screening tool for homelessness service settings](#)
- [COVID-19 screening process for clients in homelessness service settings](#)
- [Checklist for clients referred for COVID-19 testing](#)
- [Instructions for arranging non-emergency transportation for clients](#)

Note that as the situation is changing rapidly, the answers we provide today may change tomorrow based on updated circumstances and information.

Please stay up to date with the most recent information to keep yourself informed of new developments by referring to credible sources of information, including Toronto Public Health's [website](#)

**Please share this document with staff in your organization, as it may answer questions they may have about the current situation.**

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## **SECTION 1: SSHA SERVICES AND RESPONSE TO COVID-19**

### **What is SSHA doing to respond to the emergence of COVID-19?**

Based on the evidence and medical advice we have received, we know we need to quickly take actions to delay the spread of COVID-19 to significantly reduce risks. The City has developed a three tier approach to strengthening prevention against COVID-19 in our emergency shelter system. These tiers are prevention, mitigation, and recovery.

We have rapidly implemented this plan since March 16, mobilizing our response on an urgent basis, to be as prepared and stay one step ahead of a very rapidly evolving situation. We are taking these steps because we know that many people experiencing homelessness have underlying chronic medical conditions that increase their risk from COVID-19 and this is a particularly vulnerable population.

More information about our response is available in [this backgrounder](#).

SSHA has developed an online [infographic](#) that highlights key data points and actions undertaken to implement our three-tier COVID-19 response. The infographic will be updated regularly to keep you informed and up to date on the latest information on our response.

### **How are clients being prioritized for the Rapid Housing Initiative?**

Access to Rent-Geared-to-Income (RGI) housing continues to be managed through the Centralized Waiting List – there have been no changes to the process related to COVID-19.

Access to the TCHC Rapid Housing Initiative is being managed through Coordinated Access. Clients will be referred through our Coordinated Access System and we will use by-name list to identify clients for housing who are also on the Centralized Waiting List for social housing. Clients' support needs are also assessed, as we want to ensure people have a high likelihood of having a successful tenancy. Within that group, we are prioritizing those that are at an increased risk related to COVID-19.

### **How many sites and spaces has SSHA opened to increased physical distancing?**

Eleven new facilities have been opened with approximately 492 new spaces to create more opportunity for physical distancing for clients from shelters, 24-respites and 24-hour drop-ins. This is not to create additional capacity in our shelters, but have allowed SSHA to move people within existing programs, particularly our 24-hour respite sites and 24-hour drop-ins to create more opportunity for physical distancing in those sites.

- Seven community centres, six operated by City staff (300 spaces) and one operated by Sistering to provide their 24-women's drop-in (a multi-service agency for at-risk, socially isolated women and trans people in Toronto who are homeless or precariously housed) (35 spaces).
  - a. John Innes Community Recreation Centre, 150 Sherbourne St.
  - b. Warden Hilltop Community Centre, 25 Mendelssohn St.
  - c. Driftwood Community Recreation Centre, 4401 Jane St.
  - d. Jimmie Simpson Recreation Centre, 872 Queen St. E.
  - e. Matty Eckler Community Recreation Centre, 953 Gerrard St. E (for women and trans clients only)

- f. Masaryk Cowan Community Centre (relocation of Sistering's 24-hour drop-in services, operated by Sistering)
  - g. Trinity Bellwoods Community Centre, 155 Crawford St.
- Trinity Bellwoods Community Centre (the seventh community centre) was activated on April 8 to provide additional physical distancing at Seaton House (up to 60 spaces).
  - Two sites with a total of 90 spaces are operated by Dixon Hall, at 188 Carlton St and 354 George St.
  - 2 sites with expanded facilities on-site
  - 1 site moved beds to another program

Information on each new facility is available on [Homeless Help](#).

There are an additional 10 facilities identified and ready to be activated as they are needed, and we are also exploring opportunities to use additional available hotels as shelter spaces.

### **How are temporary shelter sites being staffed?**

As of April 14, more than 300 City staff have been redeployed to work in temporary shelter sites from other City Divisions. In addition, approximately 90 SSHA staff have been redeployed to support the temporary sites, some experienced staff from our directly operated shelters to provide expertise to the temporary sites, and some from other parts of SSHA where they work in office settings. We estimate that up to 700 staff may be redeployed through implementation of our overall response plan.

### **How is Inner City Health Associates (ICHA) supporting the response?**

ICHA is a key partner in our response, supporting program delivery and management at our isolation and recovery sites, as well as providing advice and guidance in assessing and referring clients to testing. ICHA and SSHA are also partnering on the COVID-Alert Risk Evaluation (CARE) initiative.

### **Is SSHA using hotels and university residences as part of its COVID-19 response?**

We have secured over 1200 hotel rooms at 11 locations across the city. Ramp up of those programs to full occupancy at those locations is underway.

The City has recognized that individuals who are vulnerable or at risk often need supports that hotel spaces or apartments cannot provide. Currently, the division is focused on moving individuals who are able to live independently. This will ensure clients with greater support needs are able to stay in an environment that they are familiar with and can meet their needs.

We are developing operational plans for the remaining rooms and locations, including:

- On-site staffing supports, either through City staff or community partner agencies
- Fire & Life Safety assessments and completion of any work required
- Ensuing contracts are in place for facility operations - food, cleaning, linens, etc.
- Developing a transportation plan and schedule to coordinate moves of clients to hotel locations

Because of the availability of existing city properties and hotels for use as shelter, we have not pursued college dorms as yet. Some students not able to find other accommodation under short

notice may still be in the buildings. This remains an ongoing option for consideration moving forward.

### **How can people experiencing homelessness access SSHA COVID-19 hotel rooms?**

Hotel programs are being created to achieve physical distancing in our existing shelter system. Clients will be moved from existing programs where there is a need to reduce capacity to achieve physical distancing guidelines. We are working with ICHA and our partners to identify individuals who are at risk from COVID-19 related harms, and whose level of support needs is appropriate for a hotel program setting.

### **What is the COVID-Alert Risk Evaluation (CARE) Project?**

ICHA and SSHA are partnering on the COVID-Alert Risk Evaluation (CARE) initiative. The goal of the project is to prevent COVID-19 in the most vulnerable, improve physical distancing through emergency housing, and identify and protect people in our community who face the highest risk of serious harms.

CARE assesses client risk of COVID-related hospitalization and ICU admission using ICHA health records, Shelter Management Information System (SMIS) data, and in-person assessments to identify each client's risk of COVID-related harms.

These assessments inform how we can cohort our more vulnerable clients in safer spaces appropriate to their risk, for example who to prioritize to move into hotel spaces, and help ensure that health care providers can give higher risk clients the care that they need.

This process has started already, we have begun assessment of more than a thousand client electronic records and are following -up with the additional frontline and in person assessments to validate the information.

The project will help to identify clients with increased vulnerability and risk and develop appropriate strategies to mitigate those risks. Moving people to hotels is one of those strategies that may be identified. Some people may also be referred to other programs where they can get supports appropriate to their needs.

### **Are any positive cases of COVID-19 in the shelter system?**

Please refer questions to Toronto Public Health regarding the number of confirmed cases in shelter clients. TPH is posting status of cases in Toronto shelters here.

### **Should homelessness service providers expect a surge in demand for services as a result of the COVID-19 related economic crisis?**

SSHA has taken steps to protect housing stability during these challenging economic times. Social housing providers have been instructed to discontinue eviction-related processes and issuance of Notices of Decision for Loss of Eligibility – RGI Assistance. SSHA has suspended the processing of existing and incoming Requests for Review – Loss of Eligibility for RGI Assistance.

Housing providers have been directed to be flexible and exercise discretion on rent payments particularly as they apply to households whose primary source of income is employment.

Housing providers have been instructed to work with impacted tenants to defer rent payments and/or enter into payment agreements.

In addition, the provincial government has suspended evictions and instructed the Sheriff's Offices to halt any scheduled enforcement. Questions related to evictions should be directed to the [Province's Rental Housing Enforcement Unit](#) or call 416-585-7214 or 1-888-772-9277.

Important work is being undertaken by community partners to ensure that individuals who are released from corrections have a safe place to go to upon release from prison. The City's shelter system is experiencing significant pressures due to the pandemic and we are encouraging the provincial government to provide the necessary supports and resources needed for people being discharged from provincial institutions during the COVID-19 pandemic to access housing or other accommodation upon their release.

## **SECTION 2: CHANGES IN SERVICE AVAILABILITY FOR PEOPLE EXPERIENCING HOMELESSNESS**

### **What SSHA services will stay open/be closed during this time?**

#### *Shelters and Supports for Individuals Experiencing Homelessness*

129 Peter Street referral centre has been closed to walk-in service. All referrals to shelter should be directed to Central Intake at 416-338-4766. Clients can access Central Intake by calling 311 or 1-877-338-3398, toll-free from any pay phone. The nearest payphone to 129 Peter Street is located at Queen St. W and Bathurst St.

All City-operated shelters, respites and 24-hour women's drop-ins will remain open. A point-in-time snapshot on the number of clients in our shelter system is posted on the City's [website](#). This is an interim measure while we work to establish full and accurate reporting on current program capacities. This snapshot will be updated once per week.

Response to non-urgent community and client complaints and community meetings and site visits will be suspended.

#### *Street Outreach*

The City's outreach teams continue to engage people 24/7 who are sleeping outdoors.

A recent increase in the number and size of encampments has led to increased concerns about the safety and well-being of people living outdoors, as well as the impact on the community. The City of Toronto and community partners are taking immediate steps to support those sleeping outdoors by mobilizing a COVID-19 response strategy for outreach and encampments that includes three key components: Access to safe indoor space, shelter and housing; targeted strategies for outreach, engagement, education and prevention; and harm reduction and encampment health and safety.

The City implemented a moratorium on clearing of encampments at the start of the pandemic, and suspended the usual approach based on the Interdepartmental Protocol for Encampments.

Beginning April 29, 2020, clients staying in outdoor locations identified for the Interim Housing Program will be offered access to a variety of indoor spaces and will be notified of clearing of encampment sites they are on. Outreach teams will continue to engage with clients at these sites after these encampment clearing notices have been posted.

### *Housing Support*

Most Housing Stability Services will continue, including payments to service providers and landlords, and processing of Housing Allowance applications. Some services may be subject to longer wait times.

Access to Housing (Housing Connections) offices at 176 Elm St. will be closed. Residents can continue to submit applications by fax, online, or by mail. Information on Rent-Geared-to-Income Housing is available at [toronto.ca/accesstohousing](http://toronto.ca/accesstohousing) or by contacting Housing Help Centres.

Please contact Housing Help Centres to confirm hours and in-person services available. Their contact information is available via the City's [Homeless Help](#) page.

Responding to general inquiries regarding files and requests for program information is suspended. Emails sent to [ask@housingconnections.com](mailto:ask@housingconnections.com) will be responded to once normal operations resume.

Financial services and contract administration activities will continue. This includes Social Housing Apartment Improvement Program (SHAIP) and Toronto Renovates payments.

### **Are day time drop-in services still available?**

Most drop-in programs remain open, although many have adjusted their services to accommodate physical distancing measures. For example, some are offering take away meals only, appointment-only service, and/or telephone and email outreach to vulnerable clients.

Please contact the drop-in provider directly to determine operating hours and the availability of in person services. A listing of SSHA-funded drop-ins with contact information is available on [Homeless Help](#). The Toronto Drop-In Network is maintaining a [directory of services available at this time](#).

SSHA is currently conducting a survey of day time drop-in services to assess service levels and needs in order to inform a coordinated response and daytime drop-ins have been provided with additional funding to support their COVID-19 response.

### **Are housing workers deemed essential at this time?**

The Province's Essential Workplaces list identifies "*Not-for profit organizations that support the provision of food, shelter, safety or protection, and/or social services and other necessities of life to economically disadvantaged and other vulnerable individuals*" as essential. This means that all positions in shelters, respite services and drop-ins are considered essential, as well as housing support workers.

### **Are clients allowed to stay in shelters 24/7 or are they required to leave during the day?**

The majority of our shelters operate 24/7 and people are allowed to stay inside. We have a few programs that are still overnight only and funding has been allocated to those programs to operate all day as part of the COVID-19 response, to ensure people staying in those programs have a place to be indoors during the day given the closure of other community spaces.

### **Where can clients access toilets and hand washing facilities?**

The City has opened seven portable toilet and hand washing stations in the downtown core that are available 24/7. Supplies at these stations will be replenished regularly:

- Alexandra Park, 275 Bathurst St
- Jimmie Simpson Park, 872 Queen St E
- Regent Park, 600 Dundas St E
- Wellesley Community Centre, 495 Sherbourne St - Outside the Community Centre
- Moss Park, 150 Sherbourne St
- Sunnyside Park, 755 Lake Shore Blvd W
- Little Norway Park, 689 Queen's Quay W
- Dundas Square, 1 Dundas St E

As of April 29, six additional indoor Sanitation and Washroom Service locations will be open to people experiencing homelessness. Each location has showers, washrooms, and drinking water available. More information on the locations and schedule will be available on the City's website.

### **How can service providers refer clients seeking shelter at this time?**

During the COVID-19 pandemic, please assist clients seeking shelter to call the Central Intake Line at 416-338-4766, 1-877-338-3398 toll-free or 311 to be referred to available shelter and respite spaces. Temporary shelter and respite sites may not have space to accommodate walk-in referrals. Calling Central Intake in advance is recommended to minimize unnecessary travel in keeping with physical distancing guidelines provided by Toronto Public Health.

### **Should shelters stop accepting new referrals?**

Shelters should continue to maintain their existing capacity and accept new admissions into your programs, while implementing the physical distancing approaches identified by Toronto Public Health. Given the ongoing pressures on the shelter system and needs of this very vulnerable population, we need to continue to provide safe indoor places for people to seek shelter. Shelter to shelter transfers should be suspended where possible to limit movement between programs.

### **Is SSHA expanding supports for women and trans individuals who are at high risk?**

SSHA is working to expand supports for a broad range of clients. Two 24-hour temporary COVID-19 response sites have opened for women and trans clients. These respites are located at Matty Eckler Community Centre (operated by the City of Toronto) and Masaryk-Cowan Community Recreation Centre (operated by Sistering).

### **Vulnerable population are at a high risk of domestic violence at this time. What is the current process for Special Priority Program (SPP) applications?**

Access to Housing is continuing to process applications, with priority on SPP applications. There have been some challenges though with housing calls being prioritized through the

Human Services Integration (HIS) call centre. If clients cannot get through on the 338-8888 line, they should call the main SSHA Housing Stability Services (HSS) line at 416-492-4126 and we will re-direct.

**What other resources have been added to the system to support women experiencing domestic violence?**

Violence against women shelters are funded by the Province of Ontario and not part of the City's emergency shelter system. The City has a referral partnership with the violence against women sector but no funding relationship or system oversight function.

The City of Toronto is working with other levels of government to find housing for survivors of domestic violence. In 2019, the Government of Canada announced the Canada-Ontario Housing Benefit (COHB) program, part of a bi-lateral agreement under the National Housing Strategy (NHS). The City received an allocation of \$9 million over the next two years. Provincial guidelines give eligibility priority to a number of target groups who are on, or eligible to be on, the social housing subsidized waitlist. SSHA estimates the City will provide a portable monthly housing benefit to approximately 1,300 low-income households. Staff are targeting a rollout of COHB by next month. Eligible households will be selected from the existing centralized waitlist for subsidized housing with priority provided to survivors of domestic violence and other vulnerable groups.

Earlier this month, the federal government also [announced](#) support to those experiencing homelessness and women fleeing gender-based violence during COVID-19 pandemic.

**If a client needs to go off-site to attend an appointment, will the TTC still accept tokens?**

The TTC is no longer accepting cash, TTC tickets or TTC tokens on buses at this time, but individuals will not be denied service. Instead, customers are asked to pay at their first opportunity (i.e. when they transfer onto a streetcar or at a station).

Remind clients they must board and exit buses from the rear doors only, and to maintain physical distance from other customers and the operator while on transit.

**SECTION 3: REDUCING RISK OF INFECTION**

**Where can sites get access to personal protective equipment (PPE) for staff, and additional cleaning supplies?**

We recognize that access to personal protective equipment (PPE) is critical to being able to provide services safely and that this is an area of concern for many providers.

There is a limited supply of PPE and cleaning supplies available. The City is currently assessing what PPE and cleaning supplies are on hand and how to ensure first responders and health care providers have the equipment they need. SSHA is working to prioritize the homeless sector to receive PPE and cleaning supplies and is developing a distribution plan as supplies become available.

The City has provided all shelters, 24-hour respites, and drop-ins community agencies with \$1.2M to support increased infection control and prevention activities, and purchase specialized cleaning supplies, PPE and increase social distancing (e.g. using curtains). To recognize the

importance and value of the work of front-line shelter staff, we have provided funding to increase their wages.

Please note that masks are not currently recommended for frontline staff who are feeling well and interacting with clients who are feeling well. Physical distancing protocols recommended by TPH should be followed in these cases. Masks should be prioritized for use by people who are feeling unwell. In general, N95 masks are not recommended as appropriate protective equipment in response to COVID-19.

Physical distancing and proper hand hygiene are the first lines of response in preventing the transmission of COVID-19. Staff should regularly and thoroughly clean their hands with an alcohol-based hand rub or wash them with soap and water. These measures can drastically mitigate potential contaminants that may cause illness. Staff should continue to follow personal hygiene measures outlined in the City's [Tip-Sheet on COVID-19 Prevention](#).

The City of Toronto has compiled and posted [Resources for non-health care community settings: Understanding when personal protective equipment \(PPE\) is needed](#), which provides links to guidance around PPE.

### **How can shelter operators encourage physical distancing in shelters?**

We continue to work closely with our partners at Toronto Public Health and Inner City Health Associates (ICHA) in developing physical distancing guidelines for homeless services. As these are being developed, we encourage you to consider the feasibility of implementing any of the following best practices at your sites:

- Increase spacing between beds to 6ft/2m where possible
- Arrange beds so that individuals lay head-to-toe (or toe-to-toe)
- Use neutral barriers (foot lockers, curtains) to create barriers between beds
- Stagger mealtimes to reduce crowding in shared eating facilities
- Stagger the schedule for use of common/shared kitchens
- Create a staggered bathing schedule to reduce the amount of people using the facilities at the same time
- Create a schedule for using common spaces
- All staff should only be working at one site (shelter or residential setting)

Sleeping areas should provide a minimum of 7 m<sup>2</sup> (75 ft<sup>2</sup>) of personal space per client in sleeping areas, to ensure a lateral separation of 2m (6.5 ft.) can be maintained between mats/cots where possible, in alignment with physical distancing guidelines established by Toronto Public Health. SSHA is aware that not all sites are able to meet this guideline and is currently assessing how to mitigate risks at these locations.

Three new posters have been developed for shelter operators to promote physical distancing in common spaces:

- [Sleeping areas](#)
- [Common areas](#)
- [Dining areas](#)

Please share these resources with staff and post them in relevant areas.

**Of the current shelter system, how many meet the physical distancing guidelines?**

While the current lateral separation in Toronto Shelter Standards does not meet TPH's physical distancing guidance of 6 feet, many shelters do already exceed the minimum requirements of 2.5 feet between beds.

SSHA has undertaken an initial assessment of what proportion of our existing shelter sites are able to meet the 6 feet physical distancing guidelines and how to mitigate locations that aren't able to meet that. We have encouraged shelters, respites and 24-hour drop-ins to implement additional spacing between beds/cots where possible to achieve the 6ft/2m guideline, as well as to take additional physical distancing measures in your program common areas.

We have an ongoing process underway to validate and confirm that these guidelines are being achieved, through a site visit that will assess whether physical distancing standards have been met.

We also have a Quality Assurance assessment process underway to assess and audit compliance with standards and good practices at the new sites we are establishing. Each new site is assessed before it opens to ensure appropriate measures are in place to reduce risk of contagion or spread of COVID-19. Ongoing assessment will also be conducted to ensure ongoing maintenance of these standards once new sites open. Methodology for site assessments will include alternative methods of communication to minimize on site visits.

**Are the new 24-hour temporary COVID-19 response facilities set up to meet the physical distancing guidelines?**

The new temporary programs we have set up are required to meet the Toronto Public Health guideline for physical distancing.

**What can service operators do to reduce risk of infection at their sites?**

To reduce the risk of infection and ensure ongoing service capacity, we ask that all providers implement the following measures:

- Implement physical distancing strategies at your sites where feasible
- Suspend shelter to shelter transfer practices
- Temporarily limit service restrictions, except in cases where a shelter provider determines that the service-restricted client poses an immediate threat or danger to another individual's health or safety, or the security of the shelter
- Divert resources as needed to ensure continued delivery of core support services
- Support clients with family reunification where possible to reduce their risk of exposure
- Eliminate non-essential visitors and service providers on-site, and screen all visitors on entry to the premises

In keeping with these recommendations, SSHA will be suspending non-essential initiatives at this time. Monthly 24-Respite Standards site visits and upcoming schedule Shelter Standards Assessment site visits will be postponed until further notice. The Street Needs Assessment, planned for later in April, will also be postponed until further notice.

We encourage each service provider to review your own operations and suspend non-essential services. These decisions should be made by your organization. Please email [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca) to report any changes to your services and copy your lead SSHA staff.

For further training on infection prevention and control, Toronto Hostels Training Centre, in collaboration with Toronto Public Health, has developed a free six hour e-learning module "Communicable Diseases Prevention and Control" with funding from SSHA. The course covers the basics of communicable diseases and recommendations for protecting and promoting health for yourself and your clients. Topics include responding to Public Health alerts in SMIS, identifying the links in the chain of transmission and infection prevention and control, performing adequate hand hygiene and caring for your hands; and selecting, putting on and removing personal protective equipment appropriately. For more information please visit the Toronto Hostels Training Centre website: <https://thtcentre.com/>

### **Should sites increase Infection Prevention and Control practices at this time?**

A reminder to continue to increase routine practices of IPAC within your facility as one of the most effective ways to reduce the spread of infections. Refer to the [IPAC guide developed by Toronto Public Health](#) specifically for shelter and 24-hour respite site services.

### **What should shelters do if community members complain that they observe people outside a shelter, 24-hour respite or 24-hour drop-in who are not demonstrating physical distancing?**

SSHA is committed to working closely with shelter, 24-hour respites and 24-hour drop-in providers to implement measures to increase physical distancing. Homelessness service providers are encouraged to take measures to implement and encourage physical distancing using approaches identified by [Toronto Public Health](#).

It is challenging to enforce physical distancing in a public space and not all individual involved may be service users. Service providers can help ensure physical distancing in client queues outside sites by chalking out 2 metre distances on the sidewalk and asking clients to adhere to markings.

More generally, service providers should attempt to engage and educate clients on the importance of preventative and containment measures in relation to COVID-19.

- Use rapport to engage clients.
- Inquire if there are supports that can be put in place to assist clients with physical distancing and/or screening if required.

Please do not restrict service to shelter.

If you have additional concerns or need to escalate a situation, your site supervisor can contact SSHA DOC at [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca)

## **SECTION 4: CLIENT SCREENING AND TESTING**

### **How should sites be screening clients for COVID-19?**

One of our key priorities has been to develop processes to screen clients and refer them for testing to one of the COVID-19 Assessment Centres. In partnership with Toronto Public Health, we have developed a [screening tool](#) and [instructions for accessing transportation](#) from shelters, 24-hour respites, 24-hour drop-ins, day time drop-ins and Streets to Homes to testing centres for clients who meet the screening criteria. Clients should be screened on intake to the program, as well as active monitoring of existing clients for development of symptoms.

More information is available on the [TPH website about locations of testing centres](#).

**What precautions should sites take for refugees who have recently arrived or clients who have recent travel history?**

The federal government has restricted entry to Canada. Most foreign nationals are not currently being admitted across the border. The client [screening tool](#) provides direction for shelter sites regarding screening of clients who are recent arrivals.

**Who can access non-emergency transportation for homeless clients who meet the screening criteria?**

City-operated or funded shelters, 24-hour respite sites, 24-hour women's drop-ins, day time drop-ins and any other service that works with clients who are experiencing homelessness can [access non-emergency transportation](#) for homeless clients needing transportation to an assessment centre and/or to the isolation site following assessment.

Transportation is available between 8am and midnight every day.

Please send the completed COVID-19 screening tool and ICHA medical directive with the client to the assessment centres. Omitting this information may lead to clients being returned to the original shelter site rather than being redirected to the isolation or recovery sites.

**Is the mental health status of shelter clients taken into consideration when arranging the non-emergency transportation?**

All referrals of clients for non-emergency transportation will be made by shelter operators. The shelter operator will be able to leverage existing relationship with the client to ensure they are given all required support during transportation.

**Are you going to provide sites with infrared thermometers?**

Service providers are encouraged to purchase supplies required for your response, using the additional funding has been provided for IPAC and other supplies.

**Where will clients who meet COVID-19 screening criteria go for isolation after testing?**

In March, we created a dedicated program with isolation spaces and appropriate health supports for people identified through screening and assessment processes that were waiting for test results, which was taking a number of days at the time.

The province has since significantly decreased waiting times for COVID-19 test results.

For this reason, people awaiting test results will no longer be admitted to the isolation program and assessment centres are being asked to keep people awaiting test results clients until their test results are back. Clients who test positive will be referred to SSHA's isolation program for recovery. Clients who test negative and do not require further isolation can return to the regular shelter system.

### **What should sites do if a client refuses to be tested for COVID-19?**

Staff should use their relationship with clients to help them understand the importance of testing, and should offer additional supports to clients to encourage testing (e.g., accompanying them to the testing site). If a client continues to refuse testing, staff should alert the DOC at [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca). The DOC staff will pass the information on to the EOC at the City, who will advise on next steps.

### **If a client is sent for COVID-19 testing and the test is negative, will they be given documentation to show the shelter their test was negative?**

Clients who are referred for COVID-19 testing will be assessed by public health staff to determine whether testing is necessary. Upon confirmation of a negative test result, individuals may return to the shelter/respice/drop-in program they were previously admitted to. We are currently developing tracking processes on results of testing and will update as new information is available.

### **Is on-site testing being considered for shelters or other homelessness services settings?**

In partnership with Toronto Public Health, we are exploring opportunities for further mobile testing at shelter locations. A prioritized approach to testing on-site is underway, focussed first at locations that have confirmed outbreaks. Providers may be contacted by hospital or community health providers regarding testing at their shelter. In order to be effective, this process should be coordinated by Toronto Public Health. Please contact SSHA or TPH if this is something you are in discussions with health partners about.

## **SECTION 5: WHAT HAPPENS WHEN A CLIENT TESTS POSITIVE**

### **What can shelter operators expect when a client tests positive for COVID-19?**

When someone using our shelter system tests positive, TPH notifies SSHA and the shelter or respite provider. TPH is responsible for leading the case and contact investigation and recommending next steps to manage health risks for the site, staff and clients who were in close contact with the individual. SSHA will fully cooperate with TPH's investigation and support implementation of the steps identified by TPH.

An [information sheet](#) that outlines what homelessness service providers can expect when a client tests positive for COVID-19 is available online.

### **Who is notified when a client tests positive for COVID-19?**

The client is provided their test result at the hospital or assessment centre. A physician will arrange for referral of the client directly to the recovery program. Toronto Public Health will contact the shelter or respite to conduct contact tracing.

### **How does TPH investigate when they identify a positive case?**

In order to identify who may have been exposed to the COVID-19 positive client or staff, TPH will work with the shelter provider to identify all close contacts from 2 days before the first day of onset of symptoms. A close contact is defined as anyone who was within 2 meters of the individual for 15 minutes or more without PPE.

TPH will contact the shelter or respite operator to confirm the client was at the site during the period where they were contagious. Shelters the client stayed at will be asked to enhanced screening and monitoring of all staff and clients and refer any symptomatic individuals for testing.

### **How does TPH determine risk at a shelter?**

TPH does a risk assessment to determine how many people may have been exposed to the contagious individual. TPH may ask about layout of the building, the number of individuals in a room, washroom layout, and total clients at the site. Based on this information, TPH will also provide additional guidance on infection control for that particular setting. All individuals who may have been exposed will be asked to self-isolate or be tested.

### **How long should someone who was exposed to a positive case self-isolate?**

TPH recommends that close contacts are isolated for 14 days after the last date of contact with the individual who was positive. All clients who are screened and show symptoms for COVID-19 should be transferred for testing to the COVID-19 Assessment Centre immediately in order to minimize exposure.

### **How can clients self-isolate in a shelter/respite/24-hour drop-in environment?**

We have an isolation program for people who are close contacts and require isolation for 14 days, for people identified through TPH's contact tracing process when there is confirmed positive COVID-19 cases in shelters.

Shelter and respite providers should consider possible options for creating isolation spaces within your facility to the extent possible. For example, designate any separate rooms with closed doors, with separate bathrooms if possible or designate an accessible or all gender washroom for this purpose. If only shared rooms are available, consider designating a room with the fewest possible number of other residents.

Review the information available from Public Health Ontario about [how to self-isolate](#) and [guidance for caregivers and household members of people who are self-isolating](#), and from the [Ontario Ministry of Health COVID-19 Guidance: Homeless Shelters](#).

### **Where do people go if they test positive for COVID-19?**

We have created a dedicated program with appropriate health supports for people who test positive for COVID-19.

Clients will be transported to this location from the Toronto Region COVID-19 Assessment Centres and will remain there for 14 days or until they have recovered. No direct referrals to this program will be accepted outside of this process. To protect the confidentiality of clients who are testing for COVID-19, and because the sites are not available to clients outside of this process, the exact location of the site will remain confidential.

**What harm reduction supports are available to clients at the recovery site?**

The site is operating from a harm reduction lens and has a wide range of support available for people who use substances. For example, methadone and managed alcohol programming is available, and peer supports are on site. The site is staffed 24/7 with nurses.

Clients and staff can refer to Toronto Public Health's [COVID-19 Harm Reduction Tips](#) and [COVID-19 Overdose Response Tips](#)

**Should shelters hold beds for clients who are sent for testing?**

Yes. If the results are negative, they will return to their shelter bed at the referring program. If the results are positive, the client will be transported to the recovery site. Please refer to Bed Deactivation Policy for Clients Referred to Isolation and Recovery Sites Policy and Procedure on the [City's website](#).

**Will the City offer similar supports and services for daytime drop-in programs?**

The City recognizes that daytime drop-ins programs support very similar clients as our 24/7 programs. Those locations should implement similar screening and physical distancing protocols. These programs will also be able to access the same isolation and COVID-19 recovery sites as 24/7 shelters for clients who are experiencing homelessness.

**Will the City offer similar client isolation and recovery programs for people housed in congregate settings like rooming houses and other shared accommodations?**

The City of Toronto understands that there are also challenges that have been identified for self-isolation in a congregate setting. There are at a minimum 4700 clients currently living in various congregate supportive housing models across the City. Given supportive housing falls under provincial jurisdiction the City is seeking provincial support to address the needs of this vulnerable population. The City in partnership with the supportive housing sector in Toronto is requesting funding required for isolation and recovery programs for this purpose.

**What information or advice do you have for people experiencing homelessness who are pregnant, breastfeeding or providing infant care and who test positive for COVID-19?**

Please refer to TPH guidance about [people who are pregnant, breastfeeding or providing infant care](#). Homelessness service providers would not be expected to make these decisions. Medical advice would be provided in specific situations through the investigation and referral to the recovery program by TPH and ICHA.

**SECTION 6: FRONTLINE STAFF TESTING AND ISOLATION**

### **How and when should frontline staff be tested for COVID-19?**

Staff should follow [Toronto Public Health's COVID-19 testing guidelines](#). Staff at homelessness sector organizations are considered essential and should be tested when presenting at an assessment centre.

All staff or visitors entering and/or working in homelessness services settings should be actively screened at the beginning of every shift, prior to entering the workspace. Staff and visitor screening will help to minimize the risk of exposure to COVID-19 in the workplace and support staff and client health and safety. A COVID-19 Staff and Visitor Screening Tool for Homelessness Services Settings is posted on the [City's website](#).

### **How should sites manage staffing issues while staff are self-isolating or feeling unwell?**

Sites should develop contingency plans as soon as possible. Planning should include identifying mandated and critical services, ranking all services in order of priority, and planning to limit non-essential or lower priority services as needed. Staff serving non-essential functions should be trained to backfill essential positions wherever possible.

## **SECTION 7: FUNDING SUPPORTS**

### **How can my agency apply for funding support for homelessness service providers recently announced by the provincial and federal governments?**

The Province of Ontario recently announced a \$200 million fund to help social service providers across the province cover additional costs related to Covid-19. The City of Toronto, Shelter Support and Housing Administration has received \$39.2 million of the provincial total. The federal government has also allocated \$22.2 mil in Reaching Home funding to Toronto for the COVID-19 response.

The City of Toronto is currently incurring significant costs to deliver our Covid-19 response for vulnerable homeless individuals, including activating 11 new facilities and 1200 hotel rooms. These response costs far exceed the amounts confirmed by both the federal and provincial governments to date. The City is working with provincial and federal governments to request additional funding required to address the scale of the response in Toronto and to meet needs of organizations in Toronto to respond.

There is currently no direct application process for community-based social service agencies to apply for funding. Non-profit organizations should continue to track costs related to the response. As additional information is available about funding, this will be communicated to all of our community partners.

### **What about increased income support payments from province?**

The City will coordinate requests to the Province on funding to support vulnerable individuals experiencing or at risk of homelessness.

Recent announcements have confirmed funding for additional income supports.

The City has established a Community Services working group to coordinate response across community based social service programs. Food security is a key priority for the group, who will be working with community partners to identify solutions.

### **Can clients access the Canada Emergency Response Benefit?**

As a result of loss of income because of the COVID-19 pandemic, some of your clients may be eligible to receive the Canada Emergency Response Benefit (CERB).

CERB is a taxable benefit of \$2,000 for a 4-week period, for up to 16 weeks. The Ministry of Municipal Affairs and Housing has confirmed that the CERB must be included as income when calculating RGI rent.

Please see the attached "Applying for the Canada Emergency Response Benefit – April 9, 2020". Please consider printing and posting in a place where clients have access (elevators, lobbies, entrance doors, etc.).

### **How and when will frontline workers in the homelessness services sector receive the wage increase announced by the Province on April 25?**

On April 25, the Province announced a \$4 an hour wage increase for frontline pandemic workers. This includes those in shelter and supportive housing. SSHA has not received any formal communication from the Province about how this funding for wage increases will be implemented or what the allocation for Toronto will be. As soon as we receive additional information we will share an update with our community partners.

## **SECTION 8: MEDIA QUERIES**

### **My organization has received media inquiries related to the pandemic. Can you provide guidance on how to respond?**

We have heard that many of you are receiving increased media inquiries related to the pandemic. Some information for how to handle these media inquiries:

- Feel free to answer media questions about your own operations, programs and supports for clients at their own site(s).
- Make it clear that you are speaking on behalf of your own agency and not the City of Toronto.
- Send any media inquiries related to health status or cases of clients or staff to Toronto Public Health's media inquiry email [TPHmedia@toronto.ca](mailto:TPHmedia@toronto.ca) as they have info on confirmed cases and know what they can/can't disclose without giving away any private health information.
- Any media inquiries about what the City of Toronto is doing, please refer to [media@toronto.ca](mailto:media@toronto.ca) and the City will respond to all of those media inquiries

## **SECTION 9: SITE SPECIFIC QUERIES**

### **I have a specific query related to my site/program. Who should I contact?**

If you have questions, we encourage you to contact your SSHA Lead Staff or send us your questions to the centralized email address [sshadoc@toronto.ca](mailto:sshadoc@toronto.ca) and we will provide responses in our future email communications.

This is Exhibit “NNNN” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

**Wong-Tam**

Enter your query



# COVID-19 Update, April 29

Important Facts & Updates About COVID-19

LEARN MORE  (/ALERTBAR)

**Updates**  
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**COVID-19 Updates**  
(/covid19)



**Ward 13 Updates**  
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**COVID-19 Update,  
April 29**

Posted on April 29, 2020

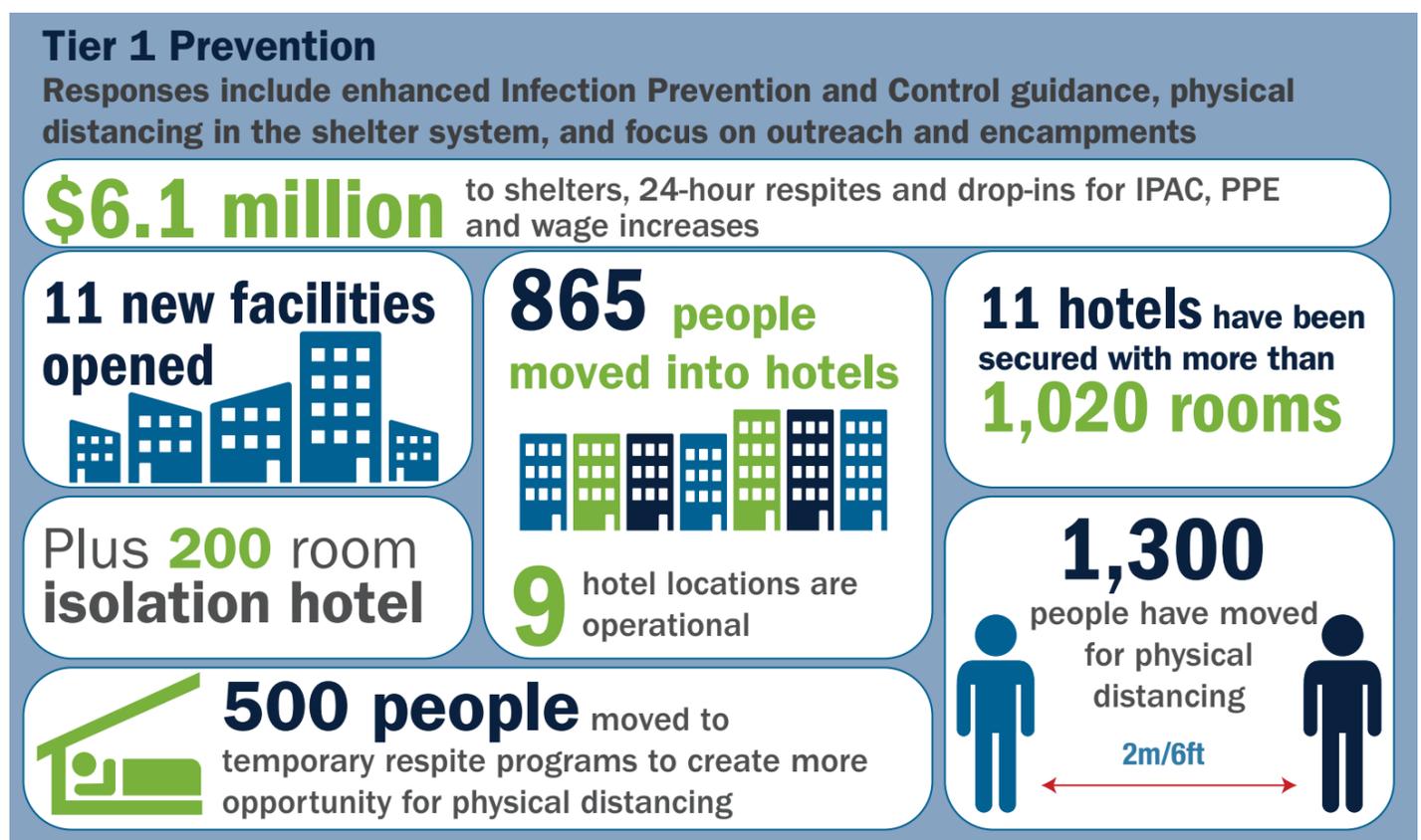
**Tomorrow, City Council will be meeting for the first time since Mayor John Tory declared a State of Emergency on March 23, 2020.** This declaration gave the Mayor the authority to make any decision that City Council could make for the following 30 days. The Mayor was able to take quicker emergency action to address the COVID-19 pandemic without scheduling a physical City Council meeting. His actions to date have been advised by the General Manager of Emergency Management, Chief Matthew Pegg, and the City's Medical Officer of Health, Dr. Eileen de Villa, to further public health outcomes in keeping people safe and preventing the further spread of COVID-19.

**Since then, Mayor Tory has asked for an extension of his delegated authority until the State of Emergency until the threat of COVID-19 to the city has ended** and has committed to holding an additional special City Council meeting within the next 30 days to consider outstanding and urgent new business. **You can read the City Council agenda for tomorrow's meeting here** (<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&meetingId=18648#Meeting-2020.CC20>).

**I am broadly in support of extending this authority, albeit only for an additional 30 days, at which point City Council should be given the opportunity to review this issue again.** I strongly believe that we are outside the window of immediate crisis. There needs to be political and civilian accountability through this crisis response and we must get back to regular City business.

As I said on Friday, I am keen for tomorrow's meeting because I believe that there are important issues that we desperately need to publicly review. Chief among them is the City's and all other government responses to vulnerable populations, including people experiencing homelessness.

**For weeks the City has been focusing its homelessness COVID-19 efforts on the already overburdened shelter system.** The City's response has been to move shelter clients into new locations that can meet the two-metre distancing guidelines. City staff estimate that out of a population of 8,000 people accessing the shelter system, there is a need to relocate between 2,000 and 3,000 people. As we have indicated before, Shelter, Support and Housing Administration (SSHA) staff have created some additional spaces through a combination of hotels, community spaces and vacant apartments. To date, 11 new facilities have opened (including seven community centres) with 492 spaces. In addition, 1,020 hotel rooms, across 11 hotels, have been secured. The City has identified 15 additional locations for future use. As of April 27, two days ago, 1,355 clients have been safely relocated. Additional clients will be moved over the next week.



**That still leaves approximately 5,000 to 6,000 homeless individuals in congregate living conditions who are at risk as they are unable to self-isolate.** I will be urging the leadership at the Emergency Operations Center to develop and implement an

accelerated plan to quickly house those in our shelter system or sleeping in outdoor encampments at tomorrow's City Council meeting.



**The encampments we are seeing are a symptom of a pre-existing crisis that has been caused by decades of government cutbacks and inaction on a growing housing and homelessness crisis.** For too long the provincial and federal governments have failed in their responsibility to invest in supportive housing and comprehensive addiction and mental health services. Despite the best efforts and intentions of City staff and the service workers trying to support them, those staying in encampments do not have adequate sanitation or the ability to practice physical distancing. They are oftentimes exposed to lateral violence, at risk of falling to predatory behaviour and uneven policing. This has created unsafe conditions for people sleeping outside, as well as the surrounding community. Absolutely no one is happy with this state of affairs and we continue to live with the consequences of a homelessness crisis within a COVID-19 crisis.

**Today, the City of Toronto has announced it will lead a comprehensive effort to move people staying in encampments into newly acquired, furnished temporary accommodations.** Two buildings have been secured that will provide 24-hour staffing supports, harm reduction supports, meals and long-term housing support. For more details on this plan please see today's City of Toronto update below.

**I have been advocating for this important initiative for weeks and hope it will start to ease some of the pressure people are feeling.** Please keep in mind this new service will not eliminate encampments and house people overnight. While we want to encourage as many people as possible to move into these newly available units, the City alone can not force them to accept any service they don't want. In order to ensure community safety I will continue to push for emergency services at the encampment sites, including enhanced cleaning, access to proper washrooms, focused street outreach and harm reduction services.

**In addition to extending the Mayor's authority, City Council will be debating authorizing the Implementation of the New Canada-Ontario Housing Benefit Program and implementing the Toronto Modular Housing Initiative as an urgent response to the COVID-19 pandemic.** These are important and necessary steps, but they are far cries for the coordinated crisis response needed. The modular housing initiative, if approved, would see 110 new homes ready by September 2020, with another

140 homes open in early 2021. While this is a significant step in the right direction, it is clear that it will not immediately help the thousands of people who are unable to isolate or physically distance right now.

**I want to thank all of the SSHA staff, frontline healthcare and shelter workers, activists, non-profit and community organizations.** You are doing incredibly important work in impossible situations to provide care, support and love to some of the city's most vulnerable people.

**I want us to imagine a scenario where the City of Toronto had declared a housing and homelessness emergency when I brought forward the motions in 2017, again in 2018, and then again in 2019.** After years of unrelenting advocacy, City Council finally declared housing as a human right in December 2019. I wonder now, if granted the foresight to see the COVID-19 crisis coming, would City Council have repeatedly voted against declaring a homelessness emergency then.

**Mayor Tory declared a state of emergency after one person died of COVID-19 in Toronto. He was right to do so. While I recognize the transmission factors that required this action,** Toronto Public Health did record 145 deaths of individuals experiencing homelessness between January 1, 2017 and June 30, 2018. The homelessness crisis has been in an emergency state for years, and continues to be an emergency made all the more stark by the threat of COVID-19.

**We have seen what can happen when all three levels of government decide that something is an emergency and commit collectively to respond to it.** This is the emergency response needed in Toronto to address COVID-19, but also how critical it is to move every homeless individual into a clean and safe home during and after the pandemic.

**We have needed all three levels of government to work together to end homelessness for years.** Now, more than ever, City Council must take this opportunity to convene an intergovernmental emergency meeting with representatives of the provincial and federal governments to collectively develop, fund and implement an urgent plan of action.

**City Council and all orders of governments must demonstrate through collective action our commitment to comply with obligations under International Human Rights Law, and take all appropriate measures to end homelessness as a human rights crisis.**

Please write or call Mayor John Tory ([mailto:mayor\\_tory@toronto.ca](mailto:mayor_tory@toronto.ca)) (416-397-2489), Premier Ford (<mailto:doug.fordco@pc.ola.org>) (416-745-2859) and Prime Minister Trudeau (<https://pm.gc.ca/en/connect/contact>) to affirm your support for housing as a human right. Let all governments know that they need to declare homelessness an emergency during and after the COVID-19 pandemic. Only by properly naming it and working together can we support the most vulnerable in our society and end homelessness for all.

**Thank you for your resilience, it is an honour to represent you.**

**Kristyn**

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## Community Care in Ward 13

**Today's Community Care shoutout goes to Anjali Helferty who has created a website to help local restaurants.** As many restaurants are charged a large fee for food delivery platforms, some restaurants have begun doing their own deliveries. This website is designed to offer residents an alternative to bigger delivery apps and services. Have a look at [diydeliveries.ca](http://diydeliveries.ca) (<http://diydeliveries.ca>) to see how you can support local business. If you own a business that would like to participate, please fill out the form on the website to have it listed. Thank you Anjali for your ingenuity and for supporting local businesses.

Kristyn Wong-Tam  
enter your query

# Supporting Local Businesses

## How to support small businesses during Covid-19



**2** Get takeout or delivery from a small restaurant

all while practicing physical distancing.



**3** Shop at local businesses

Many BIAs have established a list of businesses that are still open in your local community.



**1** Purchase a giftcard

online from your local coffee shop, or fitness studio to enjoy later!



- ✓ Help boost our local economy
- ✓ Help our neighbours stay afloat
- ✓ Allow us to continue enjoying their full range of services after this pandemic

City Councillor

**Kristyn Wong-Tam**

WARD 13 · TORONTO CENTRE

For more information and resources visit [toronto.ca/covid19](https://toronto.ca/covid19) and [kristynwongtam.ca/covid19](https://kristynwongtam.ca/covid19)

**Please continue to email my office at [councillor\\_wongtam@toronto.ca](mailto:councillor_wongtam@toronto.ca) (mailto:councillor\_wongtam@toronto.ca) to share examples of community care in your neighbourhood and ways you are supporting your community at this time.** I'll be happy to promote it, space permitting, in our communication to the residents and business owners in Ward 13. Every bit goes a long way!

## Keep Practising Physical Distancing!

**As the City of Toronto evokes these new measures for public health, please remember to keep practising social distancing.** I know it's challenging, and I thank you for your continued hard work. Please remember to stay off of closed parks amenities

and facilities, or you may be subjected to a fine. If you must leave your home, please stay at least 6 ft (2 metres) away from others on the streets. These measures are crucial to protect the greater public health.

## WHAT IS PHYSICAL DISTANCING?

Physical distancing means avoiding close contact with others to prevent the spread of COVID-19 and can include:



Avoiding non-essential trips in the community



Cancelling group gatherings



Working from home, where possible



Conducting meetings virtually



Keeping kids away from group settings



No visits to long-term care homes and other care settings

**If you must go out, keep a distance of 6 feet from others.**

TORONTO.CA/COVID19 TORONTO Public Health

**The single best way for Torontonians to support each other right now is to stay home and practise physical distancing to prevent COVID-19 spread.**

- ⇒ **If you have symptoms of illness (<https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-have-symptoms-or-been-exposed/>), do not leave your home under any circumstance until you have spoken with a medical professional and been given the all clear.**
- ⇒ **If you have just returned from travel, do not leave your home under any circumstance for 14 days (<https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-have-symptoms-or-been-exposed/?accordion=self-isolate>).**
- ⇒ **And even if you are not sick and have not traveled, unless you work in an essential industry, stay at home. (<https://www.toronto.ca/home/covid-19/covid-19-protect-yourself-others/covid-19-stay-reduce-virus-spread/>)**

**Thank you for doing your part to slow the spread of COVID-19 and help protect our communities.** For more tips on social distancing, please visit [toronto.ca/covid19](https://www.toronto.ca/covid19) (<https://www.toronto.ca/home/covid-19/covid-19-health-advice/>).

# City of Toronto COVID-19 Updates

Wong-Tam

(Enter your query)



## Special City Council Meeting Tomorrow

**Tomorrow, Toronto City Council will meet virtually for the first time in its history.**

Mayor Tory called the special City Council meeting to be held Thursday, April 30 at 10 a.m. City Council will meet using an online video conferencing platform.

**View the Mayor's report on the COVID-19 Emergency here.**

**(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC20.3>)**

**View the livestream here. (<https://www.youtube.com/TorontoCityCouncilLive>)**

**View the City Council Agenda here. (<http://toronto.ca/council>.)**

## Providing Interim Housing to People Sleeping in Encampments

**As part of the ongoing fight against COVID-19 and to help stop the spread of the virus, the City of Toronto is providing interim housing for people sleeping outdoors.** The new interim housing is located in two vacant apartment buildings in Midtown Toronto. The buildings are being leased by the City from a local developer.

**This welcome partnership allows the City to provide temporary housing with supports for vulnerable clients for up to six months.** The new program is located in two connected, vacant mid-rise apartment buildings. There are a total of 125 furnished units for clients. There is a kitchen available in each unit and clients will have access to laundry, free wi-fi and cable television. The building is accessible and pet-friendly. There is no cost to clients.

**Clients will be provided with on-site supports including meals, 24/7 staff support, security and case management focused on long-term housing and other immediate needs** including harm reduction supports. This interim housing will help act as a bridge to more permanent housing options for these residents.

**Health and safety are a priority; active and ongoing screening for COVID-19 symptoms,** infection prevention, infection control measures and enhanced room and common area cleaning will be undertaken.

**The City's Streets to Homes outreach team, working with community partners, will approach individuals and couples who are sleeping outdoors for an opportunity to move into these units.** Access to units will be prioritized for clients in encampment sites that present health and safety concerns and are identified as higher risk to COVID-19 related harms.

### **The City gained temporary possession of the building this week and will need to:**

- ⇒ Work with Toronto Fire Services, Toronto Building and other divisions to ensure buildings and units are safe;
- ⇒ Furnish the buildings;
- ⇒ Secure contracts for linens, security, food, laundry and cleaning;
- ⇒ Engage individuals and couples who are experiencing homelessness and sleeping outdoors and work with those who want to move; and,
- ⇒ Arrange for transport of clients, pets and their belongings into the program.

**Beginning today, clients staying in outdoor locations identified for this program will be offered access to a variety of indoor spaces** including this interim housing program and will be notified of clearing of the encampment sites they are on. Outreach teams will continue to engage with clients at these sites after these encampment clearing notices have been posted. Please note that there remains a moratorium on clearing encampments.

**Access to units will be prioritized for clients who are chronically homeless, identified as having a higher risk to COVID-19,** in encampment sites that are located in areas that lack sanitary and food resources and present health and safety concerns to them and the general public.

**The goal of this program is to provide a safe space for clients who are sleeping outdoors that is conducive to physical distancing to help prevent the spread of COVID-19 and save lives.** It will also reduce the number of clients in encampments and bedded down outside across the city and provide them with health and well-being supports. This is part of a rapid, overall strategy to open 23 new sites with more than 1,400 spaces for isolation, physical distancing, recovery and housing. **Learn more about housing and shelter supports. (<https://www.toronto.ca/home/covid-19/covid-19-latest-city-of-toronto-news/affected-city-services/>)**

## **Implementation Plan for Modular Supportive Housing Units**

**Mayor Tory announced the proposed implementation plan for a modular supportive housing initiative to create 110 modular homes on two City-owned sites.** The new modular homes are expected to be ready for occupancy by September 2020 and will provide stable, affordable housing and support services to individuals experiencing homelessness.

**City of Toronto staff were preparing to bring forward a report to the March 23 Planning and Housing Committee meeting outlining the proposed implementation plan.** As a result of the pandemic, regular committee and council meetings were cancelled while the need for supportive housing increased considerably.

**Staff are recommending entering negotiations with Horizon North for the manufacturing, design and installation of up to 110 modular homes in two, three-storey developments, representing Phase I of the City's modular housing pilot.** The terms of the proposed contract will be reviewed and considered by City Council at its April 30, 2020 meeting. A full request for proposal will be issued in the summer of 2020 for the second phase of the pilot, representing an additional 140 modular supportive homes to be completed by April 2021.

**Modular housing is prefabricated in a factory and then transported to the site where it is assembled, allowing it to be constructed at a lower cost and shorter timeframe than traditional housing models.** It provides a unique opportunity to respond rapidly to the city's urgent homelessness situation, while also reducing pressure on the City's shelter system.

#### **The guiding principles for the pilot are:**

- ⇒ Provide a rapid, dignified response to connect people experiencing homelessness with homes and appropriate supports to help them achieve housing stability;
- ⇒ Develop a supportive housing model based on partnerships with other orders of government, the non-profit and the private sectors;
- ⇒ Create permanent, high quality, energy-efficient modular homes to ensure that people can establish housing stability and connect to their local community;
- ⇒ Prioritize the selection of sites that are close to both public transit and community and social services;
- ⇒ Prioritize the retention of City-owned sites by negotiating long-term land leases;
- ⇒ Achieve the highest possible public benefits from City-owned land; and,
- ⇒ Commit to meaningful public consultation and engagement.

View more details on the proposed implementation plan here.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.CC20.6>)



## Outbreak at Jesse Ketchum Early Learning and Child Care Centre

**Three staff at Jesse Ketchum Early Learning and Child Care Centre**, one of the City of Toronto's seven licensed child care centres that provide care for the children of essential and critical service workers, have tested positive for COVID-19. In addition, two other staff and two children are awaiting test results.

**The Jesse Ketchum Early Learning and Child Care Centre has suspended child care services for a period of 14 days.** The centre will undergo a deep cleaning and will reopen once approval is granted by Toronto Public Health.

**The City is notifying the families who have children attending the child care centre.** Staff and the 58 children who attended between April 21 and April 28 will be asked to remain at home for two weeks from their last day at the child care centre and will be excluded from all Toronto emergency child care centres as a precautionary measure for this same period.

**Toronto Children's Services has been implementing enhanced infection prevention and control procedures that meet public health guidelines.** This includes small group sizes for rooms, daily screening which includes temperature checks of children and staff and the development of enhanced infection prevention policies and procedures approved by Toronto Public Health and the Province.

**The City's six remaining emergency child care centres will continue to operate:**

- ⇒ Malvern Early Learning & Child Care, 1321 Neilson Road
- ⇒ Thomas Berry Early Learning & Child Care, 3495 Lake Shore Blvd W.
- ⇒ Falstaff Early Learning & Child Care, 10 Falstaff Avenue
- ⇒ City Kids Early Learning & Child Care, 34 Bathurst St.
- ⇒ Danforth Early Learning & Child Care, 1125 Danforth Ave.
- ⇒ Metro Hall Early Learning & Child Care, 55 John St., will open on April 29

**Children's Services, in conjunction with Toronto Public Health, will be reviewing any other procedures that may be put in place to ensure the health and safety of families.**

## Cherry Blossoms in High Park

**With the peak bloom period about to begin, the City of Toronto is closing High Park starting tomorrow, Thursday, April 30.** Throughout the closure period, the City, in partnership with the Toronto Public Library Bookmobile and Rogers Communications, will provide a continuous livestream of the cherry tree grove in High Park. In addition, multiple live events and videos featuring virtual walk-throughs of the blossoming Sakura (cherry blossom) trees will be held.

**The timing of live events is weather-dependent and will be announced on the City's website** and corporate social media accounts on Facebook, Twitter and Instagram. **Watch the cherry blossoms here.**

**(<https://www.toronto.ca/cherryblossoms>)**

**More information on affected City services & facilities**

**(<https://www.toronto.ca/home/covid-19/affected-city-services/>)**

**More updates from the City of Toronto (<http://www.toronto.ca/covid19>).**

## Province of Ontario Updates

**The Ontario government is further expanding the list of essential workers eligible to receive free emergency child care during the COVID-19 outbreak.** Those who will benefit include people who work in the food supply chain, retirement homes, grocery stores, pharmacies and certain federal employees, including the military. Since emergency child care was introduced last month, almost 100 child care centres have reopened along with 40 Licensed Home Child Care Agencies in communities across the province.

**On March 22, 2020, the government announced an emergency order directing certain child care centres to reopen while abiding by physical distancing rules.**

The list of essential workers eligible to access emergency childcare has now been further expanded. To accommodate more children, **37 additional centres have been approved and will be reopening in the coming days.**

**The additional frontline workers who can now access emergency childcare services include:**

- ⇒ Workers in grocery stores and pharmacies;
- ⇒ Truck drivers (driver's licence Class A and Class D);
- ⇒ Workers in the food supply chain, including food processing;

- ⇒ Workers in retirement homes;
- ⇒ Auxiliary workers in health care settings, including cooks and cleaning staff in hospitals and long-term care homes;
- ⇒ Interpreters and intervenors who support people who are deaf, deafened, hard of hearing and deafblind;
- ⇒ Ministry of Natural Resources and Forestry (MNRF) emergency personnel;
- ⇒ Provincial officers and onsite staff in Ontario courts;
- ⇒ Canadian Armed Forces and Department of National Defence staff working in Ontario; and,
- ⇒ Additional workers supporting public safety and correctional services.

**([https://www.ontario.ca/page/child-care-health-care-and-frontline-staff?\\_ga=2.200171881.630469456.1588185405-1248219016.1581972431](https://www.ontario.ca/page/child-care-health-care-and-frontline-staff?_ga=2.200171881.630469456.1588185405-1248219016.1581972431))**

**Learn more about the Province's child care for health care and frontline workers here. ([https://www.ontario.ca/page/child-care-health-care-and-frontline-staff?\\_ga=2.200171881.630469456.1588185405-1248219016.1581972431](https://www.ontario.ca/page/child-care-health-care-and-frontline-staff?_ga=2.200171881.630469456.1588185405-1248219016.1581972431))**

**([https://www.ontario.ca/page/child-care-health-care-and-frontline-staff?\\_ga=2.200171881.630469456.1588185405-1248219016.1581972431](https://www.ontario.ca/page/child-care-health-care-and-frontline-staff?_ga=2.200171881.630469456.1588185405-1248219016.1581972431)) More updates from the Province of Ontario. (<https://www.ontario.ca/page/2019-novel-coronavirus>)**

## Government of Canada Updates

**Work was underway in the House of Commons to pass legislation that would provide \$9 billion in financial aid to post-secondary students** taking a financial hit because of the global pandemic. More information will be provided should the legislation be enacted.

**Income tax payment deadlines for Canadians have been extended to August 31, 2020, without incurring interest or penalties.** As a reminder, the filing due date for 2019 income tax returns for individuals has been deferred until June 1, 2020.

**The trends for new COVID-19 infections remain on a positive trajectory.** Please continue to #StayHome and practice appropriate safety measures when outside.

**Businesses can now apply for the new Canada Emergency Wage Subsidy ([https://www.kristynwongtam.ca/r?u=zq8TfIHHXN5cRL84O6AVVheYJ6ybQc6M6kFx5e-YQZY\\_A8U2DMA-](https://www.kristynwongtam.ca/r?u=zq8TfIHHXN5cRL84O6AVVheYJ6ybQc6M6kFx5e-YQZY_A8U2DMA-))**

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sgjaUP5TWVfkST6SKPxWVpIISsV6vGesbQcQHDIYORJM-

w&e=404dfb54b7b1b7b3503f45981b508816&utm\_source=kristynwongtam&utm\_medium=email&utm\_campaign=april28\_covid19update&n=19) (CEWS) program. As

many small businesses in Ward 13 are struggling, I encourage those employers who qualify to apply. Eligible companies will be able to receive up to \$847 per employee per week, with money to start being distributed by May 7. Please visit the Federal Government's **CEWS website** ([https://www.kristynwongtam.ca/r?](https://www.kristynwongtam.ca/r?u=zq8TfIHHXN5cRL84O6AVVheYJ6ybQc6M6kFx5e-YQZY_A8U2DMA-pPDEOL6mRxtT5msYL5HhdtLiWquD8nzZ7eE5l1bbsp6jCTB2riuckOHsjkkuh0ThaFy)

[u=zq8TfIHHXN5cRL84O6AVVheYJ6ybQc6M6kFx5e-YQZY\\_A8U2DMA-](https://www.kristynwongtam.ca/r?u=zq8TfIHHXN5cRL84O6AVVheYJ6ybQc6M6kFx5e-YQZY_A8U2DMA-pPDEOL6mRxtT5msYL5HhdtLiWquD8nzZ7eE5l1bbsp6jCTB2riuckOHsjkkuh0ThaFy)

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[mt-CwzRKjz&e=404dfb54b7b1b7b3503f45981b508816&utm\\_source=kristynwongtam&utm\\_medium=email&utm\\_campaign=april28\\_covid19update&n=20\)](https://www.kristynwongtam.ca/r?u=zq8TfIHHXN5cRL84O6AVVheYJ6ybQc6M6kFx5e-YQZY_A8U2DMA-pPDEOL6mRxtT5msYL5HhdtLiWquD8nzZ7eE5l1bbsp6jCTB2riuckOHsjkkuh0ThaFy) for more information.

**Please note that if you are eligible to receive CEWS, you will not be able to receive the Canadian Emergency Relief Benefit (CERB) concurrently.**

**More updates from the Government of Canada.** ([https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html?utm\\_campaign=not-applicable&utm\\_medium=vanity-url&utm\\_source=canada-ca\\_covid19](https://www.canada.ca/en/public-health/services/diseases/coronavirus-disease-covid-19.html?utm_campaign=not-applicable&utm_medium=vanity-url&utm_source=canada-ca_covid19))

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## COVID-19 Information and Resources

**Now is the time to stay informed through credible sources, and to follow the advice of our public health professionals.** Together we can limit the spread of COVID-19.

**Phone lines for telehealth, TPH and 311 continue to experience very high volumes.**

Please help keep the phones lines open for people who are sick by visiting the Toronto Public Health COVID-19 website for up-to-date information and resources:

**toronto.ca/covid-19** ([http://www.joecressy.com/r?u=i64gRp\\_xVI-](http://www.joecressy.com/r?u=i64gRp_xVI-izlSEV0h4cYNA13bZJy0kUnsCt_HoliWPVK6IO3lhit_y_NKAMhIk&e=c9374009dbd369f21a7eedd3d0648804&utm_source=ward20&utm_medium=email&utm_campaign=covid_19_updates_march_20&n=13)

[izlSEV0h4cYNA13bZJy0kUnsCt\\_HoliWPVK6IO3lhit\\_y\\_NKAMhIk&e=c9374009dbd369f21a7eedd3d0648804&utm\\_source=ward20&utm\\_medium=email&utm\\_campaign=covid\\_19\\_updates\\_march\\_20&n=13](http://www.joecressy.com/r?u=i64gRp_xVI-izlSEV0h4cYNA13bZJy0kUnsCt_HoliWPVK6IO3lhit_y_NKAMhIk&e=c9374009dbd369f21a7eedd3d0648804&utm_source=ward20&utm_medium=email&utm_campaign=covid_19_updates_march_20&n=13))

### Telehealth Ontario

Call if you develop symptoms!  
Telephone: 1-866-797-0000

Wong-Tam

Enter your query



### Toronto Public Health Hotline

8:30 a.m. – 8 p.m.

Call if you have questions about COVID-19.

Telephone: 416-338-7600

TTY: 416-392-0658

Email: [PublicHealth@toronto.ca](mailto:PublicHealth@toronto.ca) (<mailto:PublicHealth@toronto.ca>)

### 311 Toronto

Outside City limits: 416-392-2489

Call if you have questions about City services, or to report people

**Telephone: 311 (The City is only accepting 311 requests through phone)**

## Sign up for the latest news




Sign up

## Connect with Kristyn



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✉ **councillor\_wongtam@toronto.ca (mailto:councillor\_wongtam@toronto.ca)**

☎ **416-392-7903 (tel:416-392-7903)**

📍 **Constituency Office:** 100 Queen St W A5, Toronto, ON, M5H 2N2



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**(https://www.toronto.ca/city-government/council/men**



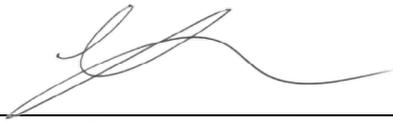
**Wong-Tam**  
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**(https://nationbuilder.com/)**

**(https://www.progressivenation.ca/)**

This is Exhibit "OOOO" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*

Transcript News Conference COVID-19: May 1, 2020

[https://youtu.be/\\_fBroPyfZXU](https://youtu.be/_fBroPyfZXU)

Dr. de Villa: 12:26

Thank you, Mayor Tory and good afternoon, everyone.

For today's update as of 11 o'clock this morning there are 5,687 people infected with COVID-19 in Toronto. This includes 5,135 confirmed and 552 probable cases. There are 351 people in hospital 113 in intensive care units. In total, we have lost 369 Torontonians to this virus. On behalf of the team once again I extend my deepest sympathies to those who have lost loved ones and wish a speedy recovery to those who are sick.

14:47

I also wanted to let you know that late yesterday, during a process improvement review, our operations team at Toronto Public Health learned that we did not conduct contact tracing for 52 positive COVID-19 lab reports received between March 31st and April 6th. I want to assure you that all 52 of these people were aware of their positive diagnosis at the time and appropriately isolated at the time. As such, there is no increased risk to our community and our population. This occurred unfortunately because there was an error in how these lab reports were received.

Upon learning of this matter late yesterday evening, I immediately asked my team to take action to correct the situation. I also asked them to determine how this happened and to work to ensure that it does not happen again. I am committed to being honest and transparent with you not only because you deserve that from me but because this is core to who I am. You are all my patients and protecting your health is my top priority.

....

Chief Pegg: 19:50

Earlier this morning Toronto Fire Services responded to a fire under the bridge on Glen Road near South Drive. This is in the Mount Pleasant Road in Bloor Street East area of Toronto. Upon arrival at this fire responding crews confirmed that the fire originated in a makeshift homeless encampment. Sadly, during the course of operations one occupant of the encampment was located in the area involved in fire and was pronounced deceased.

On behalf of all of us, I extend my sincere condolences to the family friends and all those impacted by this tragic loss of life. The investigation into the origin cause and circumstances of this fire is ongoing with Toronto Fire Services, Toronto Police the Office of the Chief Coroner and the Ontario Office of the Fire Marshal who are all working together to determine how this loss of life occurred. This is the seventh fatal homeless encampment fire in Toronto since 2010 and the first since April of 2018. This is also the 33rd fire involving a homeless encampment this

year and the 190 of such fire since 2017. Since the onset of COVID-19, the City of Toronto has monitored encampment sites and removed dangerous materials such as propane tanks. Well, there has been a moratorium on clearing encampments during COVID-19. The city's streets to homes outreach team have also continually been out checking on people living outside and offering services such as housing options.

On Wednesday, the City announced a new program that is immediately housing people living outside with the availability of 125 units in two apartment buildings in Midtown Toronto. As of yesterday, 47 people have moved into units with 24/7 staff support security and case management focused on long-term housing and other immediate needs including harm reduction supports. This interim housing is a bridge to more permanent housing options encampments where individuals are offered this housing will subsequently be cleared based on existing protocols following the offer of housing.

This afternoon, I learned that some people are encouraging those experiencing homelessness to move into encampments for reasons I simply cannot fathom this advice places the health and safety of our residents at risk.

There have been 190 fires in homeless encampments in Toronto since 2017 seven of which have resulted in people losing their lives as a result. We are working hard to remove the risks and dangers that homeless encampments pose.

As the Fire Chief, I ask everyone to avoid providing this type of reckless and irresponsible advice that would simply place lives at risk.

...

Matt Bingley from Global News:

Mayor Tory, speaking with homeless outreach worker who said 125 apartments that are working to house those living in encampments is a good first step but saying that there's so many people living on in these areas that it's just a drop in the bucket I'm just wondering if the city is looking at the model and considering replicating at in other buildings throughout the city?

Mayor Tory:

We're looking at a wide variety of options it included the modular housing a hundred units that were authorized by the City Council yesterday with which we're moving ahead with dispatch so that those could be occupied by as early as September. We obviously have been using hotel properties as we can we have a rapid rehousing program that is I think going to use upwards of two hundred and some-odd Toronto Community Housing units that were vacant some of which were being refurbished so we're looking at a wide range of options plus the use of hotel rooms to make sure that people who are homeless are in healthy proper conditions as best we possibly can

Matt Bingley from Global News:

Dr. de Villa, on the contact tracing that failed to get done did anybody back after the fact and complete that work or does did it even make sense to do it at that point?

Dr. de Villa:

Because we actually knew that people were aware of their diagnosis and it appropriately self-isolated there was no risk further to the community and we just checked in made sure that people were you know doing well and we have confirmed that today so I think what this shows is that even within the context of a global emergency we can really understand why it's so important to do these quality improvement processes and that I can you know I'm pleased to say that our quality improvement in process improvement reviews at Toronto Public Health are working as they should.

This is Exhibit “PPPP” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*

## Active COVID-19 Outbreaks in Toronto Shelters, May 1 2020

Outbreak Number	Location Name	Cases	Deaths	Current Hospitalizations	Reported Date
3895-2020-331	DIXON HALL - 188 CARLTON	1	0	0	04/23/2020
3895-2020-319	DIXON HALL - SCHOOL HOUSE	3	0	1	04/18/2020
3895-2020-277	HOMES FIRST SHELTER - WILLOWDALE WELCOME CENTRE	153	0	1	04/09/2020
3895-2020-310	NELLIE'S WOMEN'S SHELTER	11	0	0	04/16/2020
3895-2020-337	SCOTT MISSION	2	0	0	04/24/2020
3895-2020-266	SEATON HOUSE	15	0	7	04/06/2020
3895-2020-312	SOJOURN HOUSE	38	0	0	04/16/2020
	<b>Total</b>	<b>223</b>	<b>0</b>	<b>9</b>	

Data extracted from iPHIS May 1, 2020 at 11:00 am

Includes only those outbreaks that are currently active. The number of cases and deaths are cumulative for each outbreak.

The hospitalizations are current

Numbers reported may differ from others publicly available due to differing reporting sources and download times

Please note these numbers are preliminary, and will continue to change as new information is received, and quality assurance work takes place.

This is Exhibit “QQQQ” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



Wendy Walberg LL.B., LL.M., C.S.  
City Solicitor  
Legal Services  
55 John Street  
Stn. 1260, 26<sup>th</sup> Flr., Metro Hall  
Toronto ON M5V 3C6  
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Fax (416) 397-5624

*\* Certified by the Law Society as a Specialist in  
Municipal Law: Local Government*

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Reply To: Kirsten Franz, Practice Lead, Litigation  
Tel: 416-392-1813  
Fax: 416-397-5624  
E-Mail: Kirsten.Franz@toronto.ca

May 1, 2020

Jessica Orkin, Louis Century and  
Geetha Philipupillai  
Goldblatt Partners LLP  
20 Dundas Street W., Suite 1039  
Toronto, ON M5G 2C2

SENT VIA EMAIL

Andrew Porter, Anthony Sangiuliano and  
Sahar Talebi  
Lenczner Slaght LLP  
130 Adelaide St. W., Suite 2600  
Toronto, ON M5H 3P5

Dear Counsel:

**RE: Sanctuary Ministries of Toronto et al v City of Toronto**

We are responding to your letter of April 30, 2020.

At the case conference before Justice Sossin on April 27, 2020 we agreed to consider a request for information from the Applicants. We expected this would be a request for information to "fill in the gaps".

We were surprised to receive your letter late that evening requesting an extensive amount of information. As discussed during our telephone conference on April 28, 2020, there is a great deal of information requested in your letter that staff would be unable to provide this week, due to the fact that this was a pivotal week for transferring clients to alternative facilities. A significant amount of division resources have been dedicated to this task.

Regarding your request for information about how the estimate of 2000 spaces was arrived at, your letter mischaracterizes our statements during that call. We were clear that while we understood that staff had undertaken an assessment of existing spaces, we did not have in our possession, nor did we know what type of documentation, if any, was created to complete that assessment.

We did request information regarding this particular issue. Staff have advised us that beginning in mid-March, they undertook an assessment of existing shelter facilities that was based upon information regarding existing floor space at all shelter locations. Staff used that information to develop the best estimate of how many shelter spaces would need to be relocated in order for each of those existing facilities to meet the physical distancing guideline. We are advised that staff included additional spaces in their estimate to account for unforeseen circumstances.

We are still making inquiries about documentation.

We note that during our telephone call we requested that your clients identify which particular shelter facilities they had concerns with, as this would have narrowed the information request. To date, we have not received this from you.

With respect to staff resources this week, in addition to the continued work on moving clients to temporary facilities, staff also launched a temporary housing program through Streets to Homes for people living outdoors and continued work on the launch of a second COVID-19 recovery program which is scheduled for next week.

We also note it has also been a particularly busy week for senior City staff in dealing with the pandemic. This includes work related to ongoing developments in the shelter system and holding the first City Council meeting since the emergency was declared. Senior staff have been fully involved in preparing for and attending the Council meeting which was critical to the ongoing need for the City to carry on essential business and also communicate with the residents of Toronto.

Finally, staff have been working hard to provide continual updates to the public on the shelter system and that work also continued this week. It may be that some of the information you are seeking is available on the City's website.

As we also mentioned during our call, by this weekend, we expect to receive a briefing on the activities that have occurred this week, and are continuing through tomorrow. We may be in a position to share updated statistics with you at that time.

Yours truly,



Kirsten Franz

c.c. David Gourlay, Michele Brady, Alison Barclay  
Zachary Green and Savitri Gordian, Crown Law Office, Ontario Ministry of the Attorney  
General

This is Exhibit "RRRR" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



Wendy Walberg LL.B., LL.M., C.S.  
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*\* Certified by the Law Society as a Specialist in  
Municipal Law: Local Government*

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Reply To: Kirsten Franz, Practice Lead, Litigation  
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Fax: 416-397-5624  
E-Mail: Kirsten.Franz@toronto.ca

May 2, 2020

Jessica Orkin, Louis Century and  
Geetha Philipupillai  
Goldblatt Partners LLP  
20 Dundas Street W., Suite 1039  
Toronto, ON M5G 2C2

SENT VIA EMAIL

Andrew Porter, Anthony Sanguiliano and  
Sahar Talebi  
Lenczner Slaght LLP  
130 Adelaide St. W., Suite 2600  
Toronto, ON M5H 3P5

Dear Counsel:

**RE: Sanctuary Ministries of Toronto et al v City of Toronto**

We received the following information from Shelter Support & Housing Administration this evening, reflecting the results of this weeks' incredible effort to relocate shelter clients into new facilities. The numbers below are current to last night (Friday May 1, 2020). These numbers are changing on a daily basis.

The City has achieved physical distancing in 95% of the system.

The total number of people moved for physical distancing, including 24-hour temporary COVID-19 response sites, hotels, and housing is 1,679.

The breakdown of the 1,679 is:

- 964 clients have been moved for physical distancing into hotel sites
- 13 community centres and other sites have opened as temporary shelter/respite sites for physical distancing with 497 clients moved into those facilities
- 218 people moved into permanent housing through the rapid housing initiative, housing allowances and rent geared to income.

In addition to this, the City is in the process of moving clients who sleep outdoors from encampments into interim housing in apartments. This started April 29 and 58 people have moved in to date.

The number of remaining spaces in existing facilities with clients that need to be relocated is 319.

Staff expect that the remaining clients will be relocated by May 15.

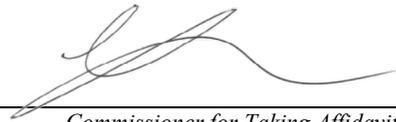
Yours truly,



Kirsten Franz

c.c. David Gourlay, Michele Brady, Alison Barclay  
Zachary Green and Savitri Gordian, Crown Law Office, Ontario Ministry of the Attorney  
General

This is Exhibit "SSSS" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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---

*Commissioner for Taking Affidavits (or as may be)*

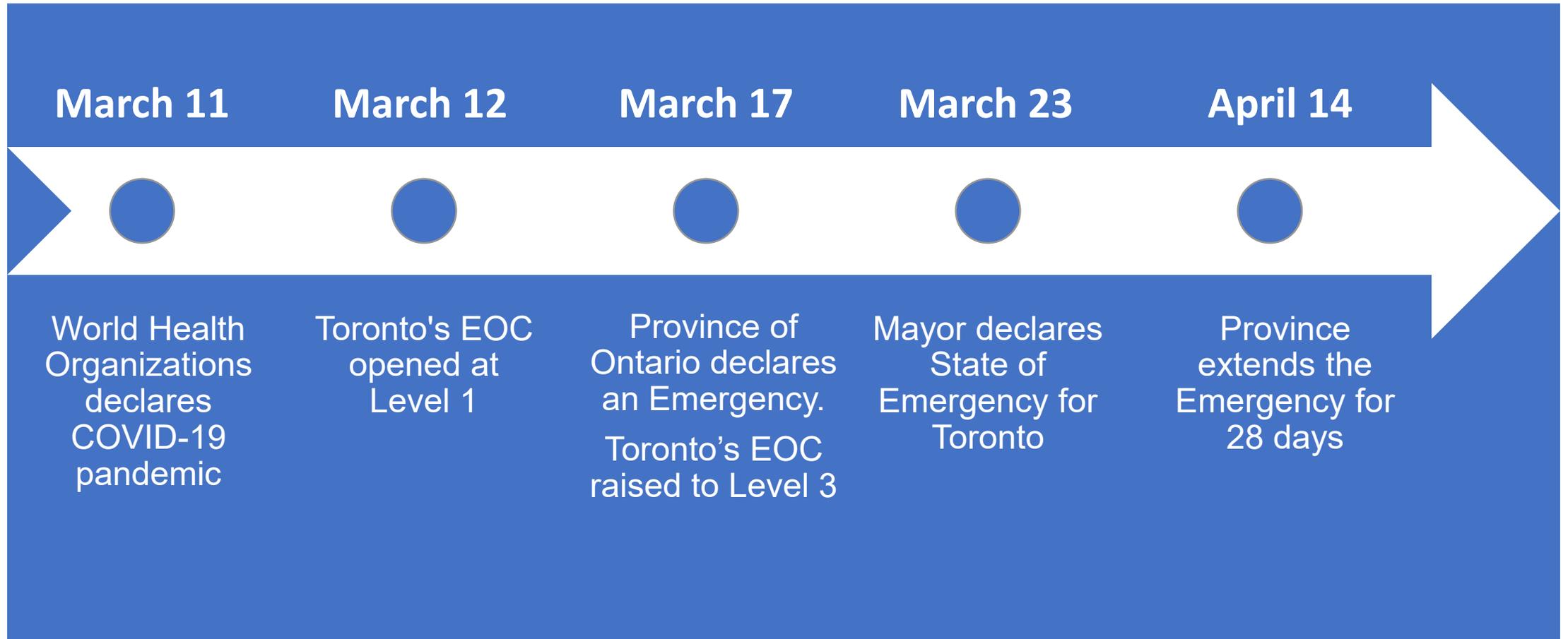
# **City of Toronto Response and Ongoing Management of Emergency City Business during the COVID-19 Pandemic**

**City Manager's Presentation**

**Toronto City Council**

**April 30, 2020**

# Timeline of COVID-19 Emergency Declaration

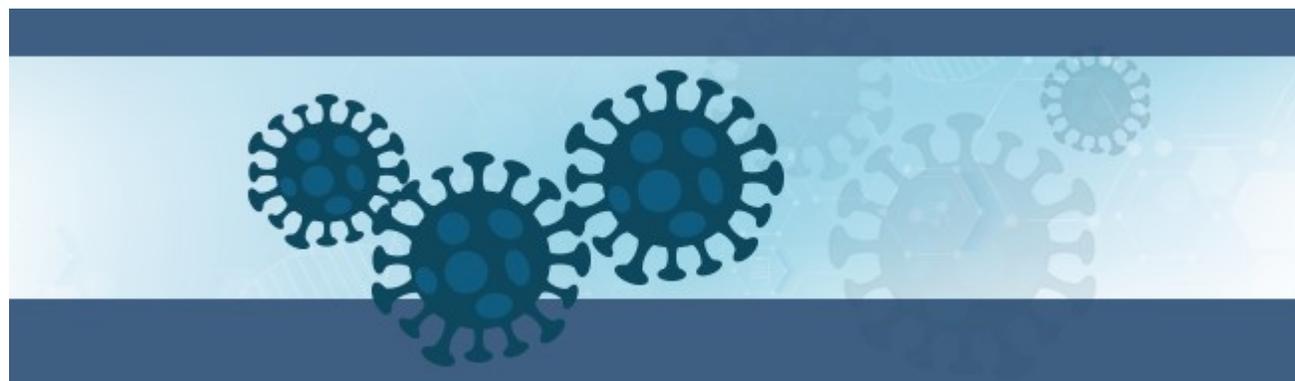


# **A. COVID-19 Evolution in Toronto and Public Health Measures Taken**

**Dr. Eileen de Villa**

# **COVID-19**

## **An Update to Toronto City Council**



**Dr. Eileen de Villa**

**Medical Officer of Health  
Toronto Public Health**

**April 30, 2020**



# Outline

1. What is COVID-19
2. COVID-19 Evolution in Toronto
3. Measures We are Taking to Flatten the Curve
4. Where We Are Now and Easing Public Health Measures
5. Toronto Office of Recovery and Rebuild



# What is COVID-19

- In January 2020, a new coronavirus named severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was identified as the cause of an outbreak originating in Wuhan, China. The disease caused by this virus is named COVID-19
- Since January 2020, the new coronavirus has spread globally
- COVID-19 was first detected in Toronto on January 25, 2020 in a person who travelled from Wuhan, China
- The World Health Organization classified COVID-19 as a pandemic on March 11, 2020
- The spread of coronavirus quickly became a local, provincial, and national emergency due to the health, social and economic impacts
- As of April 29, there are currently **5,360 laboratory-confirmed cases** of COVID-19 in Toronto
- Toronto Public Health's role in supporting the City of Toronto, the Toronto Board of Health, institutions, and the public includes monitoring, preventing and controlling the spread of infectious disease in the City

# COVID-19: Exposure and Symptoms

## Coronaviruses are generally spread through:

- Respiratory droplets from coughing, sneezing or talking
- Touching something with the virus on it, then touching your mouth, nose or eyes before washing your hands
- Close, prolonged personal contact such as living in the same household

**Majority (over 80%) of reported cases are relatively mild; however, the risk of a severe outcome requiring health care support and hospital admission is significant for those individuals:**

- Over 70 years old
- With a chronic medical condition
- Who have a weakened immune system
- Living in a setting such as a long-term care home



## Common Symptoms



Cough

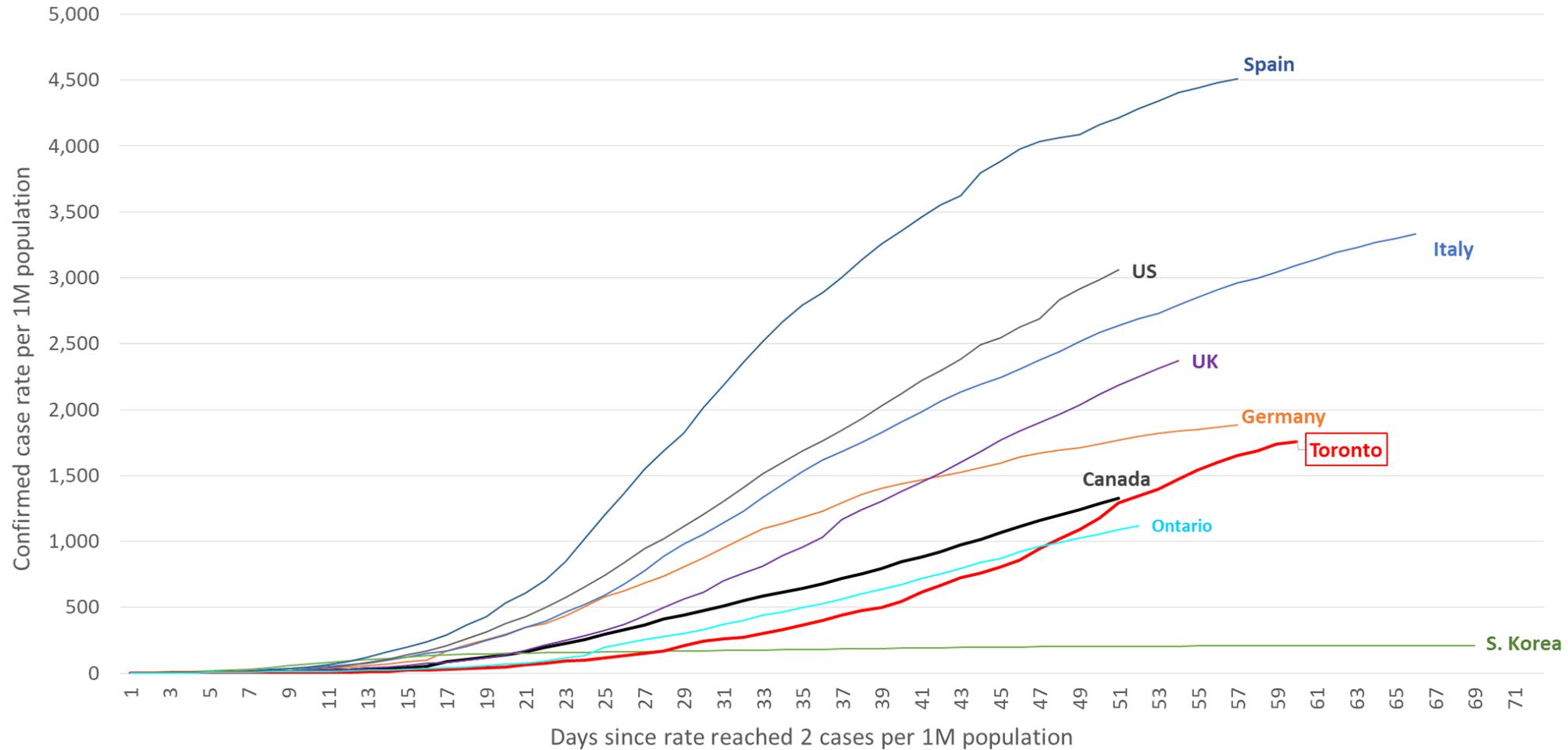


Shortness of Breath



Fever

# Cumulative Rates of COVID-19 per Million Population: Toronto Compared to Select Countries/Regions



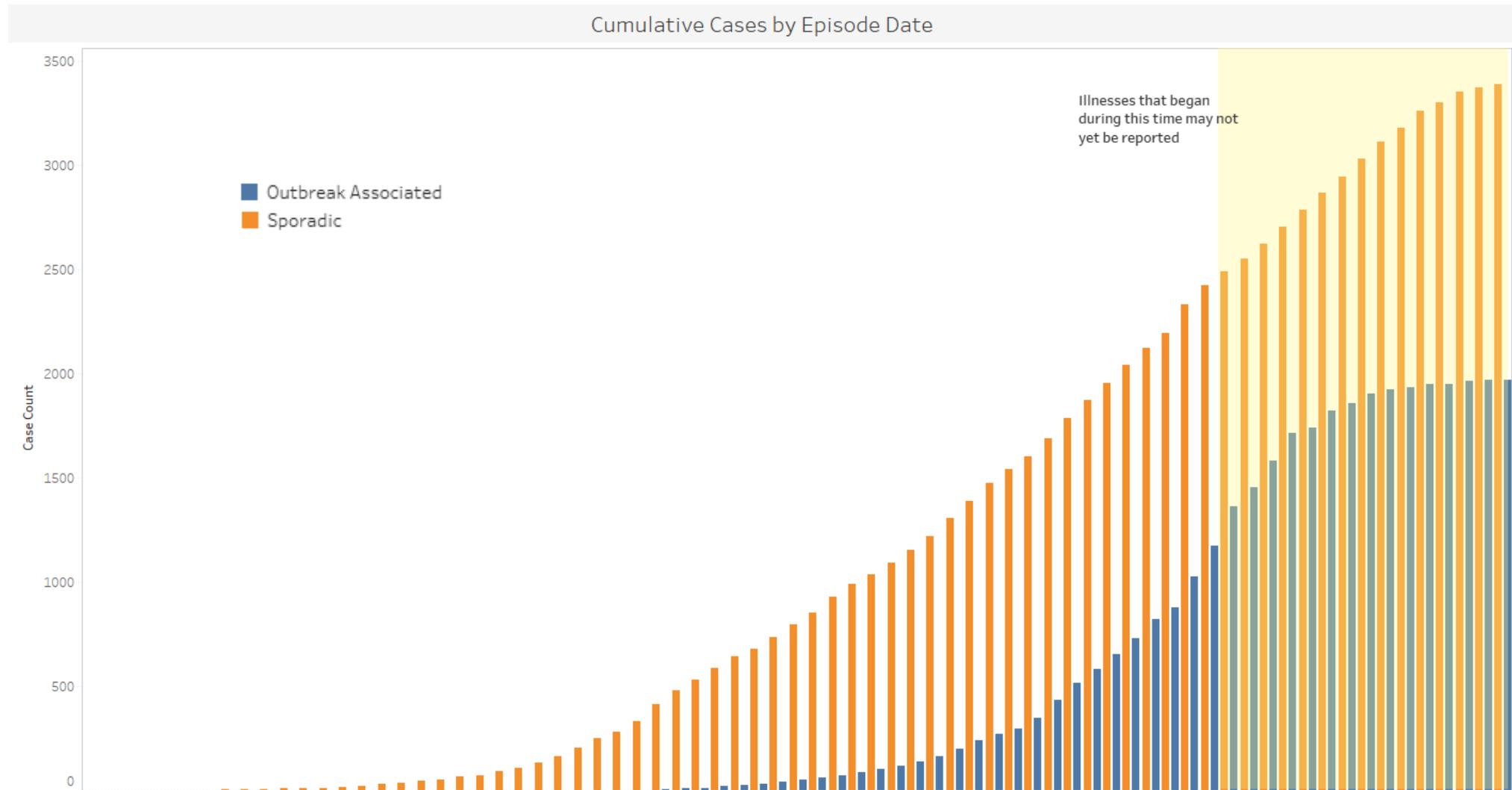
Data sources are preliminary and subject to change:

Toronto: Integrated Public Health Information System (IPHIS) and Coronavirus Rapid Entry System (CORES) as of April 29, 2020 @ 11:00 am

Ontario: COVID\_19 Canada Open Data Working Group <https://github.com/ishaberry/Covid19Canada>, data as of April 29, 2020 @ 8:00 am

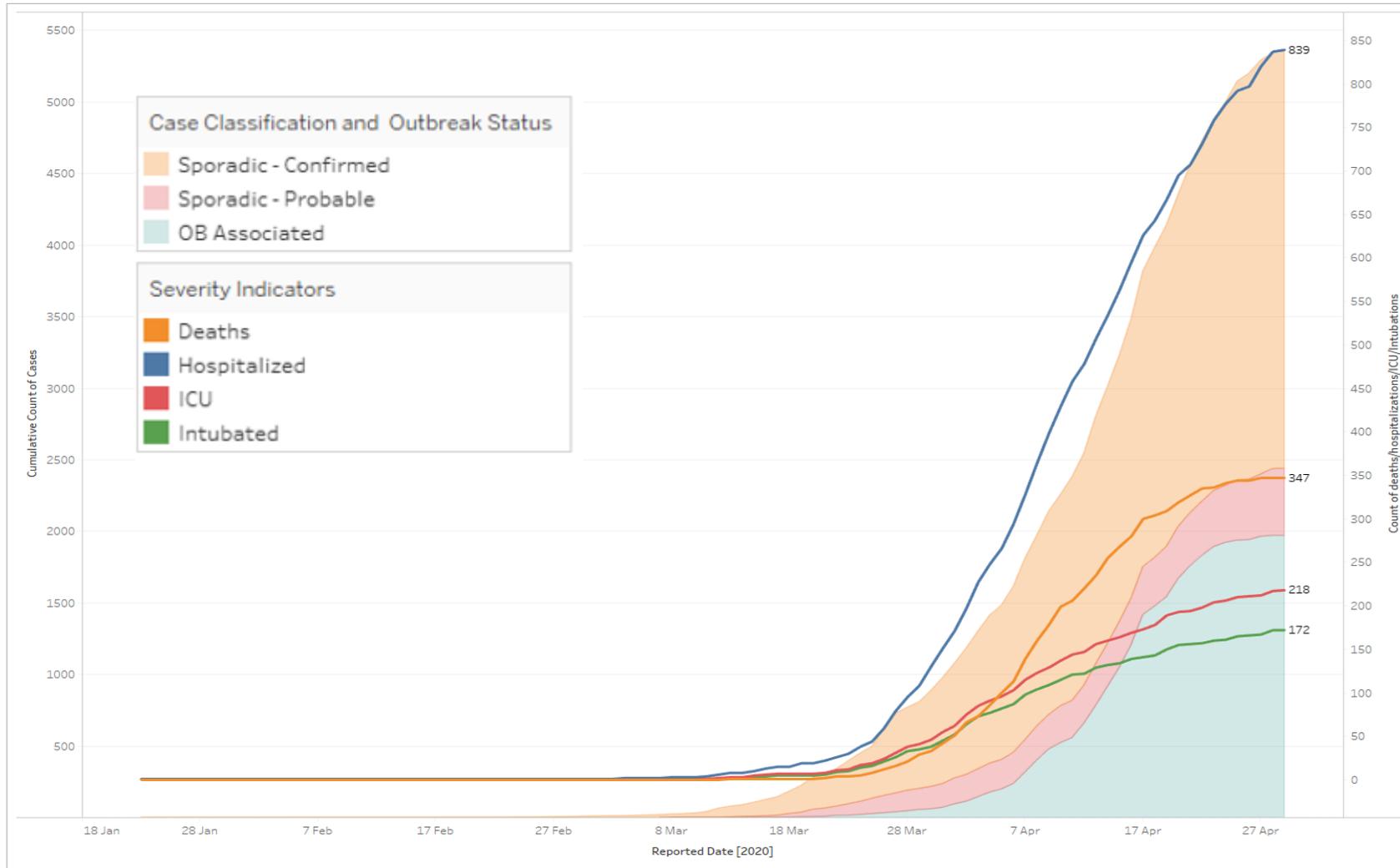
Global: Max Roser, Hannah Ritchie and Esteban Ortiz-Ospina (2020) - "Coronavirus Disease (COVID-19) – Statistics and Research". Published online at OurWorldInData.org. Retrieved from: '<https://ourworldindata.org/coronavirus>' [Online Resource] on April 29, 2020 at 8:00 am

# Cumulative Cases of COVID-19 by Episode Date, Toronto



Data sources are preliminary and subject to change:  
Toronto: Integrated Public Health Information System (iPHIS) and Coronavirus Rapid Entry System (CORES) as of April 29, 2020 @ 11:00 am

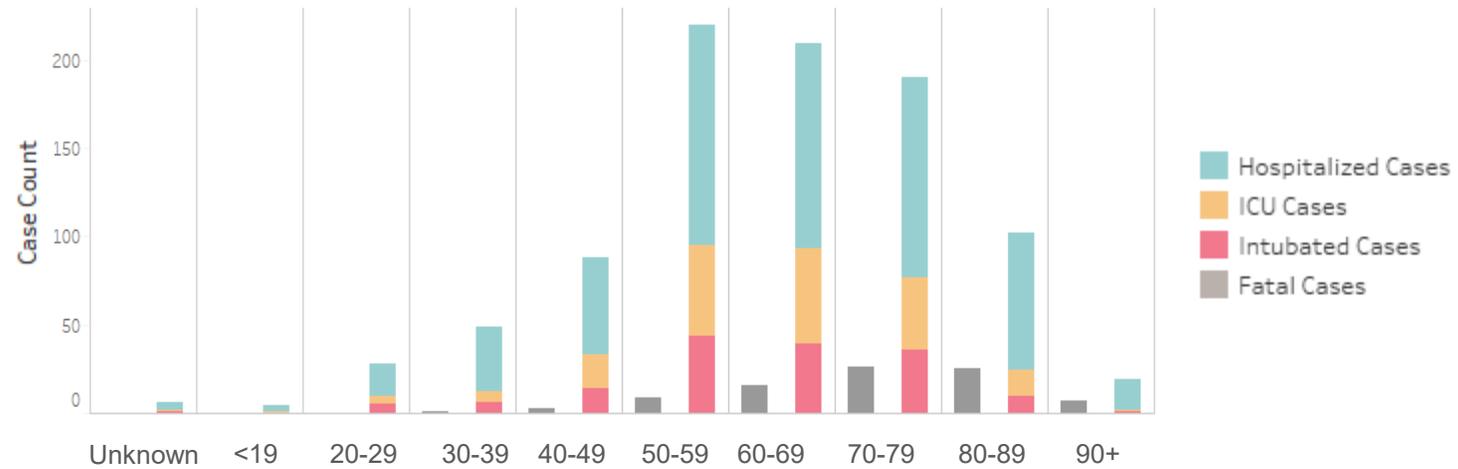
# Cumulative Number of COVID-19 Cases, Hospitalizations, Intensive Care Unit (ICU) Admissions, and Deaths, Toronto



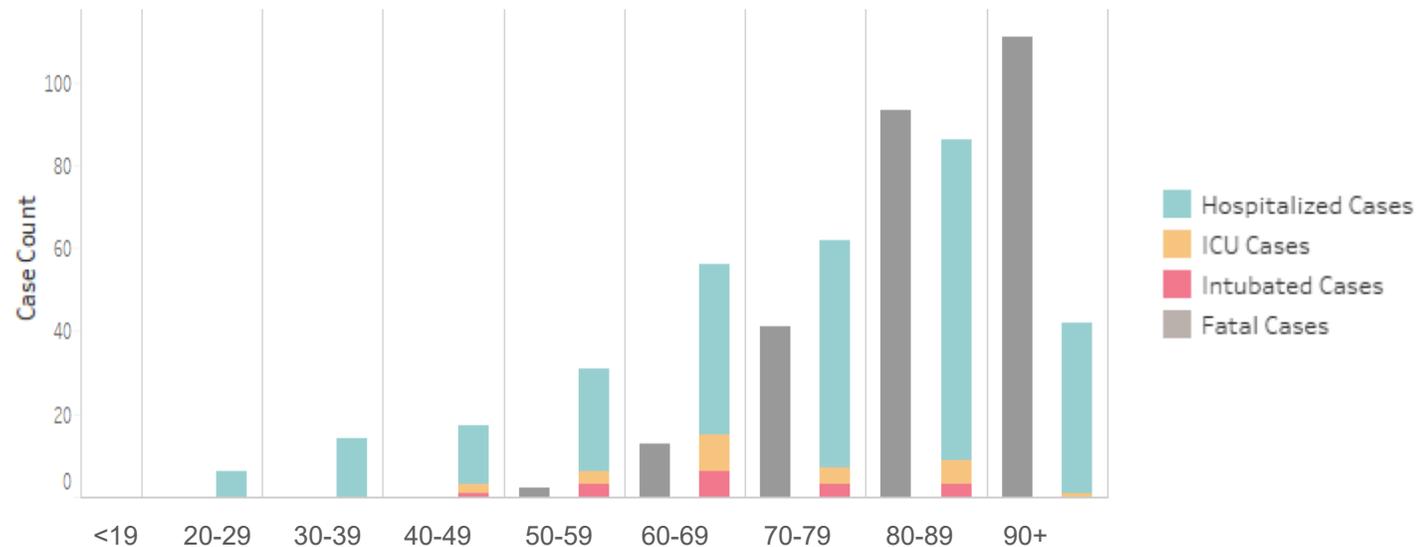
Data sources are preliminary and subject to change:  
 Toronto: Integrated Public Health Information System (iPHIS) and Coronavirus Rapid Entry System (CORES) as of April 29, 2020 @ 11:00 am

# Number of COVID-19 Cases Resulting in Hospitalization, ICU Admission, Intubation or Death (Cumulative), by Age Group

Community Cases:



Outbreak-Associated Cases:



# Summary of COVID-19 Cases in Toronto

## SUMMARY OF COVID-19 CASES IN TORONTO



All Cases	
Case Count	5,360
Recovered Cases	3,153
City incidence rate	196
Fatal Cases	347
Ever Hospitalized	839
Ever in ICU	218

Currently Hospitalized	354
Currently in ICU	111

As of April 29, 2020



CASES IN THE COMMUNITY**	64%
Recovered Cases	2,245
Median Age At Time of Illness	51
Percent Female	52%
Percent Male	47%
Fatal Cases	88
Median Age of Deaths	79

CASES IN INSTITUTIONS	36%
Recovered Cases	931
Median Age At Time of Illness	86
Percent Female	59%
Percent Male	36%
Fatal Cases	259
Median Age of Deaths	89

\*Includes confirmed and probable cases

\*\*Institutions include long term care homes, retirements homes, chronic care & hospitals

†Gender was unknown or other for some cases

TORONTO.CA/COVID19

 TORONTO Public Health

# Measures Toronto Public Health is Taking to Flatten the Curve

Toronto Public Health response to COVID-19:

- ✓ Issuing a **class Order** under the *Health Protection and Promotion Act* to emphasize the significance of self-isolation for those diagnosed with COVID-19 or those at high-risk of COVID-19 infection
- ✓ Implementing intense **case and contact tracing** of COVID-19 cases, including launching a new system (CORES) to support more timely follow-up of cases
- ✓ Managing **COVID-19 outbreaks in institutions**, such as long-term care homes and shelters
- ✓ Putting a strong **education and compliance** campaign in place to enforce public health measures and implementing a **hotline** to answer COVID-19 inquiries from the public

Investigated  
Approximately  
5,000 COVID-19  
Cases

Answered Over  
26,000 Hotline  
Calls From  
Residents

Investigated  
1,400  
Complaints

These measures have been guided by the principles of establishing the greatest protections for the most vulnerable residents and maintaining critical, life-saving health care resources

# Examples of Measures Taken by All Levels of Government Over Time

**March 16**

Medical Officer of Health strongly recommends all bars, dine-in restaurants, nightclubs, and theatres close as of March 17. Food takeout and delivery options are encouraged

**March 24**

Ontario Government orders the closure of non-essential businesses, in effect at 11:59 p.m.

**March 31**

City-led events and programs are cancelled, and City permits for third-party events are cancelled through June 30

**April 2**

Mayor Tory signs emergency order regulating physical distancing in parks and public squares

**April 15**

Ontario Government publishes the *COVID-19 Action Plan for Protecting Long-Term Care Homes*

**March 13**

City announces that City-operated March Break camps are cancelled and all licensed child care centres, community/rec. centres, pools, fitness centres, arenas, libraries, museums and galleries are closed as of March 14

**March 23**

Mayor Tory declares a State of Emergency in the City of Toronto

**March 25**

City-owned park amenities are closed. Federal government announces Emergency Order under the *Quarantine Act* requiring anyone entering Canada to self-isolate for 14 days

**April 1**

Medical Officer of Health issues a class Order under the *Health Protection and Promotion Act* - that residents infected with COVID-19 and their close contacts must stay home for 14 days. Anyone who is not ill or has not travelled is strongly encouraged to stay home except for essential reasons

**April 4**

Ontario Government reduces the list of businesses classified as essential, in effect at 11:59 p.m.



# Education and Compliance

Since the City's emergency declaration on March 23, Toronto Public Health's education and compliance efforts have dramatically increased to promote physical distancing and compliance with the City and Provincial Emergency Orders

Enforcement has been a collaborative effort among Toronto Public Health, Municipal Licensing and Standards, and Toronto Police Services and has focused on:

- **Essential Businesses**
  - Ensuring businesses are operating in accordance with the terms of the provincial emergency Order, and implementing appropriate measures to decrease the spread of COVID-19
- **Non-Essential Businesses**
  - Ensure the closure of non-essential businesses
- **Individuals**
  - Ensuring COVID-19 cases self-isolate and their close contacts are in quarantine as directed by the Medical Officer of Health's class Order



# Where We Are Now

- Data suggests we have reached the peak period of the COVID-19 outbreak in our community; however, with emerging provincial direction on COVID-19 testing in congregate settings such as long-term care, retirement homes, and shelter settings we should expect to see more cases of COVID-19
- To date, there is no available vaccine. While there have been approximately 5,000 laboratory-confirmed cases of COVID-19 in Toronto, it has yet to be determined whether the infection leads to the development of short-term or long-term immunity
- The role of Toronto Public Health is to continue to decrease the spread and manage the outbreak of COVID-19 by:
  - Monitoring COVID-19 activity and emerging science
  - Identifying and isolating COVID-19 cases, and managing their close contacts
  - Supporting health care institutions and other congregate settings
  - Recommending public health measures
- We are working with the City to develop a strategy that would enable the gradual easing of public health measures



# Where We Are Now: Easing Measures

In order to ease public health measures, we would need to observe the following in Toronto:

- ✓ Sustained reduction in daily COVID-19 cases
- ✓ Strategies to manage outbreaks in congregate settings such as hospitals and shelters are in place
- ✓ Provincial government to continue to make testing available and expand testing measures, as necessary
- ✓ The ability for hospitals to treat all patients requiring hospitalization and for there to be sufficient personal protective equipment (PPE) available to protect all health care workers
- ✓ Timely identification and appropriate management of COVID-19 cases and their close contacts
- ✓ Capacity for implementing effective physical distancing and other public health measures



# Future: Phased Approach to Easing Measures

- The easing of public health measures will be phased in over time and will vary by sector. It will be important to balance the need to support the economy while protecting the health of the public
- Decisions will be based on evidence and the experience in other jurisdictions, such as:
  - Re-opening of some businesses while continuing to maintain physical distancing and rigorous disinfection protocols
  - Gradual and staged re-opening of City facilities and programs
- As we ease public health measures, Toronto Public Health would continue intensive case and contact tracing and ensure protections remain in place for vulnerable groups, such as those over 70 years of age
- Overall, Toronto Public Health will continue to evaluate the science and evidence on COVID-19, work with provincial and federal partners, and adjust our approach to respond to our own unique circumstances in Toronto



# Toronto Office of Recovery and Rebuild

- The City of Toronto has launched the Toronto Office of Recovery and Rebuild, under the guidance and leadership of Mr. Saäd Rafi and Dr. David Mowat
- Dr. David Mowat is a former Chief Medical Officer of Health for the province of Ontario, former Deputy Chief Public Health Officer of Canada, and former Medical Officer of Health in a number of local jurisdictions
- Dr. David Mowat will provide public health expertise to support decision-making for when and how to re-open City services and the City in general, and will develop locally-based strategies to protect the public's health

# **B. Emergency Operations Centre (EOC) COVID-19 Response Overview**

**Chief Matthew Pegg**

# EOC Activation

Work and proactive planning in Toronto began before the first reported case of COVID-19 in Canada.

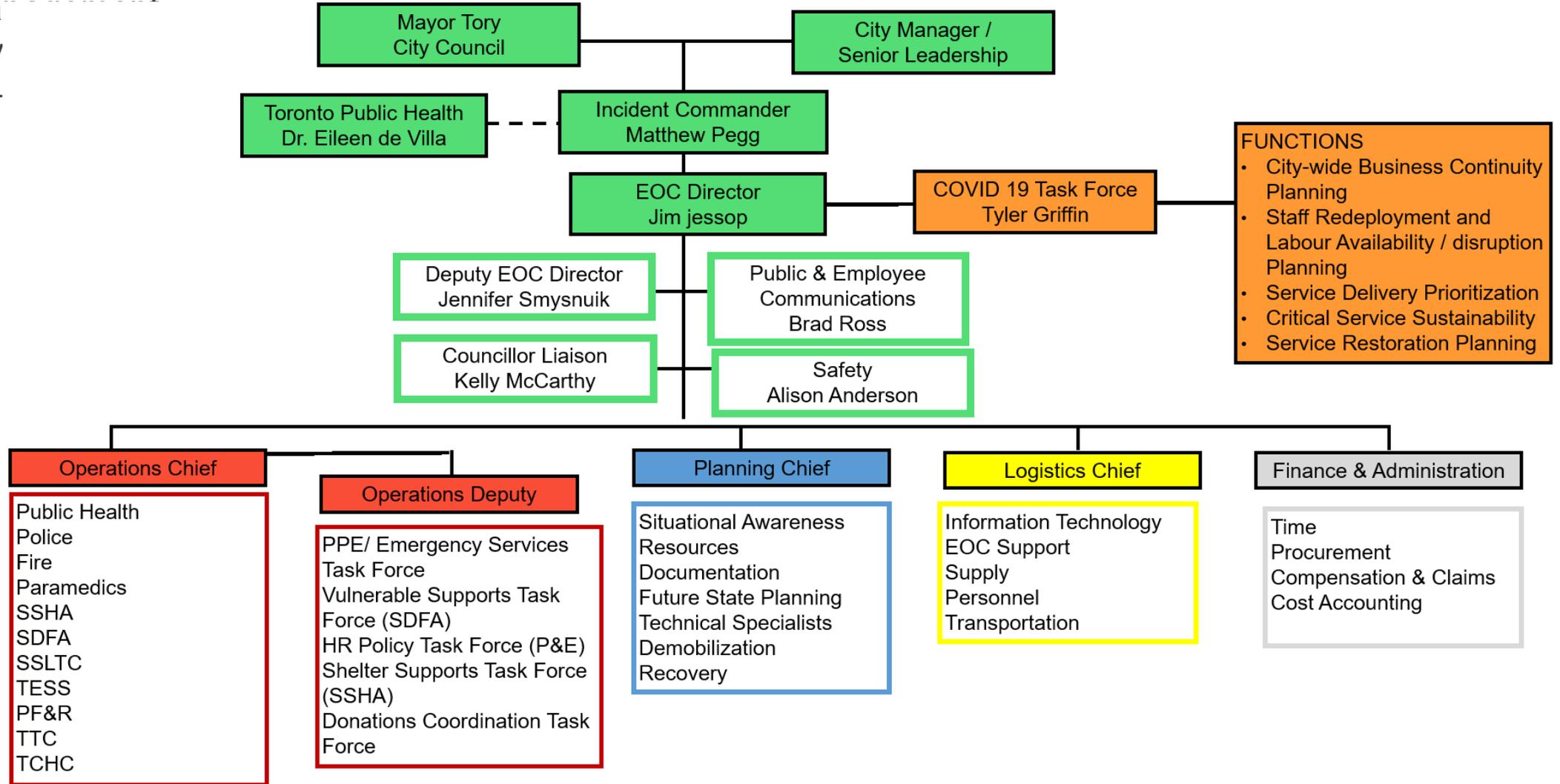
- January 2020 - the City commenced coordination meetings across each division and agency.
- March 17 - EOC operations were elevated to a full level 3 activation, the highest level of activation. This is the longest continuous activation of the EOC in Toronto's history.

From the outset of EOC activation, the following strategic priorities have been in place, which guide all aspects of decision making within the EOC:

- Priority One: Save lives;
- Priority Two: Prevent overwhelming Toronto's healthcare systems;
- Priority Three: Protect the Social and Financial economies.

# Emergency Operations Centre Structure

Incident Ma  
System Lev  
Activation –



# **C. Community and Social Services: COVID-19 Response**

**Supporting Vulnerable Torontonians during COVID-19**

**Giuliana Carbone**

City of Toronto

Provincial Government

Federal Government

Community Sector

- Shelters
- Drop Ins
- Street Outreach
- Supervised Injection
- Rapid Rehousing
- Eviction Support
- Rent Support

HOUSING & HOMELESSNESS

- OW & ODSP
- Provincial Supports
- Federal Supports
- Youth Employment
- Credit Counselling

INCOME SUPPORT

- Emergency Child Care Centres
- Parental Support
- Learning Activities
- Support for Seniors
- Prescription Delivery
- Medical Appointments

FAMILY SUPPORT

- Food Banks
- Hamper Delivery
- Grocery Delivery
- Grocery Gift Cards
- Prepared Meal Delivery

FOOD ACCESS

# TO Supports



MENTAL HEALTH

- Free Phones
- Free Counselling
- Online Group Workshops
- Bereavement

SAFETY & WELLBEING

- Escalated Situations
- Critical Incidents
- Domestic Violence
- Child Abuse
- Funeral Planning
- Know Your Rights

SOCIAL CONNECTION

- Volunteerism
- Donations
- Digital Access
- Online Activities

COMMUNITY SECTOR SUPPORT

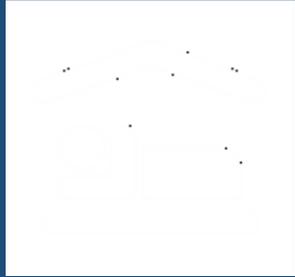
- City-Sector Coordination
- Networking
- Emergency Funding
- Workplace Safety
- Funding Sustainability
- Research

# Community & Social Services: Rapid Response



## Long-Term Care Homes:

- Proactive **infection prevention & control (IPAC)** practices in City-operated Homes early on (before Prov. Directives)
- **Positive** independent **audit** of our IPAC practices
- **Leading** Prevention & Outbreak Management **practices** in all 10 homes
- As of April 27<sup>th</sup> , 4 of the 10 City-operated homes in outbreak. Stringent outbreak protocols in place
- Continued focus on **staffing continuity & increased testing**



## Shelter Enhancements:

- Creating **physical distancing** across the shelter system
  - **11 temporary facilities** (7 community centres; 4 other facilities): all **492 spaces** occupied
  - 11 hotels (1,020 rooms) secured: 863 people moved as of April 27<sup>th</sup>
  - **1,355 clients moved** in total (as of April 27<sup>th</sup>). Balance to move over next two weeks
- 213 confirmed COVID cases in 14 shelter locations (as of April 27<sup>th</sup>)
- 200 bed **Recovery Site for COVID-positive clients** opened April 16. **2<sup>nd</sup> site** (up to 285 additional beds) **by May 1<sup>st</sup>**



## Rapid Re-Housing:

- **275 apartments secured** to date
  - **73 clients moved** into new permanent housing and more in process
  - Working to identify availability of additional apartments / buildings
- **Modular Housing**
- Rent Bank (no-interest loans for rent arrears) **increased by \$2M** (helping **800 households** stay housed)

# Community & Social Services: Rapid Response



## Emergency Child Care for Essential, Critical Workers (7 days/week)

- No charge to parents; funded by Province
- Online application launched March 28 (same day as Provincial announcement)
- **7 centres** opened by April 29 in City-operated child cares. **1 more** will open in next 2 weeks
- 993 families applied; 648 families contacted; **310 children placed** to date
  - 73% of families in care are front-line health workers & first responders
- Screening, cleaning, and infection control designed with Toronto Public Health



## Food Access:

- **996 food hampers** delivered to seniors/persons isolation (two week supply of food) with Red Cross in April
- **11 Food banks** opened in Toronto Public Library locations: **2,259** households and **5,685** individuals served
- **42,000** student families received \$50 **grocery cards** (repurposing student nutrition grants)
- **3,000** prepared meals delivered and working with community partners to scale up



## Mental Health Support:

- Residents call 211 to get connected to one of **8 mental health service providers** (direct phone support)
  - Support is free to all residents
  - Complements & does not replace any existing mental health support models
- Counselling support for frontline workers



## Supporting Local Community Response & Planning:

- **City-Community Response Table** (75+ agencies) meet virtually 3 times per week to problem-solve
- **Partnership with United Way** to coordinate service provision to vulnerable residents at a neighbourhood level

# **D. Overview of City Staffing Strategies in response of COVID-19**

**Omo Akintan**

# Staffing Strategies

## Phase 1

- Focus on emergency response
- Paid all scheduled employees

March 16 to April 05

## Phase 2

- Stopped paying unscheduled part-time & recreation workers
- Continued to pay all full-time employees

April 06 to 26

## Phase 3

- Continue to pay all employees working
- Place all other employees on Emergency Leave

April 27 onward

*Enabled more employees to remote work & developed COVID staffing policies*

*3 framework union agreements & new redeployment process.*

# **E. Response, Recovery, Rebuild: Phased, collaborative approach**

**Chris Murray**

# Toronto's Recovery and Rebuild Considerations

Primary Objective Remains Public Health – Recovery will start when the necessary public health conditions are met and direction is provided by the Medical Officer of Health

- There is **no distinct point** at which activities transition from one phase to the next
- The **virus will dictate the timeline**; scenarios fed by continuous data inform decision-making and planning
- Recovery and rebuilding continues until all systems return to normal or better
- The City's **partners, residents and businesses** will play increasingly greater roles in restoring communities and social and economic infrastructures
- **Members of Council** will be consulted throughout and staff will report on recovery strategies regularly for Council approval
- The experience, and definition of success will be **unique for each community**
- We continue to **share data and solutions** within the GTHA and among Canada's large cities

# **F. City of Toronto COVID-19 Communications**

**Brad Ross**

# Public and Employee Communications

## Public Information

- Daily media briefings
- Media relations
- Continuous website updates
- Multiple, daily social media posts
- Advertising and public information – English, French and 10 other languages
- Public signage
- Councillor information packages

## Employee Information

- Daily all staff messages
- Dedicated Intranet resources
- Creation of COVID-19-specific portal on ELI
- City Manager virtual town hall
- Communications tools for managers
- Online shout-outs and gratitude to essential and critical workers
- Health and safety posters created and erected across all City facilities

# **G. Brief overview of the financial picture**

**Heather Taylor**

# COVID-19 Financial Impacts – Experience to Date

## \$260 million in Financial Impacts as of April 19, 2020

- \$64.4 million in potential additional trailing costs
  - Driven by estimated delayed impact on MLTT revenue
- Excludes secured Federal / Provincial funding and experienced cost savings

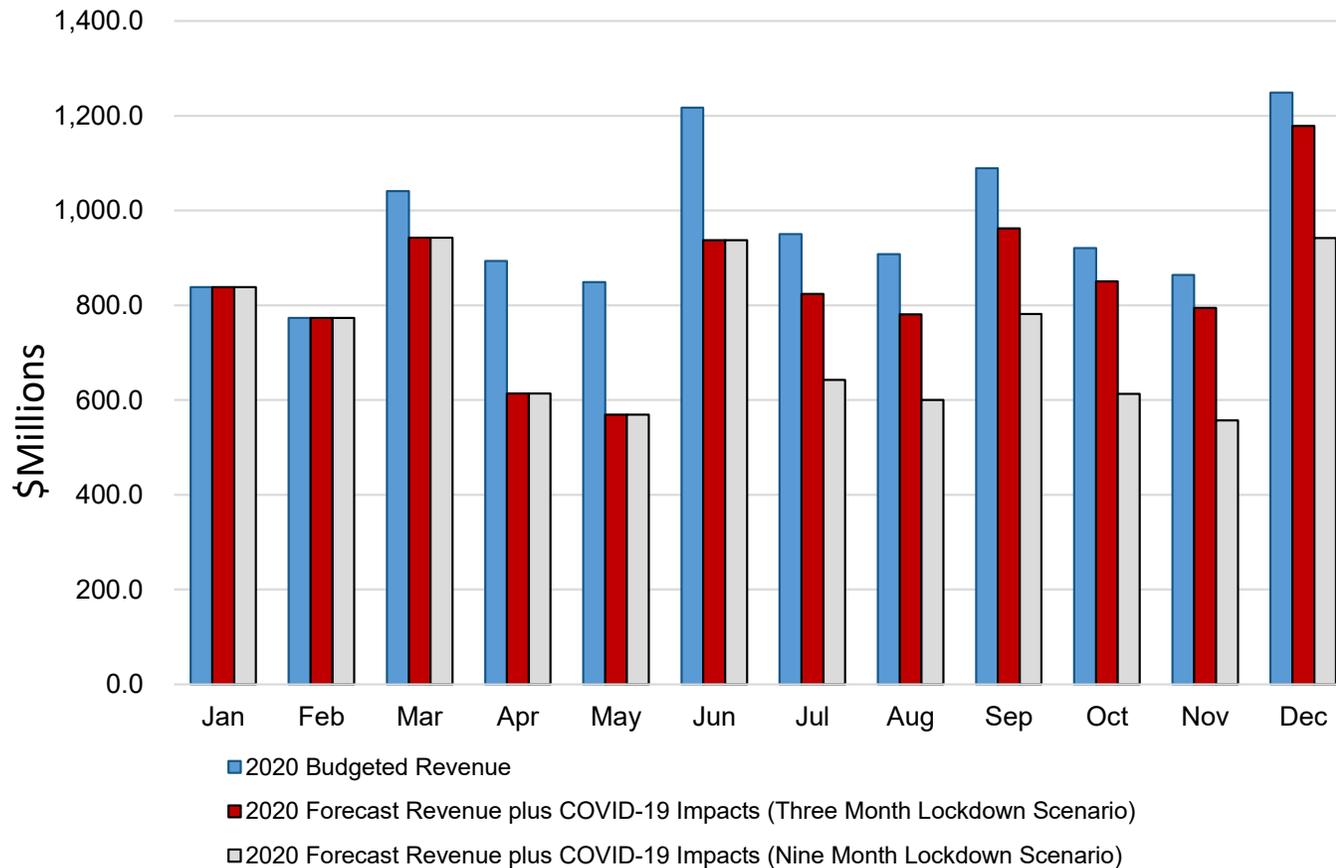
Weekly Burn Rate Estimate	
Description	\$ Millions
<b>Revenue Centric Impacts</b>	<b>45.4</b>
TTC - Predominantly fare revenue	23.5
TPA On-street/Off-street	3.9
TCHC - Mainly reduced revenue	3.0
Corporate Revenue (i.e. Investments, Parking Tag)	3.7
Permit / License Fees	3.1
MLTT - Current Experience	2.9
Cancellation of Public Events	1.6
User Fee Revenue	1.0
Toronto Zoo – Admission and fees	0.5
Other Revenue Loss	2.2
<b>Increased Costs</b>	<b>19.6</b>
Child Care Costs	7.7
Overtime Costs	3.8
Cleaning Supplies	2.0
Shelter Related Costs	1.1
Other Costs	5.0
<b>Total Weekly Estimate</b>	<b>65.0</b>

Week 1 Actuals	Week 2 Actuals	Week 3 Actuals	Week 4 Actuals	Week 5 Actuals	5 Week Total
<b>\$ Millions</b>					
<b>32.6</b>	<b>34.0</b>	<b>38.9</b>	<b>42.0</b>	<b>39.3</b>	<b>186.9</b>
16.2	16.4	21.4	19.4	21.5	94.8
2.0	3.1	3.1	3.6	3.3	15.0
3.0	3.1	3.1	2.8	2.8	14.7
3.6	4.6	4.9	5.0	5.3	23.3
2.1	2.7	2.5	1.0	1.7	10.0
<b>0.2</b>	<b>0.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.4</b>
2.6	0.8	0.9	1.0	0.4	5.7
0.8	0.7	1.2	6.9	1.8	11.4
0.9	0.3	0.3	0.4	0.4	2.3
1.2	2.3	1.7	2.0	2.2	9.3
<b>17.8</b>	<b>13.7</b>	<b>17.1</b>	<b>11.4</b>	<b>13.3</b>	<b>73.3</b>
7.7	7.7	7.7	7.7	7.7	38.5
0.8	1.0	1.2	1.0	1.6	5.5
0.7	0.7	0.7	0.6	0.5	3.1
2.2	4.3	6.7	2.0	2.5	17.7
6.4	0.1	0.8	0.2	0.9	8.4
<b>50.3</b>	<b>47.8</b>	<b>56.0</b>	<b>53.5</b>	<b>52.6</b>	<b>260.2</b>

Does not include any experienced COVID-19 related budget savings  
Does not include potential further saving initiatives

# COVID-19 Financial Impacts – 2020 Forecast

## COVID-19 - 2020 Forecasted Financial Impacts



## Forecast 2020 Impacts

- \$11.6 billion in budgeted revenues (Tax Supported Budget)
- \$1.5 - \$2.8 billion in forecasted impacts to year end
  - \$1.0 - \$2.0 billion in revenue loss
  - \$520 - \$760 million in added costs
- Depend on when/how physical distancing regulations are ultimately lifted
  - 30% impact on monthly budget during physical distancing regulations
  - 10% - 15% impact on monthly budget during recovery period



This is Exhibit "TTTT" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.



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*Commissioner for Taking Affidavits (or as may be)*

This file is appended separately as an electronic Exhibit.

This is Exhibit "UUUU" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



# Daily Shelter & Overnight Service Usage

These statistics reflect the previous day's activity across the shelter system. Statistics are as of 4 a.m. the following morning. They are posted daily during the week with weekend activity provided on Mondays.

To meet increasing demand for shelter, the City has been adding beds to existing programs, opening new shelter programs, and expanding motels and shelter services, mainly for families. The current system capacity is over 2,800 more beds than were available November 1, 2016, including 2,350 beds added since that time to motel programs, largely for families.

## Winter Programs Open

As of Tuesday, December 17, 100 per cent of beds were made available.

Shelter/Agency	Clients	Open Now	Future Capacity
St. Felix 24-hour Respite Program, 25 Augusta Ave.	All gender	50	50
Seaton House, 339 George St.	Male	100	100
Willowdale Welcome Centre, 5800 Yonge St.	Single refugee claimants; all gender	200	200
City-operated hotel beds	All gender	84	84
Homes First Society, 545 Lake Shore Blvd.+	Male	75	75
Salvation Army Evangeline Residence, 2808 Dundas St. W.	Female	4	4

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness>

Go

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20 captures

18 Jul 2018 - 21 Apr 2020

Salvation Army Maxwell Meighen, 135 Sherbourne St.	Men	20	20
<b>Total</b>		<b>533</b>	<b>533</b>

+ Additional 25 beds added December 16, 2019.

Client moves to Willowdale Welcome Centre at 5800 Yonge St. have made the following beds available in the shelter system.

Shelter System	Male Vacancies	Female Vacancies
Homes First Society, 545 Lake Shore Blvd.	8	10
Homes First Society, St. Clair Ave.	14	3
Homes First Society, 702 Kennedy Rd.	N/A	10
Seaton House, 339 George St.	50	5
Women's Residence	N/A	36
Bellwood's House	N/A	6
Dixon Hall, Heyworth House	0	9
Dixon Hall, School House	6	0
Salvation Army, Florence Booth	N/A	9
Salvation Army, Evangeline's	N/A	12
Street Haven	N/A	2
Walk-ins	1	6
<b>Total</b>	<b>79</b>	<b>108</b>

Daily Shelter Census

**January 14, 2020**

Shelter Sector	Occupancy	Capacity	Occupancy Rate
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<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness>

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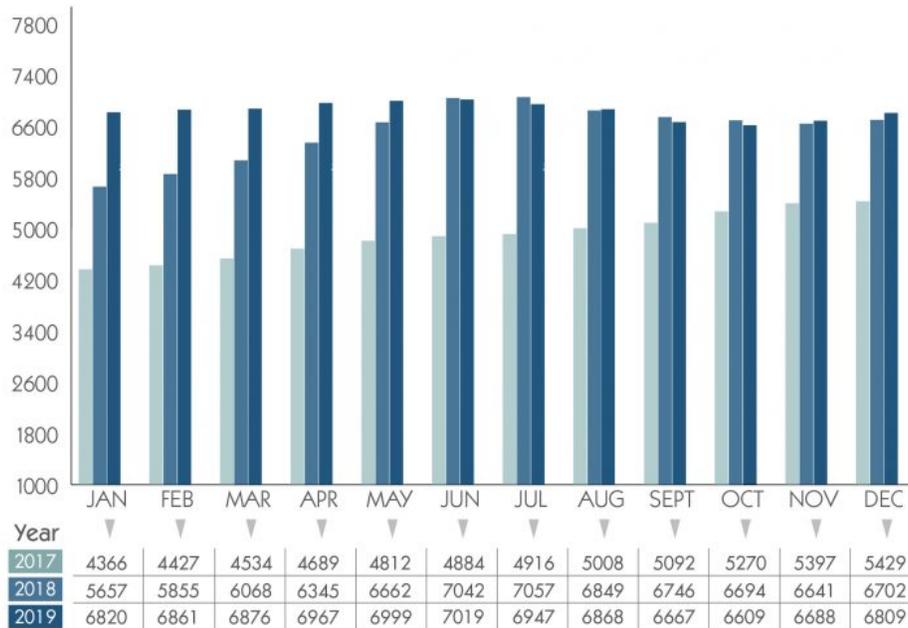
18 Jul 2018 - 21 Apr 2020

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Men	1,925	1,947	99%
Women	967	990	98%
Youth	537	543	99%
Family (shelters)	722	722	100%
Family (motels)	1,913	2,250	85%
<b>Total</b>	<b>6,853</b>	<b>7,265</b>	<b>94%</b>

### Monthly Shelter Occupancy

Average nightly number of people served in Toronto's shelter system



(<https://web.archive.org/web/20200116042301/https://www.toronto.ca/wp-content/uploads/2020/01/8e92-2019-01-07-Monthly-Shelter-Occupancy-Chart-DEC-2019-Updated.jpg>)

Click to enlarge.

Figures show average nightly occupancy by month in all City of Toronto permanent shelter programs. Statistics are from the Shelter Management Information System which was in use throughout the system by Jan 2011.

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/shelter-census/sidebar/>

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18 Jul 2018 - 21 Apr 2020

**January 14, 2020**

## 24-hour Respite Sites: 462 individuals at seven sites

- 351 Lakeshore East: 99. Capacity: 100.
- 1A Strachan Ave: 99. Capacity: 100.
- 323 Dundas Street: 35. Capacity: 35.
- 21 Park Road: 30. Capacity: 30.
- 705 Progress Avenue: 49. Capacity: 49.
- 25 Augusta Avenue: 50. Capacity: 50.
- 69 Fraser Avenue: 100. Capacity: 100.

## 24-hour Women's Drop-ins: 108 individuals at two sites

- Fred Victor: 57. Capacity: 70.
- Sistering: 51. Capacity: 50.

## Out of the Cold (OOTC) Sites: 71 individuals at two sites

- Beth Sholom: 43. Capacity: 60.
- Evangel Hall: 28. Capacity: 30.

Information is intended to provide an overview of overnight activity for the date provided. The stats are as of 4 a.m. the following morning.

(<https://web.archive.org/web/20200116042301/https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/shelter-census/sidebar/>)

This is Exhibit "VVVV" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

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*Commissioner for Taking Affidavits (or as may be)*



# Daily Shelter & Overnight Service Usage

These statistics reflect the previous day's activity across the shelter system. Statistics are as of 4 a.m. the following morning. They are posted daily during the week with weekend activity provided on Mondays.

To meet increasing demand for shelter, the City has been adding beds to existing programs, opening new shelter programs, and expanding motels and shelter services, mainly for families. The current system capacity is over 2,800 more beds than were available November 1, 2016, including 2,350 beds added since that time to motel programs, largely for families.

## Winter Programs Open

As of Tuesday, December 17, 100 per cent of beds were made available.

Shelter/Agency	Clients	Open Now
St. Felix 24-hour Respite Program, 25 Augusta Ave.	All gender	50
Seaton House, 339 George St.	Male	122
Willowdale Welcome Centre, 5800 Yonge St.	Single refugee claimants; all gender	250
City-operated hotel beds	All gender	84
Homes First Society, 545 Lake Shore Blvd.+	Male	75
Salvation Army Evangeline Residence, 2808 Dundas St. W.	Female	4

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessne...>

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18 Jul 2018 - 21 Apr 2020

Salvation Army Maxwell Meighen, 135 Sherbourne St.	Men	20
<b>Total</b>		<b>605</b>

+ Additional 25 beds added December 16, 2019.

Client moves to Willowdale Welcome Centre at 5800 Yonge St. have made the following beds available in the shelter system.

Shelter System	Male Vacancies	Female Vacancies
Homes First Society, 545 Lake Shore Blvd.	8	10
Homes First Society, St. Clair Ave.	14	3
Homes First Society, 702 Kennedy Rd.	N/A	10
Seaton House, 339 George St.	50	5
Women's Residence	N/A	36
Bellwood's House	N/A	6
Dixon Hall, Heyworth House	0	9
Dixon Hall, School House	6	0
Salvation Army, Florence Booth	N/A	9
Salvation Army, Evangeline's	N/A	12
Street Haven	N/A	2
Society of Saint Vincent de Paul, Elisa House	N/A	1
Society of Saint Vincent de Paul, Mary's Home	N/A	1
Walk-ins	2	66
<b>Total</b>	<b>80</b>	<b>170</b>

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness>

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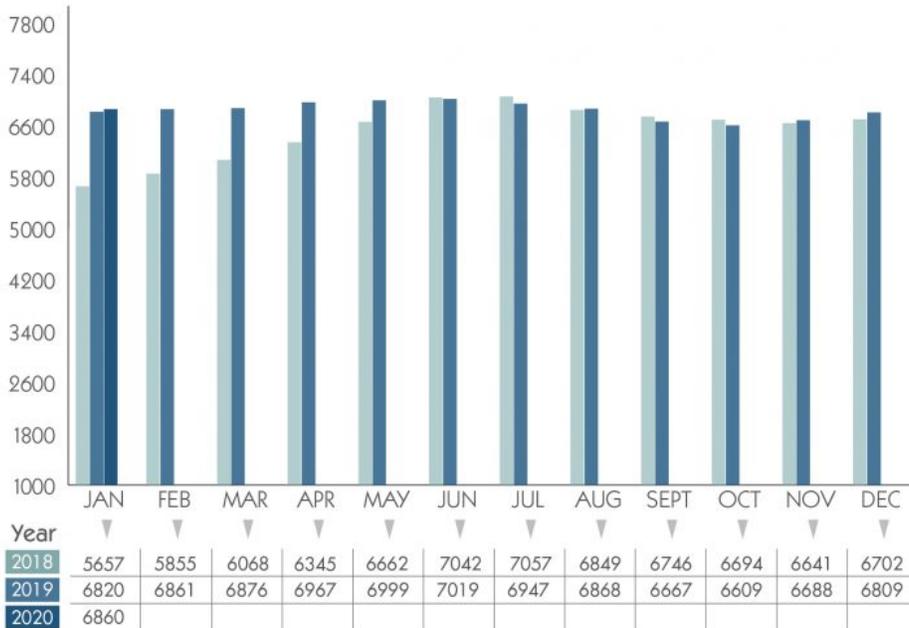
18 Jul 2018 - 21 Apr 2020

February 25, 2020

Shelter Sector	Occupancy	Capacity	Occupancy Rate
Co-ed	791	813	97%
Men	1,926	1,945	99%
Women	1005	1040	97%
Youth	535	547	98%
Family (shelters)	740	740	100%
Family (motels)	1,876	2,250	83%
<b>Total</b>	<b>6,873</b>	<b>7,335</b>	<b>94%</b>

### Monthly Shelter Occupancy

Average nightly number of people served in Toronto's shelter system



Figures show average nightly occupancy by month in all City of Toronto permanent shelter programs. Statistics are from the Shelter Management Information System which was in use throughout the system by Jan 2011.

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/shelter-census/sidebar/>

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18 Jul 2018 - 21 Apr 2020

## February 25, 2020

### 24-hour Respite Sites: 463 individuals at seven (7) sites

- 351 Lake Shore Blvd. E.: 100. Capacity: 100.
- 1A Strachan Ave.: 99. Capacity: 100.
- 323 Dundas St.: 35. Capacity: 35.
- 21 Park Rd.: 30. Capacity: 30.
- 705 Progress Ave.: 49. Capacity: 49.
- 25 Augusta Ave.: 50. Capacity: 50.
- 69 Fraser Ave.: 100. Capacity: 100.

### 24-hour Women's Drop-ins: 108 individuals at two (2) sites

- Fred Victor: 62. Capacity: 70.
- Sistering: 46. Capacity: 50.

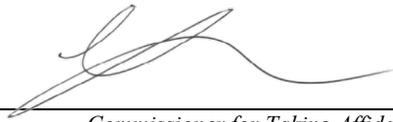
### Out of the Cold (OOTC) Sites: 88 individuals at two (2) sites

- Beth Emeth/Beth Tzedec: 61. Capacity: 60.
- Evangel Hall: 25. Capacity: 30.

This information is intended to provide an overview of overnight activity for the date provided. The stats are as of 4 a.m. the following morning.

(<https://web.archive.org/web/20200227152941/https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/shelter-census/sidebar/>)

This is Exhibit “WWWW” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*



# Daily Shelter & Overnight Service Usage

Daily posting of shelter occupancy is suspended. As part of the City's COVID-19 response, temporary shelter spaces and hotel locations are being added and existing program capacities are changing to achieve physical distancing. Updated numbers will be provided as soon as possible once information is confirmed regarding new program capacities. Stay up-to-date on all changes to City services and when they may resume by visiting [toronto.ca/covid19](https://toronto.ca/covid19) (<https://web.archive.org/web/20200414193841/https://www.toronto.ca/home/covid-19/>). People experiencing homelessness can call Central Intake 416-338-4766 or 1-877-338-3398.

These statistics reflect the previous day's activity across the shelter system. Statistics are as of 4 a.m. the following morning. They are posted daily during the week with weekend activity provided on Mondays.

To meet increasing demand for shelter, the City has been adding beds to existing programs, opening new shelter programs, and expanding motels and shelter services, mainly for families. The current system capacity is over 2,800 more beds than were available November 1, 2016, including 2,350 beds added since that time to motel programs, largely for families.

## Winter Programs Open

As of Tuesday, December 17, 100 per cent of beds were made available.

Shelter/Agency	Clients	Open Now
St. Felix 24-hour Respite Program, 25 Augusta Ave.	All gender	50

<https://www.toronto.ca/city-government/data-research-maps/research-reports/hoi>

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18 Jul 2018 - 21 Apr 2020

Seaton House, 339 George St.	Male	122
Willowdale Welcome Centre, 5800 Yonge St.	Single refugee claimants; all gender	250
City-operated hotel beds	All gender	84
Homes First Society, 545 Lake Shore Blvd.+	Male	75
Salvation Army Evangeline Residence, 2808 Dundas St. W.	Female	4
Salvation Army Maxwell Meighen, 135 Sherbourne St.	Men	20
<b>Total</b>		<b>605</b>

+ Additional 25 beds added December 16, 2019.

Client moves to Willowdale Welcome Centre at 5800 Yonge St. have made the following beds available in the shelter system.

Shelter System	Male Vacancies	Female Vacancies
Homes First Society, 545 Lake Shore Blvd.	8	10
Homes First Society, St. Clair Ave.	14	3
Homes First Society, 702 Kennedy Rd.	N/A	10
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Women's Residence	N/A	36
Bellwood's House	N/A	6
Dixon Hall, Heyworth House	0	9
Dixon Hall, School House	6	0
Salvation Army, Florence Booth	N/A	9

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18 Jul 2018 - 21 Apr 2020

Salvation Army, Evangeline's	N/A	12
Street Haven	N/A	2
Society of Saint Vincent de Paul, Elisa House	N/A	1
Society of Saint Vincent de Paul, Mary's Home	N/A	1
Walk-ins	2	66
<b>Total</b>	<b>80</b>	<b>170</b>

## Daily Shelter Census

### March 16, 2020

Shelter Sector	Occupancy	Capacity	Occupancy Rate
Co-ed	776	799	97%
Men	1,913	1,945	98%
Women	1016	1047	97%
Youth	535	546	98%
Family (shelters)	584	584	100%
Family (motels)	1,910	2,218	86%
<b>Total</b>	<b>6,734</b>	<b>7,139</b>	<b>94%</b>

## Monthly Shelter Occupancy

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessne...>

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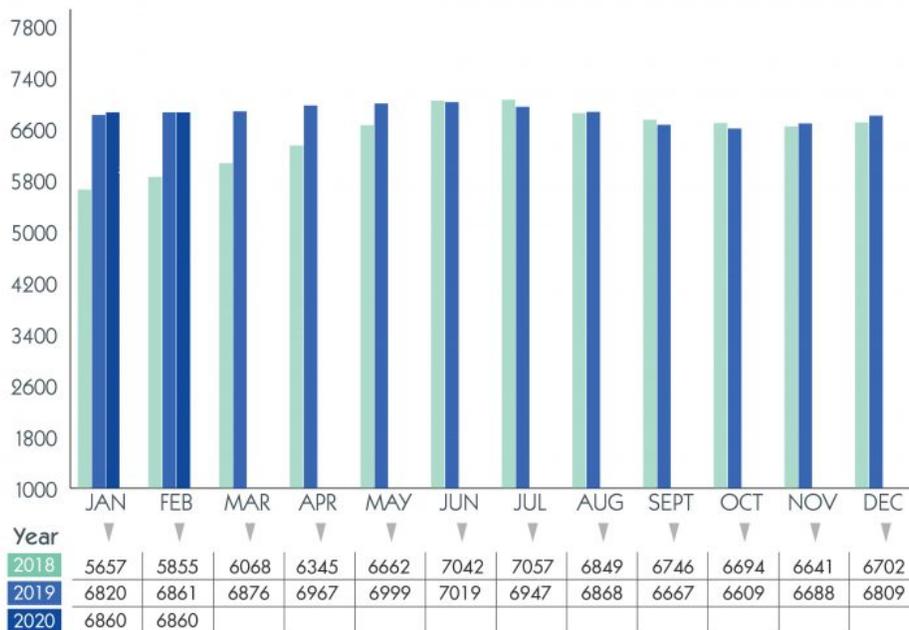
2019 2020 2021



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18 Jul 2018 - 21 Apr 2020



Figures show average nightly occupancy by month in all City of Toronto permanent shelter programs. Statistics are from the Shelter Management Information System which was in use throughout the system by Jan 2011.

## Overnight Services Usage

### March 16, 2020

#### 24-hour Respite Sites: 460 individuals at seven sites

- 351 Lake Shore Blvd. E.: 100. Capacity: 100.
- 1A Strachan Ave.: 98. Capacity: 100.
- 323 Dundas St.: 35. Capacity: 35.
- 21 Park Rd.: 30. Capacity: 30.
- 705 Progress Ave.: 49. Capacity: 49.
- 25 Augusta Ave.: 48. Capacity: 50.
- 69 Fraser Ave.: 100. Capacity: 100.

#### 24-hour Women's Drop-ins: 103 individuals at two sites

- Fred Victor: 60. Capacity: 70.
- Sistering: 43. Capacity: 50.

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-reports/shelter-census/sidebar/>

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18 Jul 2018 - 21 Apr 2020
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• **OOTC in the Beaches. 26. Capacity.25.**

This information is intended to provide an overview of overnight activity for the date provided. The stats are as of 4 a.m. the following morning.

(<https://web.archive.org/web/20200414193841/https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-reports/shelter-census/sidebar/>)

This is Exhibit "XXXX" referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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*Commissioner for Taking Affidavits (or as may be)*



## Daily Shelter & Overnight Service Usage

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As part of our COVID-19 response for people experiencing homelessness, the City has created new programs in community centres and temporary locations, as well as activating hotel locations to increase physical distancing in our existing shelter system. As we work to establish physical distancing at each of our existing shelter programs, and transfer clients to new programs, capacity and occupancy across the shelter system is constantly in flux.

As an interim measure, while we work to establish full and accurate reporting on current program capacities, we have established a point-in-time snapshot on the number of clients in our shelter system. This snapshot will be updated once a week and represents occupancy on the day listed below, however it may not be inclusive of all programs and should not be compared to past occupancy statistics. We apologize for the limitations of this data and will work toward more transparent reporting as soon as possible. To access an emergency shelter space, call Central Intake at 416-338-4766, 1-877-338-3398.

Occupancy as of April 19, 2020

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness>

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2019 2020 2021



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18 Jul 2018 - 21 Apr 2020

Shelter Programs	3,439		4,337 beds
Mixed Adult	543		799
Men	1,561		1,945
Women	830		1,047
Youth	505		546
<b>Family Shelter Programs</b>	<b>2,193</b>	<b>664</b>	<b>766 rooms</b>
Families (Shelters)	709	223	259
Families (Motels)	1,484	441	507
<b>Allied services</b>	<b>Individuals</b>		<b>Pre-COVID19 Capacity</b>
<b>Allied Services</b>	<b>398</b>		<b>584</b>
<b>24 Hour Respite</b>			
Dixon Hall- 351 Lakeshore Blvd E. Respite	59		100
Fred Victor 1A Strachan Ave. Respite	48		100
Margaret's 21 Park Rd. Respite	25		30
Margaret's 323 Dundas St. E. Respite	30		35
St. Felix Centre – 25 Augusta Ave. Respite	39		50
St. Felix Centre 69 Fraser Respite	80		100
Warden Woods 705 Progress Ave Respite	48		49
<b>24-hour Women's Drop-Ins</b>			

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness>

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18 Jul 2018 - 21 Apr 2020

Sistering	30		50
Fred Victor	39		70
COVID-19 Programs	Individuals		
<b>24-hour temporary response sites</b>	<b>392</b>		
354 George Street	46		
Driftwood CC	49		
John Innes CC	37		
Matty Eckler CC	39		
Warden Hilltop CC	50		
Jimmie Simpson CC	35		
Trinity Bellwoods	62		
Homes First Society – 5800 Yonge St. Building B	40		
188 Carlton	34		
<b>Hotels for physical distancing</b>	<b>665</b>		
<b>Isolation/Recovery programs</b>	<b>66</b>		
<b>All COVID-19 Programs</b>	<b>1,123</b>		
<b>Total</b>	<b>7,153</b>		

## Monthly Shelter Occupancy

<https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/shelter-census/sidebar/>

FEB APR MAY

◀ 21 ▶

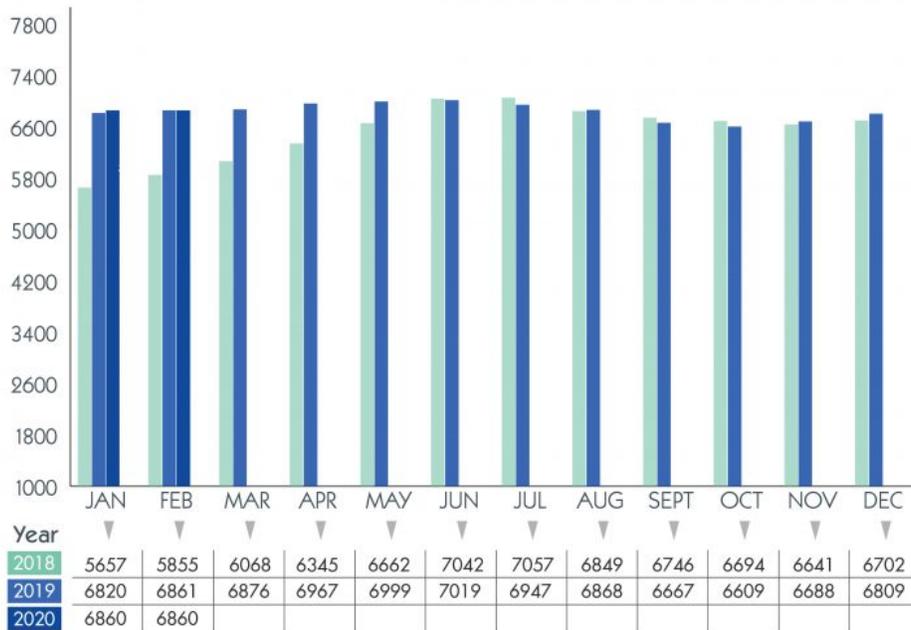
2019 2020 2021



▼ About this capture

20 captures

18 Jul 2018 - 21 Apr 2020



Figures show average nightly occupancy by month in all City of Toronto permanent shelter programs. Statistics are from the Shelter Management Information System which was in use throughout the system by Jan 2011.

(<https://web.archive.org/web/20200421194726/https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/shelter-census/sidebar/>)

This is Exhibit “YYYY” referred to in the Affidavit of Sahar Talebi affirmed May 4, 2020.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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*Commissioner for Taking Affidavits (or as may be)*



## COVID-19

Details on most [toronto.ca](https://www.toronto.ca) pages may not be accurate while the City responds to COVID-19. Learn about the current health situation, service changes and economic support (<https://www.toronto.ca/home/covid-19/>).

# Daily Shelter & Overnight Service Usage

Daily posting of shelter occupancy is suspended. As part of the City's COVID-19 response, temporary shelter spaces and hotel locations are being added and existing program capacities are changing to achieve physical distancing. Updated numbers will be provided as soon as possible once information is confirmed regarding new program capacities. Stay up-to-date on all changes to City services and when they may resume by visiting [toronto.ca/covid19](https://www.toronto.ca/covid19) (<https://www.toronto.ca/home/covid-19/>). People experiencing homelessness can call Central Intake 416-338-4766 or 1-877-338-3398.

As part of our COVID-19 response for people experiencing homelessness, the City has created new programs in community centres and temporary locations, as well as activating hotel locations to increase physical distancing in our existing shelter system. As we work to establish physical distancing at each of our existing shelter programs, and transfer clients to new programs, capacity and occupancy across the shelter system is constantly in flux.

As an interim measure, while we work to establish full and accurate reporting on current program capacities, we have established a point-in-time snapshot on the number of clients in our shelter system. This snapshot will be updated once a week and represents occupancy on the day listed below, however it may not be inclusive of all programs and should not be compared to past occupancy statistics. We apologize for the limitations of this data and will work toward more transparent reporting as soon as possible. To access an emergency shelter space, call Central Intake at 416-338-4766, 1-877-338-3398.

[Expand All](#)[Collapse All](#)

## Occupancy as of April 26, 2020

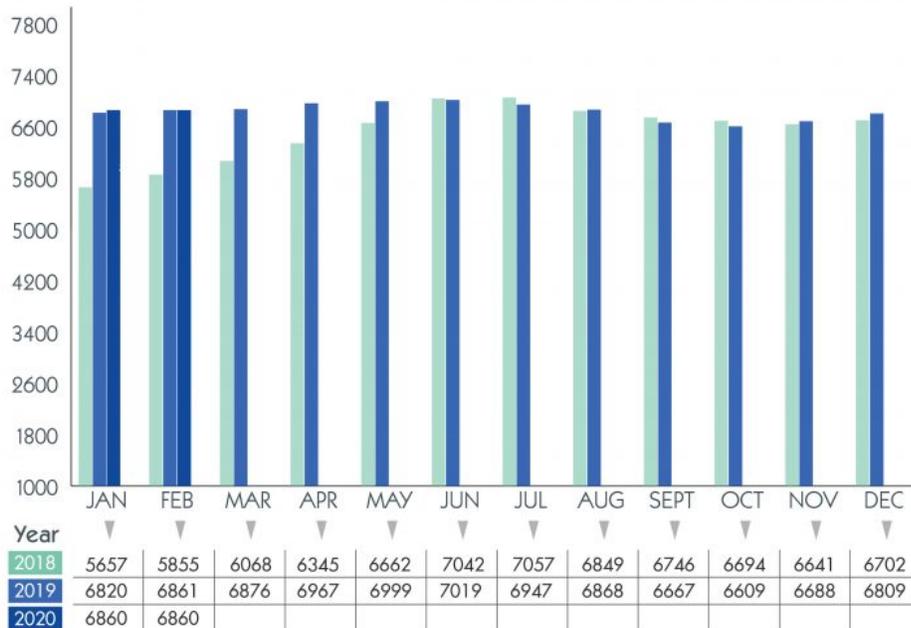
Shelter Programs	Individuals	Rooms Occupied	Pre-COVID19 Capacity
<b>Shelter Programs Total</b>	<b>2,965</b>		<b>4,337</b>
Mixed Adult	401		799
Men	1,336		1,945
Women	712		1,047
Youth	516		546
<b>Family Shelter Programs Total</b>	<b>2,139</b>	<b>649</b>	<b>766</b>
Families (Shelters)	676	214	259
Families (Motels)	1,463	435	507

Allied services	Individuals		Pre-COVID19 Capacity
<b>Allied Services Total</b>	<b>379</b>		<b>584</b>
Dixon Hall- 351 Lakeshore Blvd E. Respite	45		100
Fred Victor 1A Strachan Ave. Respite	51		100
Margaret's 21 Park Rd. Respite	20		30
Margaret's 323 Dundas St. E. Respite	25		35
St. Felix Centre – 25 Augusta Ave. Respite	39		50
St. Felix Centre 69 Fraser Respite	80		100
Warden Woods 705 Progress Ave Respite	47		49

Sistering 24-hour women's drop-in	31		50
Fred Victor 24-hour women's drop-in	41		70
<b>COVID-19 Programs</b>	<b>Individuals</b>		
<b>24-hour temporary response sites</b>	<b>396</b>		
Driftwood CC	50		
John Innes CC	39		
Matty Eckler CC	39		
Warden Hilltop CC	50		
Jimmie Simpson CC	35		
Trinity Bellwoods	62		
Homes First Society – 5800 Yonge St. Building B	35		
354 George Street	50		
188 Carlton	36		
<b>Hotels for physical distancing</b>	<b>863</b>		
<b>Isolation/Recovery programs</b>	<b>137</b>		
<b>All COVID-19 Programs</b>	<b>1,396</b>		
<b>Total</b>	<b>6,879</b>		

## Monthly Shelter Occupancy

## Average nightly number of people served in Toronto's shelter system



Figures show average nightly occupancy by month in all City of Toronto permanent shelter programs. Statistics are from the Shelter Management Information System which was in use throughout the system by Jan 2011.

### Related Information

Open Data – Daily Shelter Occupancy, 2017 to Current (<https://open.toronto.ca/dataset/daily-shelter-occupancy/>)

SANCTUARY MINISTRIES OF TORONTO, et al.  
Applicant

-and- CITY OF TORONTO, et al.  
Respondent

Court File No.

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**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT TORONTO

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**AFFIDAVIT OF SAHAR TALEBI**  
**(SWORN MAY 4, 2020)**

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