

The Corporation of the Town of Ajax

GENERAL GOVERNMENT COMMITTEE

Thursday, December 9, 2010

In-Camera Meeting at 1:00 p.m.

Open Meeting at 2:00 p.m.

River Plate Room, Town Hall

65 Harwood Avenue South



Confirmed by: _____

AGENDA

P. Brown, Chair
J. Dies, Vice Chair

Open Meeting

1. **Call To Order**
2. **Disclosure of Pecuniary Interest**
3. **Adoption of In-Camera Minutes – September 27, 2010** (circulated separately)
 - *Any discussion will be held in the In-Camera Session*

In-Camera

4. **Authority to Hold a Closed Meeting and Related In-Camera Session**
 - *A matter pertaining to the proposed or pending acquisition or disposition of land by the municipality or local board [Sec. 239 (2)(c), Municipal Act, 2001, as amended]*
 - *A matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board [Sec. 239 (2)(e), Municipal Act, 2001, as amended]*
 - *A personal matter about an identifiable individual, including municipal or local board employees; [Sec. 239 (2)(b), Municipal Act, 2001, as amended]*
- 4.1 **Regional Official Plan Amendment Application OPA 2004-008**
Ajax Official Plan Amendment Application OPA 05-A1
Draft Plan of Subdivision Application S-A-2005-01
Zoning By-law Amendment Application Z1/05
Beechridge Farms Inc.
OMB Case No. PL050180 and OMB File No.'s O050037, Z050025 & S050028
Part of Lots 5 & 6, Concession 3
- 4.2 **Index Energy, Steam Plant**
- 4.3 **Property Legal Matter**
- 4.4 **Personnel Matter/Appointments - Discussion**

Open Meeting

5. **Consent Agenda** – *Considered to be routine, these items may be approved by one motion. Items may be separated and referred to the Discussion Agenda*

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**TOWN OF AJAX
REPORT**



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

SUBJECT: Capital Expenditure Control Policy Update

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That the updated Capital Expenditure Control Policy be approved.

BACKGROUND:

The annual review of the policy has identified only two “housekeeping” amendments required for this year’s update.

DISCUSSION:

The two amendments are detailed below:

- 1) New Section 7.4 re Unbudgeted Capital Projects

For clarification purposes and consistency with the Purchasing By-Law, the following wording has been added as section 7.4:

“All unbudgeted capital projects must be awarded by Council, regardless of the value.”

- 2) all references to GST have been replaced with HST

FINANCIAL IMPLICATIONS:

N/A

COMMUNICATION ISSUES:

After Council approval, the changes to the policy will be communicated to all staff when the updated policy is posted on the corporate Document Management System.

CONCLUSION:

Regular updates to the Capital Expenditure Control policy ensures that it reflects actual practice.

Rob Ford, CMA, AMCT
Director of Finance/Treasurer



SUBJECT: CAPITAL EXPENDITURE CONTROL

ISSUED: 04 / 06 / 26	REVISED: 10 / 12 / 09	REVISION NO.: 7	Page 1 of 5	POLICY: 013
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1. POLICY OBJECTIVE

- 1.1. The purpose of the Capital Expenditure Control Policy is to ensure that appropriate approvals are acquired and funding sources identified for:
- capital expenditures exceeding the approved budget or spending limit as awarded by Council or staff
 - unbudgeted capital projects
 - a material change in the scope of a capital project
- 1.2 This policy is subject to the guidelines outlined in the Town of Ajax Purchasing By-law, and the following corporate operating procedures and policies:
- COR-OP-201 – Purchase of Goods and Services
 - COR-OP-204 – Bid Document Administration
 - COR-OP-205 – Request for Proposal (RFP) Administration
 - COR-OP-207 – Purchasing Summary Form (PSF)
 - Standardized Wording Template for GGC Reports on Contract Awards

2. SCOPE

- 2.1. The requirements of this policy apply to the award of all capital project contracts, including the award of contracts where the capital project is financed in full or in part by third parties.

3. RESPONSIBILITY

- 3.1. It is the responsibility of the Department Head to ensure that the financial status of capital projects is reviewed on an ongoing basis and to implement the requirements of this policy.

4. CONTINGENCY

4.1. Where due to the type of capital project, there exists the potential for uncontrollable circumstances or events to occur, departments may recommend that a contingency amount be included in the project estimates to recognize the specific risks.

4.2. Contingency amounts shall be calculated as follows:

Contract Value (Excluding HST)	Contingency Amount
Over \$25,000	0 to 10%

4.3. In special or unusual circumstances recommended by a Department Head and approved by the CAO, Council may approve a contingency amount in excess of 10%.

4.4. Use of contingency is subject to the following general rules:

- a) Contingencies cannot be used to expand the scope of a project or to fund an item excluded at the time of the original award.
- b) Contingency amounts must not be included in any bid document.
- c) Contingency amounts are not mandatory and their use is based on an evaluation of the risks associated with each capital project.
- d) Use of contingency must be tied to the specific risks of a project, not general reasons such as “potential unforeseen circumstances”, “quantities may vary”, etc.

5. ADMINISTRATION

5.1. To facilitate correct cost allocation and budget management, all bid documents must be written in a format which corresponds to the individual projects listed in the capital budget.

5.2. Bid documents shall not include any value for contingency.

5.3. Under no circumstances shall expenditures related to a capital project be charged to the operating budget.

5.4. A material change in scope to a capital project must be reviewed and approved by Management Committee before a report is presented to General Government Committee for approval. A material change in scope is defined as a change that significantly alters the outcome/end result of the project as originally approved by Council in the Capital Budget and/or at the time of contract award.

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6. OVER BUDGET & UNBUDGETED PROJECTS – Prior to Award

For unbudgeted projects and where a project will be over budget, departments must take the following steps to mitigate the financial impact:

- 6.1 Scale back the scope of the project to come within budget (applies to budgeted projects only)
- 6.2 Cancel another current or prior year capital project with the same funding source.
- 6.3 Under budget amounts from previously awarded capital projects and/or the operating budget are not eligible funding sources under this policy.
- 6.4 Cancel the project, close the capital account and resubmit the project for the subsequent year’s budget/long range capital forecast.
- 6.5 All over budget and unbudgeted recommendations must be reviewed and approved by Management Committee before a report is presented to General Government Committee for approval.

7. CONTRACTS UNDER \$25,000 (Inclusive of all taxes)

7.1 Contract Awards Exceeds Approved Budget –Prior to Award

7.1.1 Exceeds Budget by \$0 - \$10,000

Where a contract award will exceed the approved budget, the Purchase Summary Form (PSF) must be completed and approved according to the limits outlined in the following table:

Levels of Approval	Over Budget Approval Limits
Manager	Less Than \$1,000
Department Head	\$1,001 to \$2,500
CAO	\$2,501 to \$10,000

The Approver must:

- sign the Approvals section of the PSF
- attach a copy of the capital justification to the PSF
- attach a written explanation for the over budget expenditure to the PSF

7.1.2 Exceeds Budget By Over \$10,000

The contract must be awarded by General Government Committee.

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7.2 Expenditures Exceed Approved Award – Subsequent to Award

- 7.2.1 If the expenditures exceed the approved award, an explanation for the over expenditure must be provided in the “Invoice Total & Contract Award Are Not Equal – Provide Explanation” section of the Purchase Summary Form (PSF).
- 7.2.2 The approval limits are as outlined in section 7.1.1 and the Approver must sign the “Invoice Total & Contract Award Are Not Equal – Provide Explanation” section of the PSF.

7.3 Over Budget Reporting to GGC

The over budget status and the allocation of additional funding will be reported to and approved by General Government Committee through the annual reporting required under the Capital Fund By-Law.

7.4 Unbudgeted Capital Projects

All unbudgeted capital projects must be approved by Council, regardless of the value.

8. CONTRACTS OVER \$25,000 (Inclusive of all taxes)

A report to General Government Committee (GGC) is required for all contract awards over \$25,000, including those within budget.

8.1 Approved Spending Limit Exceeds Budget – Prior to Award

- 8.1.1 For the purpose of determining whether a project will exceed the approved budget, the approved spending limit is defined as follows:

Contract Award, net of HST Rebate, plus Contingency

- 8.1.2 The report to General Government Committee must follow the “Standardized Wording Template for GGC Reports on Contract Awards” and clearly identify the following financial information:

- approved capital budget amount
- amount of contract award (net of HST)
- estimates and details of other project costs
- the amount of any contingency amount included in the project estimates
- the reasons for the inclusion of a contingency amount
- amount of and the reasons for the over budget situation
- source of financing for the over budget amount

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Sheila Strain, CGA
Manager of Budgets & Accounting Services

SUBJECT: 2010 Operating Budget Forecast

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That the report on the 2010 Operating Budget Forecast be received for information.

BACKGROUND:

Due to the 2010 municipal election, the operating budget forecast is being presented to GGC in December rather than the traditional early October date.

A key element of the Town's financial planning process, the operating budget forecast serves a number of important purposes, including:

- identification of trends for inclusion in the 2011 operating budget
- calculating the additional funding available for two key capital reserves (Capital Projects and Building Repair) for use in the 2011 Capital Budget/2012-2015 Long Range Capital Forecast

The forecast prepared by departments focused on significant variances from their approved operating budget, based on the year to date actual revenues/expenditures and projections for the balance of the year.

DISCUSSION:

Page 3 of the report details the main sources of the projected 2010 operating budget surplus of \$737,100.

In accordance with by-law 109-2007, the first \$267,100 of the surplus will be transferred to the Tax Rate Stabilization Reserve, to return the reserve to its maximum balance of \$1,600,000. The remaining \$470,000 will be allocated to capital reserves as follows:

Reserve	%	\$
Capital Projects Reserve	75%	\$352,500
Building Repair Reserve	15%	70,500
Post Build Out Capital Reserve	10%	47,000
Total	100%	\$470,000

FINANCIAL IMPLICATIONS:

There are no direct financial implications from the completion of the 2010 operating budget forecast.

CONCLUSION:

The projected operating budget surplus restores the Tax Rate Stabilization Reserve to its capped balance and provides some funding for the 2011 Capital Budget/2012-2015 Long Range Capital Forecast.

Sheila Strain, CGA
Manager of Budgets & Accounting Services

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

2010 Projected Operating Budget Surplus

Revenue/Expenditure Type	(Surplus)/Deficit	Explanation
Revenues		
Penalties/Interest on Taxes	(\$380,000)	Collection percentages are similar to last year; 2010 budget assumed 2009 increase was temporary due to economic conditions; however appears to be more sustainable
Miscellaneous Revenue	\$204,400	Fewer one time/developer revenues and recoveries under WSIB program not realized
Planning & Development Fees	(\$172,200)	Increase in number of site plans and site plan amendments.
Program Registration	(\$106,500)	Increase in registration numbers
Ice Rentals	(\$77,700)	New summer hockey camps and realignment of available ice times has resulted in more rental income
Other	\$16,300	Net deficit from other departmental revenues
Total Revenue Surplus	(\$515,700)	
Expenditures		
Tax Adjustments	\$400,000	Settlement of one large developer multiyear appeal and significant backlog of both MPAC and ARB appeals during 2010.
Full & Part Time Salaries/Benefits	(\$395,100)	Vacancies due to staff turnover.
Winter Control Service	(\$152,100)	Milder conditions from January to March 2010 resulted in less need for plowing and sanding Town wide.
Other	(\$74,200)	Net surplus from other departmental expenditures
Total Expenditure Surplus	(\$221,400)	
Net Operating Budget Surplus	(\$737,100)	

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

SUBJECT: Ajax CC Twin Ice Pads - Internal Borrowing

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That Council approve \$2,564,000 in internal borrowing for the re-financing of the debt for the Ajax CC Twin Ice Pads.

BACKGROUND:

The \$5,830,000 debenture issued in 2000 for the Ajax Twin Ice Pads does not impact property taxes, as the annual payments are fully funded from the following sources:

- 1) Development Charges
- 2) Prime Time Ice User Surcharges
- 3) Estimated Net Operating Revenues From The Two Pads

As part of the Town's strategic financial planning, debentures are issued for a 15 year term. However back in 2000, 15 year debentures were not available in the financial marketplace. As a result the Region issued a "balloon" debenture, which has a 10 year fixed payment term for a portion of the principal, leaving a remaining balance of \$2,564,000 to be refinanced for a 5 year period.

DISCUSSION:

The payments on this debenture began in 2001, which results in a refinancing date of July 5, 2010. However, due to the 2010 municipal elections, as well as the requirements of all area municipalities who must borrow through the Region, the Town was unable to refinance in 2010 through a debenture. As a result, the Town will be issuing internal borrowing for the remaining 5 year period.

The use of internal borrowing will allow the Town to exactly match the payment dates from the previous 10 year payment term. It will also result in lower borrowing costs as the Town will not incur some of the costs associated with a debenture issue.

Town staff have worked with Regional Finance staff, as well as the Region's fiscal lawyers to establish the internal borrowing requirements. The by-law approving this internal borrowing requirement is scheduled for approval by Regional Council on December 22, 2010.

FINANCIAL IMPLICATIONS:

There are no financial implications resulting from changing the financing method from debentures to internal borrowing. The estimated legal costs of \$3,000 will be absorbed within the Finance operating budget.

The ice user surcharges began in the fall of 1999, prior to the issuance of the original debenture. As a result, the surcharges will end at the end of the spring 2014 ice season, in advance of the final internal debt payment of July 5, 2015.

COMMUNICATION ISSUES:

N/A

CONCLUSION:

The issuance of internal borrowing will allow for the refinancing of the principal balance of \$2,564,000 for the remaining five year period.

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Sheila Strain, CGA
Manager of Budgets & Accounting Services

SUBJECT: Ontario Regulation 284/09 Reporting

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE: Ontario Regulation 284/09

RECOMMENDATION:

That the report on excluded expenses, as required by Ontario Regulation 284/09, be received for information.

BACKGROUND:

Effective January 1, 2009 under section 3150 of the Public Sector Accounting Board Handbook (PSAB), municipalities are required to record the costs of tangible capital assets and related annual amortization expense on their annual financial statements. It was recognized however, that a requirement to include amortization expense in the municipal budget would directly increase property taxes. As a result, the Province passed Ontario Regulation 284/09 which allows municipalities to exclude amortization expense, as well as post employment liability and landfill closure expenses from their annual budgets. The regulation imposes reporting requirements to inform Council about the excluded expenses.

DISCUSSION:

The reporting on the 2010 budget is required subsequent to the presentation of the 2009 financial statements. For the 2011 budget year and beyond, the report is required to be prepared and presented with the adoption of the annual budget. The regulation requires municipalities to prepare a report for Council if all or a portion of the following expenses are excluded from the budget:

- Tangible Capital Asset (TCA) amortization expenses
- Post employment benefits expenses
- Solid waste landfill closure and post closure expenses

FINANCIAL IMPLICATIONS:

The Town has continued to present the operating and capital budget on a non PSAB basis as allowed under Provincial regulation. As such, expenses excluded from the 2010 budget include amortization, post employment benefits, and post closure landfill costs.

The estimated change in the accumulated surplus of the Town for 2010 resulting from the exclusion of these expenses from the budget is as follows:

PSAB Additions to 2010 Budget (Reduces Surplus)

Tangible Capital Asset Amortization	\$ 12,200,000
Post Employment Benefits	284,000
Post Closure Landfill Costs	<u>25,000</u>
Total PSAB Additions	<u>\$ 12,509,000</u>

PSAB Reduction to 2010 Budget (Increases Surplus)

Tangible Capital Asset Acquisition	\$(24,600,000)
Debt Principal Payments	<u>(1,100,000)</u>
Total PSAB Reductions	<u>\$(25,700,000)</u>

Net Increase in Accumulated Surplus \$(13,191,000)

There is no financial impact from the exclusion of these expenses, as the annual budget is prepared on a cash flow basis. This is simply an accounting reconciliation between the two reporting methods.

COMMUNICATION ISSUES:

For the 2011 budget, and future years, this reporting is required to be prepared and presented with the adoption of the annual budget

CONCLUSION:

The presentation of this report meets the reporting requirements imposed by Ontario Regulation 284/09.

Sheila Strain, CGA
Manager of Budget & Accounting Services

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: R.E. Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Sheila Strain, CGA
Manager of Budgets & Accounting Services

SUBJECT: Bank Signing Officers

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That the bank signing officers for the Town of Ajax be updated as follows:

Elected Officers

Steve Parish, Mayor
Shaun Collier, Regional Councillor
Colleen Jordan, Regional Councillor

Appointed Officials

Robert Ford, Director of Finance/Treasurer
Sheila Strain, Manager of Budgets & Accounting Services
Paul Hewitt, Manager of Purchasing
Carol James, Manager of Taxation

BACKGROUND:

The bank signing officers are updated after each municipal election (if required) and when an appointed signing officer has left the Town's employ. The signing officers are also reviewed on an annual basis to ensure that we can effectively carry out our banking activities.

DISCUSSION:

All cheques, bank drafts and banking agreements require the signature of one elected official and one appointed official, while all day to day and other administrative banking transactions are authorized by appointed officials and/or designated staff.

The elected officials list has been updated to include the new Ward 1 and 2 Regional Councillor, Shaun Collier, based on the election results of October 25, 2010. No changes have been made to the appointed officials list.

FINANCIAL IMPLICATIONS:

N/A

CONCLUSION:

This update to the signing officers is required as a result of the October 25, 2010 municipal election results and will ensure that the Town's banking activities will continue to be effectively administered.

Sheila Strain, CGA
Manager of Budgets & Accounting Services

R.E. Ford, CMA, AMCT
Director of Finance/Treasurer



RBC Royal Bank®

S.R.F. No. 764-545-448

COMPANIES
LIST OF OFFICERS AND DIRECTORS

To: Royal Bank of Canada

I, the undersigned, **Mayor** of

THE CORPORATION OF THE TOWN OF AJAX

hereby certify that the following are its officers and directors, and that the information provided hereunder is true and accurate.

OFFICERS (Titles and Names)

Title	Name
Mayor	Steve Parish
Regional Councillor	Shaun Collier
Regional Councillor	Colleen Jordan
Director of Finance/Treasurer	Robert Ford
Manager of Budgets & Accounting Services	Sheila Strain
Manager of Purchasing	Paul Hewitt
Manager of Taxation	Carol James



(FOR BANK USE ONLY)

SRF No.

764-545-448For use by Cities, Towns, Villages,
Municipalities, Hospitals, Regional
Health Authorities, School Districts,
Divisions and Regional Divisions**RESOLUTION REGARDING BANKING****The Corporation Of The Town Of Ajax**

(the "Customer")

(Name of City, Town, Village, Municipality, Hospital, Regional Health Authority or School District, Division or Regional Division)

Address: 1-65 Harwood Ave. S., Ajax, On L1S 2H9INCORPORATING STATUTE Municipal Act

RESOLVED:

1. That ROYAL BANK OF CANADA (the "Bank") is appointed banker for the Customer.

2. That any one of Steve Parish-Mayor;Shaun Collier-Regional Councillor; Colleen Jordan-Reginal Councillor togetherwith any one of Robert Ford-Director of Finance/Treasurer; Sheila Strain,- Manager of Budgets & Accounting Services;Paul Hewitt-Manager of Purchasing; Carol James-Manager of Taxation

are authorized on behalf of the Customer from time to time:

(a) to withdraw or order transfers of funds from the Customer's accounts by any means including the making, drawing, accepting, endorsing or signing of cheques, promissory notes, bills of exchange, other orders for the payment of money or other instruments or the giving of other instructions;

(b) to sign any agreements or other documents or instruments with or in favour of the Bank, including the Bank's general financial services agreement and contracts relating to products or services provided by the Bank to the Customer; and

(c) to do, or to authorize any person or persons to do, any one or more of the following:

(i) to receive from the Bank any cash or any securities, instruments or other property of the Customer held by the Bank, whether for safekeeping or as security, or to give instructions to the Bank for the delivery or other transfer of any such cash, securities, instruments or other property to any person named in those instructions;

(ii) To deposit with or negotiate or transfer to the Bank, for the credit of the Customer, cash or any security, instrument or other property, and for those purposes to endorse (by rubber stamp or otherwise) the name of the Customer, or any other name under which the Customer carries on business, on any security or instrument;

(iii) to instruct the Bank, by any means, to debit the accounts of third parties for deposit to the credit of the Customer;

(iv) to receive statements, instruments and other items (including paid cheques) and documents relating to the Customer's accounts with or any service of the Bank (including any revisions to the Bank's rules and manuals of operation), and to settle and certify the Customer's accounts with the Bank, and

(v) to receive from the Bank any software and any security devices, including security cards, codes, and passwords, relating to electronic banking services or electronic communications between the Customer and the Bank, and to determine and set the levels and limits of authority applicable to individual security devices.

(Where possible, use titles only. If two or more must act together, use words showing joint action required, e.g. "the Mayor and the Treasurer jointly" or "the Mayor, the Treasurer and the Secretary or any two of them". If one of two or more may act alone, add "or any one of them.")

3. That the provisions contained in the Bank's general financial services agreement including, without limitation, the provisions concerning the binding effect of electronic communications received by the Bank from or in the name of the Customer, are expressly approved.

4. That all instruments, instructions, agreements and documents made, drawn, accepted, endorsed or signed (under the corporate seal or otherwise) as provided in this Resolution and delivered to the Bank by any person, shall be valid and binding on the Customer, and the Bank is hereby authorized to act on them and give effect to them.

5. That the Bank be furnished with:

(a) a copy of this Resolution; and

(b) a list of the names of the persons authorized by this Resolution to act on behalf of the Customer, and with written notice of any changes which may take place in such list from time to time, and with specimens of the signatures of all such persons;

each certified by the (1) Mayor

and (2) Director of Finance/Treasurer or Designate of the Customer; and

(c) in writing, any authorization made under paragraph 2(c) of this Resolution.

6. That any document furnished to the Bank as provided for in paragraph 5 of this Resolution shall be binding upon the Customer until a new document repealing or replacing the previous one has been received and duly acknowledged in writing by the branch or agency of the Bank where the Customer has its account.

We hereby certify that the above is a true copy of a resolution passed at a meeting of the

Council of the
(Council, Board or Board of Trustees)

The Corporation of the Town of Ajax duly
(Insert name of City, Town, Village, Municipality, Hospital, Regional Health Authority, School District, Division or Regional Division)

convened and regularly held in accordance with the law governing the

Customer on the _____ day of _____, _____.

(SEAL)

(1) _____

(2) _____

(FOR BANK USE ONLY)

Initials	
Prepared by	Checked by



(FOR BANK USE ONLY)

S.R.F. No. 764-545-448

FINANCIAL SERVICES AGREEMENT

This Agreement between Royal Bank of Canada (the "Bank") and the undersigned customer of the Bank (the "Customer") sets out the terms under which the Bank may keep Accounts and process Instruments for the Customer and provide other services to the Customer.

PART A-ACCOUNTS

1. Meaning of "Account"

As used in this Agreement, the term "Account" means any account, other than a personal deposit account, a retirement savings plan account, a retirement income fund account, a deferred profit sharing plan account or a term deposit account, maintained at any time by the Bank at any of its branches in Canada for or in the name of the Customer, whether in Canadian or other currency.

2. Overdrafts

- (a) Unless otherwise agreed to by the Bank in writing and notwithstanding any prior course of conduct, the Bank will have no obligation to honour, and the bank may at any time in its sole and absolute discretion refuse to honour, any Instrument which, if honoured, might overdraw an Account or increase an overdraft in an Account.
- (b) The Customer will pay to the Bank, on demand, the amount of any overdraft in an Account, together with interest.
- (c) The rate of interest payable on any overdraft in an Account will be the Bank's Prime Rate plus 5%/ US Base Rate plus 5% per annum (or the rate otherwise agreed to in writing by the Bank and the Customer). The interest will accrue on a daily basis and will be calculated and payable monthly.

3. Credit Balances

Unless otherwise agreed upon by the Bank, amounts standing to the credit of the Account will not bear interest.

4. Account Verification

If the Bank provides periodic statements for an Account to the Customer, such statements shall be provided to the Customer in the manner the Customer has agreed to, including by mail, electronically or otherwise and on the following terms:

- (a) The Customer will verify the completeness and correctness of each statement.
- (b) If the Customer does not receive or does receive and cannot access a statement by the 10th day after the statement date, the Customer will notify the Bank of this in writing (to the branch where the Account is maintained) by the 15th day following the statement date
- (c) The Customer will notify the Bank in writing (at the branch where the Account is maintained) by the 45th day following the statement date, unless a shorter period is otherwise provided for in any other agreement the Customer has entered into, of any errors in or omissions from the statement.
- (d) At the end of the 45th day following the end of the cycle, the statement prepared by the Bank will be conclusive evidence that the Account contains all credits that should be contained in it and does not contain any debits that should not be contained in it, and that all the entries and balances in the Account are correct, provided that this will not apply with respect to any credits to the Account made in error, any errors or omissions of which the Bank has been notified under paragraph (c) or any payments made on forged or unauthorized endorsements.



- (e) If the Customer requests that the Bank provide electronic periodic statements for their Accounts then, the Customer shall be responsible for ensuring that each of their Accounts can be accessed electronically and shall regularly access their Accounts to review their periodic statement(s). The Bank shall be under no obligation to provide the Customer notice of the availability of their periodic statement. The Customer acknowledges that the notification periods outlined under this paragraph 4 commence upon the statement date regardless of the means of delivery of the periodic statement and regardless of whether or not the Customer receives delivery of the statement. The Bank shall not be responsible for any loss, damage or expense resulting from the Customer's failure to receive electronic statements as a result of any Accounts not being electronically enrolled and/or failure of the Customer to notify the Bank in accordance with this Agreement. The Customer acknowledges and agrees to be bound by the terms hereof and any other terms and /or instructions that may be provided by the Bank from time to time.

5. Survivorship

If the Customer is more than one individual, the Account will be a joint account with right of survivorship (except in the Province of Quebec).

PART B - INSTRUMENTS

6. Meaning of "Instrument"

As used in this Agreement, the term "Instrument" means a bill of exchange (including a cheque), promissory note, security, chattel paper, other order (written or electronic) for the payment of money, clearing item or other value item, (including any image or reproduction of the foregoing) that the Bank negotiates, pays or processes for or on behalf of the Customer or that the Bank takes from the Customer for deposit, or for discount, collection or acceptance, or as collateral security or otherwise. Any such item will be considered an Instrument whether or not the Customer is a party to it and whether it is in Canadian or another currency.

7. Waiver of Presentation, etc.

The Customer waives presentment for payment, notice of dishonour, protest, and notice of protest of any Instrument. The Customer will be liable to the Bank on any Instrument as if it had been duly presented for payment and protested and notice of dishonour and protest given to all parties to it as provided by law.

8. Clearing and Settlement

The Bank may present and deliver Instruments for payment, clearing, collection, acceptance or otherwise through any bank or other party and in any manner as it deems appropriate. The Bank may also accept and deliver any form of settlement or payment for any Instrument as it deems appropriate.

9. Chargeback

The Bank may debit an Account with the amount of each Instrument that the Bank has credited to the Account (or otherwise paid to the Customer) and on which the Bank may for any reason be unable to receive irrevocable settlement or payment, together with all associated costs, charges and expenses incurred by the Bank.

10. Assignment of Claims

The Bank may take any steps or proceedings with respect to any Instrument deposited or discounted with the Bank as it deems appropriate, either in its own name or in the name of the Customer. For this purpose, the Customer assigns to the Bank all its claims against each party to any such Instrument.

11. Bank's Authority to Pay Instruments

In the same manner as in the case of an ordinary cheque, the Bank may pay and debit an Account in the amount of every Instrument that is payable by the Customer at the Bank and that is presented for payment to the Bank.

12. Cheque Imaging

- (a) The Customer acknowledges and agrees that digital images or electronic representations of Instruments (including copies of same) may be made or captured and used by financial institutions involved in the exchange and clearing of payment items in Canada and elsewhere, in which case the original paper Instrument may be destroyed and not returned to the Customer. The Bank is entitled to act upon such images and representations for all purposes as if it were a paper Instrument.

- (b) The Bank may reject any Instrument that does not comply with all policies and standards of the Bank, which includes complying with the rules of the Canadian Payment Association which can be found at www.cdnpay.ca. If cheques are printed by a vendor that is not approved by the Bank or security features are used or a cheque is made out in a manner that causes critical data to disappear or be obscured upon imaging and/or truncation (being the act of taking an electronic image of an Instrument and destroying the original Instrument), the Customer shall be responsible for any loss, damage or expense.
- (c) The Customer acknowledges that copies of images of Instruments (including digital or electronic representations) may be provided to the Customer before the Bank has determined whether the Instrument will be honoured or accepted. The Customer agrees that such copies or images of Instruments are made available by the Bank as a service to the Customer and that the provision of copies of images of Instruments does not mean that a transaction has been processed or in any way obliges the Bank to honour or accept the Instrument. The Bank will not be required to ensure that copies of images can be made available to the Customer or any other party upon request for longer than seven years following the date of the statement of account on which the Instrument appears.

PART C - OTHER SERVICES

13. Service Agreements, etc.

Any service which the Bank provides to the Customer other than those described in Parts A and B will be provided in accordance with a separate service agreement and any rules and manuals of operation of the Bank (as revised from time to time) related to that service, as well as in accordance with this Agreement.

14. Service Materials

If for any service the Bank provides the Customer with any software, equipment or written materials (collectively, the "Service Materials"), the following terms apply:

- (a) The Bank or a third party (if the Bank obtained the Service Materials under a lease or license) will retain all ownership rights, including but not limited to any copyright, in the Service Materials.
- (b) The Customer will have a non-exclusive license to use the Service Materials solely for the service for which they are provided. The Customer will not be entitled to assign the license, and the license will end immediately after the end of the provision of that service. Immediately after the license ends, the Customer will return the Service Materials, together with any copies then in the Customer's possession or control, to the Bank.
- (c) The Customer will treat as confidential any software or written material forming part of the Service Materials and will not disclose them to any third party. This obligation will not apply to information that is in the public domain or that the Customer can get from a third party without a breach of any obligation by that third party to the Bank.
- (d) The Bank will defend the Customer against a claim that any Service Materials, when used in accordance with the Bank's instructions, infringes any patent, copyright, or other proprietary right, if the Customer notifies the Bank promptly of the claim and gives the Bank exclusive authority to defend it. The Bank will have no other obligation to the Customer for the infringement of any patent, copyright, or other proprietary right by any Service Materials.
- (e) The Bank will be entitled at any time to replace any Service Materials with other Service Materials of the same type, on the condition that by replacing those Service Materials the Bank does not materially change the nature of the service for which they were provided.

PART D - ELECTRONIC BANKING

15. Electronic Communications

Any electronic communication between the Bank and the Customer and between the Bank and any third party (whether using facilities of the Bank or of the Customer or of any other party) will take place in accordance with this Agreement. The term "electronic communication" means any communications by computer, Internet, networks, telephone, mobile phones, smart phones, S.W.I.F.T (Society of Worldwide Interbank Financial Telecommunication), email, facsimile, bank wire or other method of telecommunication or electronic transmission.

It is the Customer's responsibility to provide to the Bank, in writing, any changes to its contact information, including without limitation, its facsimile number or email address.

16. Binding Effect of Electronic Communications

Any electronic communication, that the Bank receives from or in the name of the Customer, or which appears to be from or in the name of the Customer, regardless of whether or not the electronic communication was actually from or in the name of the Customer, will be considered to be duly authorized and binding upon the Customer and the Bank will be authorized to rely and act upon any such communication, even if the electronic communication differs in any way from any previous electronic communication sent to the Bank. In this connection, the Bank will be entitled to rely upon any signature appearing on an electronic communication that purports to be a signature of the Customer or of a representative of the Customer as being authorized, valid and binding on the Customer, even if the signature was not, in fact, signed by the Customer or its representative.

The Customer recognizes that possession of a security device (including a security card, a security token or a password) by any person may result in that person having access to and being able to use the relevant means of electronic communication and that use of a security device (including a security card, a security token or a password) in connection with any electronic communication will be deemed to be conclusive proof that the electronic communication was authorized by the Customer.

The Customer agrees that any electronic communication between the Bank and the Customer shall be deemed to have been signed and/or delivered and to constitute a "writing" for the purpose of any statute or rule of law that requires the terms of such communication or contract to be in writing or to be signed and/or delivered and expressly waives any right to raise any defence or waiver of liability based on the absence of a writing or of a signature.

The Customer agrees that the Bank may provide any information, disclosure or notice to the Customer by electronic communication so long as such communication, if by computer or Internet, can be retained by the Customer.

17. Security

The Customer will comply with any security procedures, standards and other requirements prescribed by the Bank for electronic communication with the Bank and will take any other steps reasonably necessary to prevent unauthorized access to and use of means of electronic communication with the Bank. The Customer acknowledges that the provision of certain services is predicated upon the Customer adhering to such security procedures, standards and other requirements including, without limitation, the maintenance of encryption standards, and agrees to notify the Bank immediately of any failure or inability to do so.

The Customer acknowledges and agrees that if it chooses to use, or instructs the Bank to use, any electronic communication that is not encrypted, including without limitation, any facsimile or email communication, that (i) security, privacy and confidentiality cannot be ensured, (ii) such communication is not reliable and may not be received by the intended recipient in a timely manner or at all, (iii) such communication could be subject to interception, loss or alteration, and (iv) the Customer assumes full responsibility for the risks in connection with such communication and the Bank will not be responsible or liable in any way in connection with such communication, including without limitation, any unauthorized access to or interception, loss or alteration of such communication.

18. Evidence re Electronic Communication

Electronic data or records maintained by the Bank regarding any electronic communication, will be admissible in any legal, administrative or other proceedings as conclusive evidence of the contents of those communications in the same manner as an original paper document, and the Customer waives any right to object to the introduction of any such electronic data or record into evidence. The Customer will keep the originals of all documents and instructions transmitted to the Bank by facsimile and will produce them to the Bank upon request.

PART E - GENERAL

19. Charges

The Customer will pay the fees and charges agreed upon with the Bank or, if there is no such agreement, the Bank's standard fees and charges, for keeping any Account, for processing Instruments for the Customer and for any other services that the Bank furnishes to the Customer. The Bank may on at least one month's prior written notice to the Customer change any of those standard fees and charges. The Bank may debit any Account with any fees or charges or other amounts due to the Bank from the Customer. Unless otherwise agreed upon by the Bank, any payment must be made in money which is legal tender at the time of payment.

20. Restricted Business

The Customer represents and warrants that it:

- (a) does not own, operate, control or receive revenue from an Internet or online gambling business or operation; and
- (b) is not owned or controlled directly or indirectly by an entity mentioned in (a) above, and is not engaged in or associated with an improper, illegal or unlawful activity, or any business otherwise determined to be a restricted business and will not use the Account for any such purpose.

21. Applicable Laws

The Customer represents, warrants and covenants to the Bank that all transactions it originates do not and will not violate any Applicable Law(s) of Canada. Applicable Law(s) means any law, rule, regulation, judgment, decree, order, permit, license, certificate or authority, or approval of any government authority that is applicable to the Customer or its respective business and any policies and procedures required under any such laws, including, but not limited to anti-money laundering laws and regulations. Further, the Customer acknowledges that the Bank may adopt policies and procedures from time to time (which may be more rigorous than the Applicable Laws) to address certain aspects of the Applicable Laws, and in such instance will advise the Customer of same.

22. Third Parties

The Customer represents and warrants that it possesses the necessary signing authority on the Account and that the Account will not be used by, or on behalf of, a third party or parties without the prior written permission of the Bank.

23. Conflicts

If there is any conflict between any of the terms of this Agreement and any of the terms of any service agreement, the terms of that service agreement govern for the purposes of the relevant service.

24. Collection, Use and Disclosure of Information***(a) Collecting Customer Information***

The Bank may collect financial and other information about the Customer, such as

- i. Information to establish and maintain the banking relationship with the Customer;
- ii. Information related to transactions arising from the Customer's relationship with and through the Bank;
- iii. Information for the provision of products and services;
- iv. Information provided by the Customer on any application for the Bank's products and services; and
- v. Information about financial behaviour such as Customer's payment history and credit worthiness.

The Bank may collect this information during the course of its relationship with the Customer. The Bank may obtain this information from a variety of sources, including from the Customer, from service arrangements the Customer makes with or through the Bank from credit reporting agencies and other financial institutions, from registries and from other sources, as is necessary for the provision of the Bank's products and services.

(b) Using Customer Information

The information the Bank collects about the Customer may be used and disclosed for the following purposes:

- i. to open and operate Customer account(s);
- ii. to provide the Customer with products and services the Customer may request;
- iii. to determine the Customer's financial situation;
- iv. to determine the Customer's eligibility for products and services the Bank offers;
- v. to help the Bank better manage its business and relationship with the Customer;
- vi. to maintain the accuracy and integrity of information held by credit reporting agency; and
- vii. as required or permitted by law.

For the above purposes, the Bank may make this information available to its employees, its agents and service providers who are required to maintain the confidentiality of this information. The Bank may also provide this information to financial institutions or persons or entities with whom the Customer has or may have financial and other business dealings.

Upon Customer's request, the Bank may give this information to other persons or entities.

The Bank may also use this information and share it with RBC companies (i) to manage its risks and operations and those of RBC companies, (ii) to comply with valid requests for information about the Customer from regulators, government agencies, public bodies and other entities who have a right to issue such requests and (iii) to let RBC companies know Customer choices under "Other Uses of Customer Information" for the sole purpose of honouring Customer choices.

(c) Other Uses of Customer Information

- i. The Bank may use Customer information to promote its products and services, and promote products and services of select third parties, which may be of interest to the Customer.
- ii. The Bank may also, where not prohibited by law, share Customer information with RBC companies for the purpose of referring you to them or promoting to the Customer products and services which may be of interest to the Customer. The Customer acknowledges that as a result of such sharing they may advise the Bank of those products or services provided.
- iii. If the Customer also deals with other RBC companies, the Bank may where not prohibited by law, consolidate this information with information they have about the Customer to allow the Bank and any of them to manage the Customer's relationship with RBC companies and the Bank's business.

The Customer understands that the Bank and RBC companies are separate, affiliated corporations. RBC companies include affiliates which are engaged in the business of providing any one or more of the following services to the public: deposits, loans and other personal financial services; credit, charge and payment card services; trust and custodial services; securities and brokerage services; and insurance services.

The Customer may choose not to have this information shared or used for any of these "Other Uses" by contacting the Bank as set out below, and in the event, the Customer will not be refused credit or other services just for that reason. The Bank will respect the Customer choices and, as mentioned above, the Bank may share Customer choices with RBC companies for the sole purpose of honouring Customer choices regarding "Other Uses of Customer Information".

To request the Customer information not be used for any or all of the purposes outlined in "Other Uses of Customer Information", the Customer may do so now or at any time in the future by:

- contacting the Customer's branch; or
- calling the Bank toll free at 1-800 Royal[®]1-1 (1-800-769-2511).

(d) The Bank's Privacy Policies

The Customer may obtain more information about the Bank's privacy policies by calling the Bank at the toll free number shown above or by visiting the Bank's web site at www.rbc.com/privacy

25. Bank's Responsibility

The Bank will not be responsible for any loss or damage suffered or incurred by the Customer except in a case where there has been negligence on the part of the Bank, and in any such case the Bank will not be liable for any indirect, consequential or exemplary damages (including but not limited to loss of profits), regardless of the cause of action.

In no event will the Bank be liable for any loss or damage suffered by the Customer that is caused by:

- (a) the actions of, or any failure to act by, any third party (and no third party will be considered to be acting as an agent for the Bank); except if said third party is acting under specific instructions from the Bank;
- (b) mistakes, errors, omissions, inaccuracies in or inadequacies of any information furnished by the Customer to the Bank;
- (c) a forged or unauthorized signature or a material alteration on any Instrument, unless (A) it was made by a person who was at no time the Customer's employee, officer, director or agent and (B) its occurrence was beyond the Customer's control; or
- (d) any delay, error or interruption or failure by the Bank to perform or fulfil any of its obligations to the Customer due to any cause beyond the Bank's control (including but not limited to any systems malfunction, technical failures, or if the information retrieved by the Bank is not timely, complete or accurate);
- (e) any missing, incomplete or fraudulent endorsement of any Instrument;

- (f) the communication facilities that are not under the Bank's control that may affect the timeliness, completeness or accuracy of any information or that may cause a delay in the retrieval or presentment of any information;
- (g) the Bank relying or acting upon any electronic communication pursuant to this Agreement;
- (h) The Customer's failure to fulfill any of its obligations under this Agreement or to comply with any instructions the Bank may provide to the Customer from time to time in connection with any services provided by the Bank;
- (i) the Customer leaving the Bank's website and linking to and from any third party's website; or
- (j) the transmission of viruses or other destructive or contaminating properties and any related damage to the Customer's computer system.

26. Internal Procedures re Instruments and Accounts

The Customer will at all times have in place commercially reasonable procedures designed to prevent and detect losses due to forged or unauthorized signatures, fraud or theft in relation to Instruments, instructions or Accounts.

27. Other Claims on the Account

If the Bank has notice of a possible claim or interest under any court order, statutory demand, or other federal or provincial legislation, then the Customer acknowledges that the Bank may refuse to: (a) permit the Customer to have any dealings with the Account; or (b) honour cheques or other items drawn on the Account. The Bank will not be liable for any loss or damage resulting from such refusal.

28. Restraint or Closure of Account

The Bank may freeze or close the Account without notice if required by law or if, at any time, the Bank has reasonable grounds to believe that the Customer did or may commit fraud, use the Account for any unlawful or improper purpose, cause a loss to the Bank, operate the Account in a manner unsatisfactory to the Bank or violate the terms of any agreement applicable to the Account or any Account related service. RBC may also freeze or close the Account if the Customer is a victim of fraud or identity theft in order to prevent future losses. Those Accounts closed by the Customer within 3 months of being opened may be subject to an administration fee.

29. Indemnity

Except with respect to claims, costs and liabilities arising principally by reason of the Bank's negligence, the Customer will indemnify the Bank against any claim, cost or liability incurred by the Bank in connection with any services provided by the Bank to the Customer or any other dealings between the Bank and the Customer, including without limitation, any claim or liability resulting from an endorsement of the Bank or any of its branches or agencies on any Instrument, whether arising out of a forged or unauthorized signature on that Instrument or otherwise.

30. Modification of Instructions: Cut off Times

If the Customer issues instructions in respect of any service modifying previously given instructions and those modifying instructions are not given within the time frames prescribed by any applicable rules and manuals of operation of the Bank, the Bank may, in its sole discretion, use reasonable efforts to implement those modifying instructions but the Bank will not be liable for any failure to do so and the Customer discharges and will indemnify the Bank from and against any claims and liabilities incurred by the Bank as a result of the implementation of or the failure to implement those modifying instructions.

31. Multiple Parties

If the Customer is more than one person, each of those persons will be jointly and severally liable to the Bank for all debts, liabilities and other obligations incurred under this Agreement or in connection with any Account, any Instrument or any service furnished by the Bank to the Customer.

32. Set Off

The Bank may at any time and without notice apply any credit balance (whether due or not) in any Account or in any other account in the name of the Customer, or to which the Customer is beneficially entitled, maintained at any branch or office of the Bank inside or outside Canada, towards the payment of any obligation (including any contingent obligation) of the Customer to the Bank whether in the same or other currency. The Bank may use all or any part of any such credit balance to buy any currencies that may be necessary to effect that application. The Customer acknowledges and agrees that this right of set-off is in addition to the Bank's right of account consolidation and in no way derogates from such right.

33. Amendments and Waivers/Default

No amendment, modification or waiver of any provision of this Agreement or any service agreement will be effective unless it is in writing signed by the Customer and the Bank. The Customer will be in default by the mere lapse of the time fixed for performing an obligation.

34. Change of Service and Use of Third Parties

Notwithstanding anything else in this Agreement, the Bank may at any time change or withdraw any service, provided to the Customer, including those described in Parts A and B, and may make use of any third party to provide any service.

35. Assigns

This Agreement will constitute the continuing consent and agreement of the Customer and will bind the Customer and its heirs, executors, liquidators of successions, administrators and other legal representations, successors and assigns.

36. Governing Law

This Agreement and any service agreement will be exclusively governed by the laws of the **Province of Ontario**.

37. Language

The parties acknowledge that they have required that this document and all related documentation be drawn up in the English language. Les parties reconnaissent avoir demandé que la présente convention ainsi que tous les documents qui s'y rattachent soient rédigés en langue anglaise.

Signed at Ajax, Ontario the _____ day of _____ 20____.

THE CORPORATION OF THE TOWN OF

Company Name:

Signature

Steve Parish

Name:

Mayor

Title:

Signature

Robert Ford

Name:

Director of Finance/ Treasurer

Title:

Accepted and agreed by Royal Bank of Canada

Signature

Sharon Cotnam

Name:

Associate Account Manager

Title:



SIGNATURE CARD

(FOR BANK USE ONLY)

Account No./S.R.F. No. 764-545-448
00042

THE CORPORATION OF THE TOWN OF AJAX

NAME OF ACCOUNT

SUNDRY INFORMATION

any one of Steve Parish, Shaun Collier, Colleen Jordan together with any one of Robert Ford, Sheila Strain, Paul Hewitt, Carol James

INSTRUCTIONS RE SIGNING OF CHEQUES

Any to sign All to sign

NAME & TITLE	SIGNATURE
Mayor Steve Parish	
Regional Councillor Shaun Collier	
Regional Councillor Colleen Jordan	
Director of Finance/ Treasurer Robert Ford	
Manager of Budgets & Accounting Services Sheila Strain	
Manager of Purchasing Paul Hewitt	
Manager of Taxation Carol James	

BRANCH **HWY 2 & HARWOOD BRANCH**
 2 HARWOOD AVE S
 AJAX
 ON L1S 7L8

DATE _____
 MONTH/DAY/YEAR

(FOR BANK USE ONLY)

INITIALS
Prepared By
ssc



TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Carol James, AMCT, CMM II
Manager of Taxation

SUBJECT: **Tax Section Status Report**

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That the Tax Section Status report be received for information.

BACKGROUND:

To keep Council informed about significant issues affecting the Tax Section including tax collection issues, statistics and delegated authority reporting, the Tax Section Status report is presented to the General Government Committee at various times throughout the year.

DISCUSSION:

2010 Taxes Collected

As at October 31, 2010, 91% (\$155,414,892) of the taxes billed for 2010 have been collected, which is a bit higher than the previous year.

Tax Arrears (2009 and Prior)

Collection efforts continue to prove successful. Many taxpayers that were in arrears are now participating in a monthly payment plan to pay down their outstanding taxes. Unfortunately, we are not always able to enter into mutually agreeable payment arrangements. As a result, we have 15 properties at various stages of the tax sale process and 135 with our bailiff. We are making every effort to assist taxpayers in paying their arrears in full and will continue to work with them to keep their taxes current.

Pre-Authorized Payment

The various pre authorized payment plans continue to be a very popular choice among taxpayers. Currently there are 6,713 accounts enrolled, which is a 5.6% increase over 2009. The Town's plan for taxpayers with arrears is slowly gaining popularity, as staff continue to encourage taxpayers to participate.

Delegated Authority Reporting

On March 29, 2010, By-law 43-2010, was passed to delegate the authority granted in Sections 354, 356, 357, 358 and 359 of the *Municipal Act, 2001*, as amended, to the Treasurer or Designate. Also included in this By-law were provisions to report to Council through the Tax Status Report on any adjustments completed.

Section 357 (1) of the Municipal Act provides for the adjustment, refund or cancellation of taxes for a number of reasons (eg. Property became exempt).

The tax adjustments, from June 16 to October 31, 2010, excluding penalty/interest, are apportioned back to the Region and School boards as detailed below:

Town	\$ 50,460.14
Region	\$ 98,418.68
School Boards	\$ 96,107.63
Total	\$ 244,986.45

CONCLUSION:

The next Tax Section Status report is scheduled to be presented to General Government Committee in March, 2011.

Carol James, AMCT, CMM II
Manager of Taxation

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

**TOWN OF AJAX
REPORT**



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Dianne Valentim, B.Comm, CGA
Senior Financial Analyst

SUBJECT: Completed Capital Accounts, October 31, 2010

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That in accordance with the requirements of the Capital Fund By-law 110-2005, the following transfers to reserves be made from capital accounts closed as of October 31, 2010.

	Transfer To
Capital Projects Reserve	(370,907.05)
Infrastructure Reserve (Slots)	(8,834.99)
Town Promotion Reserve	(85,148.90)
Total	(464,890.94)

BACKGROUND:

Capital Fund By-Law 110-2005 requires a report to Council at least once a year. This is the third closing report for 2010 and indicates, on a project by project basis, the specific transfers and balances required for capital project accounts which have been completed or cancelled.

DISCUSSION:

Attached is a listing that shows the capital accounts closed as of October 31, 2010 and their balances. Balances are allocated as per By-Law 110-2005, generally in accordance with original funding.

FINANCIAL IMPLICATIONS:

The balance of the capital accounts in an amount of \$464,890.94 will be transferred to the identified reserves.

CONCLUSION:

The presentation of this report to Council complies with the requirements of By-law 110-2005.

Dianne Valentim, B. Comm, CGA
Senior Financial Analyst

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

CLOSED CAPITAL PROJECTS AS OF October 31, 2010

ACCT	PROJECT NAME	Year	Approved Budget	Additional Funding Approved by Council	Expenditures	Project Balance	Note	Reserve / Reserve Fund	
								Capital Projects	Other
OFFICE OF THE CAO									
862711	Town Hall Improvements	2006	(202,000.00)		148,470.66	(53,529.34)		(53,529.34)	
TOTAL OFFICE OF THE CAO			(202,000.00)	-	148,470.66	(53,529.34)		(53,529.34)	-
LEGISLATIVE & INFO SERVICES									
908011	Enterprise Reporting System	2010	(20,000.00)			(20,000.00)	2	(20,000.00)	
TOTAL LEGISLATIVE & INFO SERVICES			(20,000.00)	-	-	(20,000.00)		(20,000.00)	-
FIRE									
909011	SCBA Cylinder Replacement	2010	(33,000.00)		23,498.64	(9,501.36)		(9,501.36)	
TOTAL FIRE			(33,000.00)	-	23,498.64	(9,501.36)		(9,501.36)	-
OPERATIONS & ENVIRONMENTAL SERVICES - OPERATIONS									
909411	Pickering Beach Drainage Improvements	2010	(60,000.00)			(60,000.00)		(60,000.00)	
910311	Resurfacing of Municipal Parking Lots	2010	(15,000.00)		9,677.36	(5,322.64)		(5,322.64)	
910511	Park Signage	2010	(27,000.00)			(27,000.00)	2	(27,000.00)	
911011	Asphalt Walkway Mntce - Duffins Bay Trail	2010	(115,000.00)		91,005.01	(23,994.99)		(23,994.99)	
911111	Playground Replacement Program - 2010	2010	(115,000.00)	(15,635.00)	127,934.11	(2,700.89)	1	(2,700.89)	
911311	Waterfront Trail Maintenance - 2010	2010	(150,000.00)		141,165.01	(8,834.99)			(8,834.99) Slots Infrastructure Reserve
912111	Restoration and Naturalization	2010	(20,000.00)			(20,000.00)	2	(20,000.00)	
TOTAL OPERATIONS & ENVIRONMENTAL SERVICES - OPERATIONS			(502,000.00)	(15,635.00)	369,781.49	(147,853.51)		(139,018.52)	(8,834.99)
OPERATIONS & ENVIRONMENTAL SERVICES - ENVIRONMENTAL SERVICES									
899411	Walkway Lighting Replacement	2009	(50,000.00)		11,338.00	(38,662.00)		(38,662.00)	
TOTAL OPERATIONS & ENVIRONMENTAL SERVICES - ENVIRONMENTAL SERVICES			(50,000.00)	-	11,338.00	(38,662.00)		(38,662.00)	-
OPERATIONS & ENVIRONMENTAL SERVICES - BUILDING MAINTENANCE									
888111	St. Francis de Sales Church - Exterior and Structure	2008	(1,213,000.00)		1,112,804.17	(100,195.83)		(100,195.83)	
TOTAL OPERATIONS & ENVIRONMENTAL SERVICES - BUILDING MAINTENANCE			(1,213,000.00)	-	1,112,804.17	(100,195.83)		(100,195.83)	-
PLANNING & DEVELOPMENT									
862611	Highway Promotional Features	2006	(140,000.00)		54,851.10	(85,148.90)			(85,148.90) Town Promotion Reserve
915911	Traffic Calming - Elizabeth / Linton	2010	(10,000.00)		-	(10,000.00)	2	(10,000.00)	
TOTAL PLANNING & DEVELOPMENT			(150,000.00)	-	54,851.10	(95,148.90)		-	(85,148.90)
BALANCE TO BE TRANSFERRED / FUNDED			(2,170,000.00)	(15,635.00)	1,720,744.06	(464,890.94)		(360,907.05)	(93,983.89)

Note 1 All projects requiring additional funding have been reported to Council and/or CAO
 Note 2 Project closed and resubmitted through 2011 Budget

**TOWN OF AJAX
REPORT**



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Dianne Valentim, B.Comm, CGA
Senior Financial Analyst

SUBJECT: Completed Capital Accounts, October 31, 2010

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That in accordance with the requirements of the Capital Fund By-law 110-2005, the following transfers to reserves be made from capital accounts closed as of October 31, 2010.

	Transfer To
Capital Projects Reserve	(370,907.05)
Infrastructure Reserve (Slots)	(8,834.99)
Town Promotion Reserve	(85,148.90)
Total	(464,890.94)

BACKGROUND:

Capital Fund By-Law 110-2005 requires a report to Council at least once a year. This is the third closing report for 2010 and indicates, on a project by project basis, the specific transfers and balances required for capital project accounts which have been completed or cancelled.

DISCUSSION:

Attached is a listing that shows the capital accounts closed as of October 31, 2010 and their balances. Balances are allocated as per By-Law 110-2005, generally in accordance with original funding.

FINANCIAL IMPLICATIONS:

The balance of the capital accounts in an amount of \$464,890.94 will be transferred to the identified reserves.

CONCLUSION:

The presentation of this report to Council complies with the requirements of By-law 110-2005.

Dianne Valentim, B. Comm, CGA
Senior Financial Analyst

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

CLOSED CAPITAL PROJECTS AS OF October 31, 2010

ACCT	PROJECT NAME	Year	Approved Budget	Additional Funding Approved by Council	Expenditures	Project Balance	Note	Reserve / Reserve Fund	
								Capital Projects	Other
OFFICE OF THE CAO									
862711	Town Hall Improvements	2006	(202,000.00)		148,470.66	(53,529.34)		(53,529.34)	
TOTAL OFFICE OF THE CAO			(202,000.00)	-	148,470.66	(53,529.34)		(53,529.34)	-
LEGISLATIVE & INFO SERVICES									
908011	Enterprise Reporting System	2010	(20,000.00)			(20,000.00)	2	(20,000.00)	
TOTAL LEGISLATIVE & INFO SERVICES			(20,000.00)	-	-	(20,000.00)		(20,000.00)	-
FIRE									
909011	SCBA Cylinder Replacement	2010	(33,000.00)		23,498.64	(9,501.36)		(9,501.36)	
TOTAL FIRE			(33,000.00)	-	23,498.64	(9,501.36)		(9,501.36)	-
OPERATIONS & ENVIRONMENTAL SERVICES - OPERATIONS									
909411	Pickering Beach Drainage Improvements	2010	(60,000.00)			(60,000.00)		(60,000.00)	
910311	Resurfacing of Municipal Parking Lots	2010	(15,000.00)		9,677.36	(5,322.64)		(5,322.64)	
910511	Park Signage	2010	(27,000.00)			(27,000.00)	2	(27,000.00)	
911011	Asphalt Walkway Mntce - Duffins Bay Trail	2010	(115,000.00)		91,005.01	(23,994.99)		(23,994.99)	
911111	Playground Replacement Program - 2010	2010	(115,000.00)	(15,635.00)	127,934.11	(2,700.89)	1	(2,700.89)	
911311	Waterfront Trail Maintenance - 2010	2010	(150,000.00)		141,165.01	(8,834.99)			(8,834.99) Slots Infrastructure Reserve
912111	Restoration and Naturalization	2010	(20,000.00)			(20,000.00)	2	(20,000.00)	
TOTAL OPERATIONS & ENVIRONMENTAL SERVICES - OPERATIONS			(502,000.00)	(15,635.00)	369,781.49	(147,853.51)		(139,018.52)	(8,834.99)
OPERATIONS & ENVIRONMENTAL SERVICES - ENVIRONMENTAL SERVICES									
899411	Walkway Lighting Replacement	2009	(50,000.00)		11,338.00	(38,662.00)		(38,662.00)	
TOTAL OPERATIONS & ENVIRONMENTAL SERVICES - ENVIRONMENTAL SERVICES			(50,000.00)	-	11,338.00	(38,662.00)		(38,662.00)	-
OPERATIONS & ENVIRONMENTAL SERVICES - BUILDING MAINTENANCE									
888111	St. Francis de Sales Church - Exterior and Structure	2008	(1,213,000.00)		1,112,804.17	(100,195.83)		(100,195.83)	
TOTAL OPERATIONS & ENVIRONMENTAL SERVICES - BUILDING MAINTENANCE			(1,213,000.00)	-	1,112,804.17	(100,195.83)		(100,195.83)	-
PLANNING & DEVELOPMENT									
862611	Highway Promotional Features	2006	(140,000.00)		54,851.10	(85,148.90)			(85,148.90) Town Promotion Reserve
915911	Traffic Calming - Elizabeth / Linton	2010	(10,000.00)		-	(10,000.00)	2	(10,000.00)	
TOTAL PLANNING & DEVELOPMENT			(150,000.00)	-	54,851.10	(95,148.90)		-	(85,148.90)
BALANCE TO BE TRANSFERRED / FUNDED			(2,170,000.00)	(15,635.00)	1,720,744.06	(464,890.94)		(360,907.05)	(93,983.89)

Note 1 All projects requiring additional funding have been reported to Council and/or CAO
 Note 2 Project closed and resubmitted through 2011 Budget

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Paul Allore, Director, Planning & Development Services

PREPARED BY: Carol Coleman, Manager of Engineering, Capital Projects

SUBJECT: Contract Award – Demolition Services for 81 Dowty Road

WARD(S): 3

DATE OF MEETING: December 9, 2010

REFERENCE: GGC Report September 23, 2010 *Property Acquisitions Related to Fairall/ Station Street Realignment*
Capital Account No. 917311 81 Dowty Road Acquisition and Demolition

RECOMMENDATIONS:

- 1. That Council award the contract for Demolition Services for 81 Dowty Road, to Ferro Canada Inc. in the amount of \$201,705.00 (inclusive of all taxes).**
- 2. That Council approve the following funding, to be allocated to Capital Account No. 917311, 81 Dowty Road Acquisition and Demolition from Infrastructure Reserve (Slots) in the amount of \$335,182.56.**
- 3. That Council approve the transfer to the Capital Projects Reserve, the amount of \$1,212,633.60 previously approved for the Acquisition and Demolition of 81 Dowty Road Capital Account 917311, 81 Dowty Road Acquisition and Demolition .**

BACKGROUND:

In March, 2010, the Town completed a Municipal Class Environmental Assessment Study to assess potential solutions for improving the Fairall Street/ Dowty Road and Station Street/ Dowty Road intersections. Currently, there exists a jog between Fairall Street and Station Street which contributes to traffic congestion at the two intersections during peak traffic hours.

The preferred solution identified is to reconstruct Station Street to match the alignment of Fairall Street at Dowty Road (Figure 1). The new intersection will be signalized, and dedicated left and right turn lanes will be incorporated to limit traffic delays. These improvements will address the deficiencies in capacity, improve traffic for local businesses and improve safety for pedestrians and cyclists.

The preferred solution requires the Town to purchase and demolish the existing building at 81 Dowty Road. On June 22, 2010 the Town of Ajax received funding approval for 90% funding, up to \$1,773,000, towards the purchase of the building at 81 Dowty Road and the demolition of the same building from the Federal Economic Development Agency for Southern Ontario, under the Community Adjustment Fund (CAF). Under the funding agreement all work must be completed by March 31, 2011 to be eligible.

With the provision of Federal funding for this project, the project has been added to the 2010/ 2011 work plan and upon completion will permit the realignment of the Fairall Street/ Dowty Road and Dowty Road/ Station Street intersections currently funded by the Building Canada Fund under Capital Account No. 898711. The Building Canada Fund funding agreement requires all work to be completed by March 31, 2016.

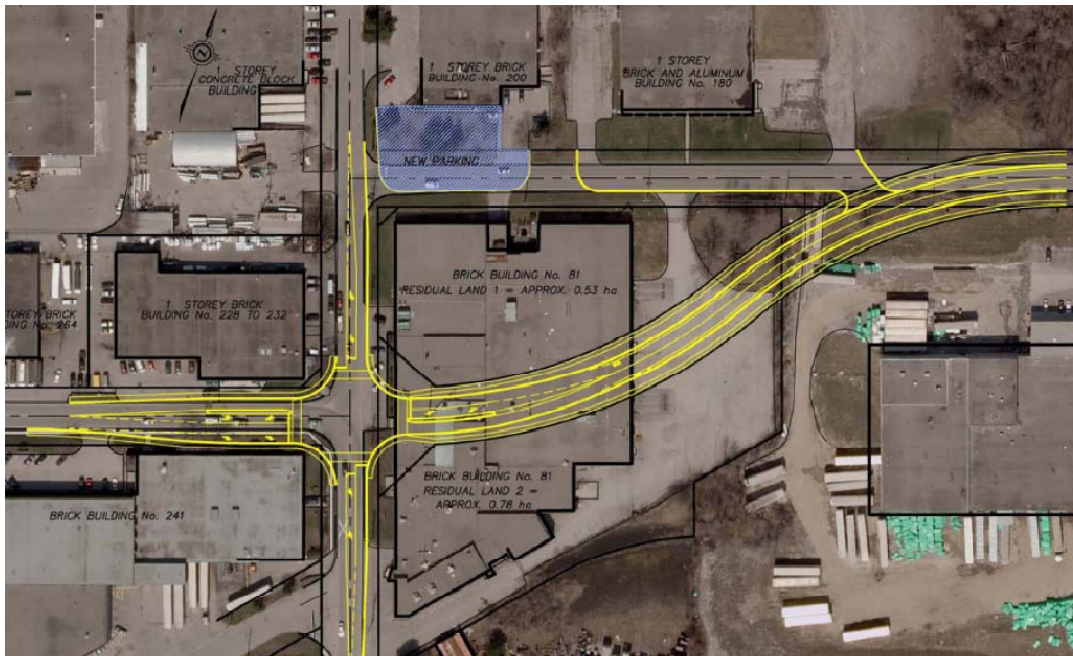


Figure 1. Preferred Solution for Fairall Street/Station Street Realignment

DISCUSSION:

Request for Tender (RFT) documents were issued to nine prospective bidders, of which all attended the mandatory site meeting held on November 16, 2010. Bids were received back from eight of these prior to the closing on November 23, 2010. Upon review of the eight bids received, three of the submissions were found to be non-compliant and therefore cannot be considered in the award. During the analysis of the compliant bids, a number of arithmetical errors were discovered, resulting in a Corrected Total Tender Amount. Listed below is a summary of the acceptable bids received:

NAME OF BIDDER	TOTAL TENDER AMOUNT	CORRECTED TOTAL TENDER AMOUNT
Ferro Canada Inc	\$201,705.00	\$201,705.00
United Wrecking Inc.	\$387,778.71	\$387,778.71
Iron Trio Inc.	\$448,841.65	\$448,841.65
Priestly Demolition Inc	\$1,121,687.50	\$1,014,005.50
Quantum Murray ULC	\$1,081,026.93	\$1,082,156.93

Staff have reviewed the submission by Ferro Canada Inc. and are satisfied that they have demonstrated the experience required to complete this project. Therefore award is recommended to the lowest bidder, Ferro Canada Inc.

The building demolition is expected to commence January 3, 2011 and be completed by the end of March 2011.

The Capital Expenditure Control Policy provides for a contingency in excess of 10% when recommended by the Department Head and approved by the Chief Administrative Officer. As specified in the Financial Implications section of this report, staff are recommending that Council approve a contingency amount of 20%. A full description of the need for the increased contingency is provided in the following section.

This report and the contingency percentage have been reviewed and approved by the Chief Administrative Officer.

FINANCIAL IMPLICATIONS:

Council authorized staff to negotiate the purchase of 81 Dowty Road, up to an upset limit, on September 27, 2010. In October 2010, the Town signed an Agreement of Purchase and Sale with Avery Dennison Canada Inc. for the purchase of 81 Dowty Road for a total price of \$1,775,000, which is lower than the upset limit. Ownership of the land was transferred on November 30, 2010.

Account No. 917311 – 81 Dowty Road Acquisition and Demolition

Previous Awards:

81 Dowty Road Land and Building Purchase	\$1,775,000.00	
Land Transfer Tax and Closing Costs	\$ 36,795.27	
Legal Fees and Disbursements (net of HST rebate)	\$ 1,002.65	
CEAA Screening Report (net of HST rebate)	\$ 8,140.80	
Designated Substance Survey and Inspection Services (net of HST rebate)	\$ 20,352.00	
Tender Documents and Contract Administration for Building Demolition (net of HST rebate)	<u>\$ 20,250.24</u>	
Costs to Date		\$ 1,861,540.96

Current Awards:

Building Demolition Contract (net of HST rebate)	\$ 181,641.60	
Contingency (approximately 20%)	\$ 40,000.00	
Additional Costs (Utility disconnections, misc.)	<u>\$ 25,000.00</u>	<u>\$ 246,614.60</u>
Total Project Cost		\$ 2,108,182.56
Less Community Adjustment Funding		<u>\$ 1,773,000.00</u>
Amount to be Funded by Town		<u>\$ 335,182.56</u>

Based on the September 23, 2010 GGC Report, *Property Acquisitions Related to Fairall/ Station Street Realignment*, it was proposed to fund the Town's portion of the project through the Capital Projects Reserve. Through recent cash flow analysis it is now recommended that the Town's portion be funded by Infrastructure Reserve (Slots) instead. The previously approved funding of \$1,212,633.60 will be

transferred back to Capital Projects Reserve. Funding not to exceed \$335,182.56, will be allocated from Infrastructure Reserve (Slots).

A 20% contingency has been identified for the building demolition to ensure sufficient funding is available to address costs related to site specific issues that may be encountered during demolition. Risk factors for this project include:

- Unusual soil or base conditions, site conditions different than those anticipated,
- Additional designated substances or hazardous materials not visible during the pre-demolition assessment,
- Contaminated soil and/or groundwater,
- Unanticipated utilities encountered during the demolition,
- Additional dust / mud control measures due to proximity of local businesses and residences. The Town will ensure that dust / mud is kept to a minimum. Depending on the site conditions, this may require dust suppressant measures such as Calcium Chloride Flake, Water Trucks and Sweepers, and
- Poor weather conditions.

These risks can cause delays, necessitating additional material and labour associated with construction.

COMMUNICATION ISSUES:

This project is partially funded by the Federal Economic Development Agency for Southern Ontario, under the Community Adjustment Fund. As such, “Economic Action Plan” signs will be provided and will be posted on the site until 90 days after completion of the project. As well, notices will be sent to adjacent property owners to notify them of the project.

CONCLUSION:

It is the recommendation of staff that Ferro Canada Inc. be awarded the contract for Demolition Services for 81 Dowty Road, being the lowest bidder meeting minimum specifications.

Carol Coleman, P.Eng.
Manager of Engineering, Capital Projects

Paul Allore, MCIP, RPP
Planning and Development Services

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Paul Allore, M.C.I.P., R.P.P.
Director, Planning and Development Services

PREPARED BY: Stev Andis, M.C.I.P., R.P.P.
Senior Policy Planner

SUBJECT: **Proposed Amendments to the Renewable Energy Approvals Regulation - Environmental Bill of Rights Registry Posting No. 011-0181**

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCES: Report to Community Affairs and Planning Committee on the *Green Energy and Green Economy Act* (April 20, 2009)

Reports to General Government Committee on the *Green Energy and Green Economy Act* and Renewable Energy Approvals Regulation (July 9, 2009 and January 21, 2010)

Report to General Government Committee on Offshore Wind Facilities (September 23, 2010)

Corporate Strategic Plan: Managing Growth and Environmental Awareness

RECOMMENDATIONS:

- 1. That Council endorse staff comments to the Ministry of the Environment, as provided in Section 2.0 of this Report, on the Proposed Amendments to the Renewable Energy Approvals Regulation under the *Environmental Protection Act* (Environmental Bill of Rights Registry Posting No. 011-0181); and,**
- 2. That this Report be forwarded to the Ministry of the Environment and the Regional Municipality of Durham following the December 13, 2010 Council Meeting.**

1.0 BACKGROUND:

The purpose of this report is to:

- 1) update Council on the proposed amendments to the Renewable Energy Approvals Regulation (O. Reg. 359/09); and,

- 2) receive Council's endorsement of staff comments to the Ministry of the Environment on the proposed amendments to the Renewable Energy Approvals Regulation posted on the Environmental Bill of Rights (EBR) Registry (Posting No. 011-0181).

1.1 Green Energy Act and Renewable Energy Approvals Regulation

On May 14, 2009, the Province enacted the *Green Energy and Green Economy Act, 2009* (Green Energy Act) which addressed, among other matters, energy efficiency of appliances and products, energy conservation and demand management, and the promotion of renewable energy technologies. The Green Energy Act also established the authority to create a regulation governing renewable energy projects under the *Environmental Protection Act*.

On September 24, 2009 Ontario Regulation 359/09 (Renewable Energy Approvals) made under the *Environmental Protection Act*, came into force. The Renewable Energy Approvals (REA) Regulation integrates provincial and municipal approvals for renewable energy projects that were previously under the *Planning Act*, *Environmental Assessment Act*, and the *Environmental Protection Act*, with the intention to streamline the project approval process. The Ministry of the Environment administers the REA Regulation and processes REA applications.

1.2 Proposed Amendments to the Renewable Energy Approvals Regulation

On October 7, 2010, the Ministry of the Environment (MOE) posted proposed amendments to the REA Regulation on the Environmental Bill of Rights Registry (refer to Attachment No. 1). The proposed amendments, which address issues identified through the implementation of the Regulation, are intended to clarify certain requirements for proposed renewable energy projects. The deadline for comments was November 21, 2010.

Section 2.0 of this Report provides a summary of the proposed amendments to the REA Regulation and corresponding staff comments that were submitted to the MOE via email on November 19, 2010, in advance of the comment deadline.

2.0 DISCUSSION

2.1 Noise and Odour Receptors

Noise and odour receptors are buildings, structures or locations, as defined in the REA Regulation, that renewable energy proponents are required to consider when evaluating the noise and odour impacts of their projects.

2.1.1 Definitions of Noise Receptors and Odour Receptors

The current definition, in the REA Regulation, of a noise receptor includes the following:

- 1) The centre of a building or structure used for overnight accommodation.
- 2) The centre of a building or structure used as an educational facility, day nursery, or place of worship.
- 3) The construction of a building or structure mentioned in 1) or 2) that has not commenced, but that has received site plan approval or a building permit.
- 4) A campsite or campground where overnight accommodation is provided.

- 5) The centre of a vacant lot that is zoned to permit a building or structure mentioned in 1) or 2), but where site plan approval or a building permit has not been obtained.

Through the EBR posting, the MOE is proposing to amend the definition of noise receptor to clarify what constitutes a noise receptor for the purposes of determining renewable energy project setbacks from noise receptors (Section 1 (4)).

Overnight Accommodation vs. Dwelling

The goal of setbacks between renewable energy projects, such as wind facilities, and noise receptors is to limit the noise at the noise receptor. However, through implementation of the REA Regulation to date, the MOE has found that the term “overnight accommodation” captures unserviced buildings that are used intermittently, such as hunting or trapping cabins. It was not the Province’s intention to capture these uses under the definition of “noise receptor”

To address this, the MOE is proposing that the term “overnight accommodation” be replaced by “dwelling”. The term “dwelling” currently does not exist in the Regulation; however, the MOE is also proposing to define the term “dwelling” as “one or more habitable rooms used or intended to be used as a residence by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities”.

To be consistent with the proposed definition of “noise receptor”, the MOE is also proposing to amend the definition of “odour receptor” to replace the term “overnight accommodation” with “dwelling”.

Staff Comments

Staff do not agree with the proposed replacement of “overnight accommodation” with “dwelling”. The proposed use of the phrase “intended to be used as a residence” in the proposed definition of “dwelling” would exclude hospitals, hotels, inns, bed and breakfasts, ski chalets and other such uses from being considered as noise receptors. This would expose these uses to noise levels above the regulatory requirement of 40 dBA that was established to protect noise receptors. It also remains unclear as to whether the proposed definition of dwelling would include seasonal residences. Staff suggest the MOE provide further clarification as seasonal residences should be considered noise receptors.

If the intention is to exclude unserviced buildings and structures for temporary or intermittent uses from the consideration of establishing setbacks, then staff recommend the definitions of “noise receptor” and “odour receptor” retain the term “overnight accommodation” and more clearly specify that unserviced buildings and structures for temporary or intermittent uses, such as hunting and trapping cabins, are not considered “noise receptors” or “odour receptors” for the purpose of establishing setbacks.

MOE’s Technical Bulletin Six: Required Setbacks for Wind Turbines (March 1, 2010) states that structures that would be considered overnight accommodations include permanent or seasonal residences, hospitals, hotels/motels, and nursing/retirement homes. Staff believe it is important to retain the term “overnight accommodation” to ensure that these uses are considered noise receptors and are not negatively impacted.

The definition of “noise receptor” should also be amended to be more consistent with the existing definition of “odour receptor”; therefore, staff recommend that the definition of “noise receptor” include a health care facility, a community centre and a property used for recreational purposes.

Vacant Lots

For the purpose of establishing setbacks from renewable energy projects, the existing definition of “noise receptor” establishes the “centre of a vacant lot” as the point to be measured for the future location of buildings. The definition of “odour receptor” does not include vacant lots.

The MOE is proposing to further amend the definition of “noise receptor” by changing the location (i.e.; point to be measured from for the purposes of establishing setbacks from renewable energy projects) in a vacant lot from the centre of the lot to a location where a future “building would reasonably be expected to be located, having regard to the existing zoning by-law and typical building pattern in the area”. This proposed amendment would make the definition consistent with the MOE’s Noise Guidelines for Wind Farms (October 2008).

The EBR Registry Posting explains that future buildings on vacant lots would normally be constructed near an existing road to facilitate access and servicing.

Staff Comments

Staff do not agree with the proposed change of where within a vacant lot a future noise receptor should be measured. Changing the “centre of a vacant lot” to “a location where a future building would reasonably be expected to be located” will, in essence, allow wind facilities to be located closer to property boundaries.

Further, there is not a “typical building pattern” in rural areas. It may not be reasonable for all new buildings on vacant lots to be built near the road frontage similar to buildings in suburban or urban settings. In suburban and urban areas, buildings are generally built close to the lot frontage to minimize the cost associated with extending piped municipal water and sewer services from the road right-of-way. This is not applicable in rural areas, where buildings based on private wells and septic beds are often sited to fit into the landscape, according to topography, vegetation and drainage, and to take advantage of views/vistas.

Implementing the proposed amendment for vacant lots, which may see wind turbines located closer to property boundaries, could result in the sterilization of interior portions of those lots by limiting the siting of a dwelling within the permitted portions of a property as established in municipal zoning. As proposed, this amendment could in some situations, due to the proximity of wind turbines and their associated impacts (noise, shadow flicker, etc), make it unfeasible for landowners to locate their homes where it is most appropriate, given on-site vegetation, topography and views/vistas.

Staff do not agree with using “a location where a future building would reasonably be expected to be located” as a point to be measured from for the purposes of establishing setbacks. Nor do staff agree with using the “centre of a vacant lot”, as the centre of an irregularly shaped lot would be difficult to determine.

Therefore, staff recommend for a vacant lot zoned to permit a building, that the setbacks from property lot lines established in municipal zoning by-laws and Ministerial zoning orders be used as the point from which to measure noise setbacks to renewable energy projects. To ensure the Province takes a consistent approach, this change should also be made to the MOE's Noise Guidelines for Wind Farms.

Similar to staff's recommendation for "noise receptors", staff also recommend that the definition of "odour receptor" be amended to include a vacant lot zoned to permit a building as an "odour receptor". As per staff's recommended definition for "noise receptor", the point from which to measure odour setbacks on a vacant lot should be the setbacks from property lot lines established in municipal zoning by-laws and Ministerial zoning orders.

The Municipal Consultation Form (refer to Attachment No. 2) should also be amended to request the following information from municipal representatives:

- zoning setbacks - for the purpose determining the potential location of a noise and/or odour receptor on a vacant lot that is zoned to permit a building;
- potential land use conflicts - between noise and/or odour receptors and a proposed project; and,
- any planning approvals and conservation authority permit approval processes that are underway in the vicinity of the proposed project (for example, within 2 kms) - to become aware of all possible noise and/or odour receptors.

2.1.2 When Noise and Odour Receptors are to be Considered During the REA Process

The identification of "noise receptors" and "odour receptors" for the purpose of measuring setbacks from proposed renewable energy projects would normally take place during the project planning and application preparation phase. According to the EBR posting, the identification of "noise receptors" and "odour receptors" for the purpose of measuring setbacks from proposed renewable energy projects is currently the date of construction of the project. However, in staff's review of the REA Regulation, it appears that the Regulation is silent on the matter (i.e.; it does not specify at which point in time of the planning and application or submission process a "noise receptor" or "odour receptor" would have to be considered by the proponent).

The MOE has noted that this lack of clarity has created uncertainty in how to address a new building or structure, meeting the definition of a "noise receptor" or "odour receptor", which is constructed within the minimum setback required by the Regulation after a REA application has been submitted.

Thermal Treatment and Anaerobic Digestion

For Thermal Treatment¹ and Anaerobic Digestion² facilities, the MOE is proposing to amend the REA Regulation to specify that any "noise receptor" or "odour receptor" that came into existence

¹ A Thermal Treatment Facility is a facility at which biomass (e.g.; waste from harvesting or processing agricultural products or waste from processing forestry products) is burned to run turbines that then generate electricity and/or heat. The Steam Plant in Ajax is an example of a Thermal Treatment Facility.

after a REA application was submitted to the MOE does not have to be considered for the purposes of complying with the setback requirements (Sections 47(5), 48(5) and 51(4)).

Staff Comments

Staff agree that this proposed amendment, in relation to Thermal Treatment and Anaerobic Digestion facilities, is appropriate and provides greater clarity.

Wind Facilities

According to the EBR Posting, the MOE is proposing to amend the REA Regulation to address the issue of when during the REA process noise receptors for Class 4³ and Class 5⁴ Wind Facilities are to be considered by the proponent for the purpose of establishing noise setbacks. To do so, they are proposing to specify that any “noise receptor” that came into existence after the earliest of the three items listed below occurs, does not have to be considered for the purposes of complying with the setback requirements:

- 1) Notice of completion is published or issued under the Electricity Projects Regulation under the *Environmental Assessment Act* (note: while these projects are not being administered under the REA process, as a condition of their separate approval process they are required to meet the noise receptor setbacks set out in the REA Regulation); or
- 2) The proponent obtains property rights sufficient to permit the construction or installation of all the wind turbines that are proposed to form part of the wind facility, if the construction or installation is on privately owned property, and makes available or distributes a Draft Site Plan of the project location; or,
- 3) The proponent submitted a REA application.

Further, if item 2) occurs first, the Draft Site Plan expires if a REA application has not been submitted to the MOE within 6 months. A proponent cannot re-issue an expired Draft Site Plan for the purpose of considering noise receptors, and item 2) is no longer considered to be the first occurrence. However, if a proponent submits a REA application within 6 months of item 2) occurring, then any noise receptor that emerges within the established noise setback during those 6 months does not have to be considered by the proponent (Sections 54(1.1) and 55(2.1)).

The requirement for a Draft Site Plan is not part of the existing REA Regulation; it has been introduced as part of the proposed amendments for the purpose of considering noise receptors for Class 4 and Class 5 Wind Facilities. The proposed amendments outlining the requirements for a Draft Site Plan are only a portion of what is currently required in the REA Regulation for a Site Plan that is to be submitted as part of a Design and Operations Report with a REA application (Section 54.1).

² An Anaerobic Digestion Facility is a facility at which biogas (consisting mainly of methane and carbon dioxide) is produced from the decomposition of organic matter (e.g.; cow or chicken waste) in an oxygen-limiting environment. The biogas is burned to run turbines that then generate electricity and/or heat. Anaerobic Digestion Facilities are generally found on farms.

³ A Class 4 Wind Facility is land-based facility that would produce equal to or greater than 50 kW of electricity and that has a sound power level greater than or equal to 102 dBA.

⁴ A Class 5 Wind Facility is located offshore and can be of any electricity generating capacity and of any sound power level.

Proposed amendments will also require proponents to make the Draft Site Plan available on their website, at municipal offices and in a newspaper with general circulation in each local municipality in which the project is located, to every landowner abutting the project location and within 120 metres of the project location, to affected aboriginal communities, and to the MOE Director.

Staff Comments

Staff agree that it is appropriate to establish the notice of completion under the Electricity Projects Regulation (item 1) above) and the submission of a REA application (item 3) above) as cut off points for consideration of noise receptors. However, staff do not agree with allowing item 2) noted above to be an appropriate cut off point to consider noise receptors for the following reasons:

It is not clear at what point in the REA process item 2) (obtaining property rights sufficient to construct the wind facility and distributing a Draft Site Plan of the project location) would reasonably occur. Staff are concerned that this step could be taken by the proponent very early in the project planning process, prior to completing the required studies to determine the best location for the wind turbines. This proposed amendment would lock-in identified noise receptors very early in the REA process, thereby expediting wind facility construction which may result in constraining the construction of new dwellings or structures that were not identified at the Draft Site Plan stage but that emerged, within the established noise setbacks, prior to the REA application submission.

Item 2) is also a concern as the MOE's proposed requirements for a Draft Site Plan do not provide sufficient information on the proposed wind project. For instance, the proposed requirements do not include maps or diagrams showing the location of proposed wind turbines in relation to noise receptors. Allowing item 2) to be an option as the cut off point for consideration of noise receptors would reduce transparency in the REA process and allow proponents to be less accountable for the impacts of their projects.

Staff therefore recommend that for wind projects, the REA Regulation only allow the notice of completion under the Electricity Projects Regulation (item 1) above) and submission of a REA application (item 3) above) as reasonable cut off points for considering noise receptors. Should the Province choose to disregard this recommendation, staff have further comments on changes that should be made to item 2):

- The use of the term "property rights" in item 2) is misleading and therefore, staff recommend that it be replaced with "lease agreements". Property rights implies that the proponent would have ownership and exclusive authority to determine how the land would be used; however, the reality is that the proponent would be entering into a temporary lease agreement (generally 20 years) with the landowner(s) to construct and operate the wind turbines on their property.
- The requirement for making available or distributing a Draft Site Plan should be replaced with the requirement to make available or distribute a Site Plan that includes all the current existing requirements in the REA Regulation, the proposed amendments for Site Plan requirements as outlined in this EBR

Posting, and the further information that should be included in a Site Plan as per staff comments in Section 2.2 of this Report.

2.1.3 Considering Wind Facilities within a 3km Radius of a Noise Receptor

When determining their project's ability to meet a minimum 40 dBA at a noise receptor, proponents of Class 4 and 5 wind facilities are currently required to consider the combined sound level emitted from other wind turbines with a sound power level equal to or greater than 102 dBA that are within a 3 km radius of a noise receptor. The other wind turbines that the proponent must consider are those that:

- exist;
- have received a REA approval or Certificate of Approval (Noise) but are not yet built; or,
- have submitted an application for a REA or a Certificate of Approval (Noise).

In addition to these existing requirements, through this EBR Posting, the MOE is proposing to require proponents to also consider wind turbines with a sound power level equal to or greater than 102 dBA that are within a 3km radius of a noise receptor that are being concurrently planned, and that have not yet submitted a REA application. Specifically, this additional requirement would only apply to wind projects that have:

- 1) issued a notice of completion under the Electricity Projects Regulation (note: while these projects are not being administered under the REA process, as a condition of their separate approval process they are required to meet the noise receptor setbacks set out in the REA Regulation); or,
- 2) distributed a Draft Site Plan that is still valid and has not expired (as noted in the discussion on Wind Facilities in Section 2.1.2 of this Report)

MOE staff have indicated that a guideline on how to measure cumulative noise is anticipated to be posted on the EBR Registry for public comment and review in early 2011.

Staff Comments

In principle, staff agree with this proposed amendment. For areas where several wind projects are being contemplated, this additional consideration may require proponents to provide greater setbacks from noise receptors than what is currently outlined under the existing REA Regulation. This will provide greater protection to people who occupy buildings or structures deemed to be noise receptors.

Specifically, staff support requiring proponents to consider proposed wind facilities that have issued a notice of completion under the Electricity Projects Regulation. However, as noted in staff comments of Section 2.1.2 of this Report with regard to the proposed Draft Site Plan, should the Province choose to establish obtaining property rights sufficient to construct the wind facility and distributing a Draft Site Plan of the project location as a lock-in point for proponents to consider noise receptors, then staff recommend that a Site Plan as per staff comments in Section 2.2 of this Report (not a Draft Site Plan) be required.

While the MOE's proposed amendments are a positive step in providing greater protection for Ontarians, they only capture projects that are well into their respective approvals process. They do not capture projects that are at the early stage of the process (i.e.; have issued a notice of the proposed project and commenced the public consultation process).

Staff recommend that this proposed amendment be further strengthened to require proponents of wind projects to also consider other wind projects, with a sound power level equal to or greater than 102 dBA, that have issued a notice of the proposed project and commenced the public consultation process, but that have not distributed a Site Plan.

As this requirement applies to Class 4 (land-based) and Class 5 (offshore) Wind Facilities, staff request clarification on how the requirement of considering all wind facilities within a 3 km radius of a noise receptor would apply to offshore wind facilities given the Province's proposed 5 km offshore exclusion zone (EBR Registry Posting 011-0089) for the siting of offshore wind turbine facilities.⁵

2.2 Site Plans

The submission of a Site Plan is currently required as part of a Design and Operations Report. However, the current REA Regulation requirements for a Site Plan are minimal and do not, for the purposes of wind projects, require the proponent to provide maps or diagrams depicting the distance between a proposed wind turbine and other buildings, structures or all natural features (current requirements only require proponents to show provincially significant features).

Through this EBR posting, the MOE is proposing to amend Table 1 of the REA, to require proponents of wind projects to provide a description, maps or diagrams of the distance between the base of any wind turbine and:

- any public road right of way or railway right of way that is within a distance equal to the length of a blade of the wind turbine, plus an additional 10 metres;
- all boundaries of the parcel of land on which the wind turbine is constructed, installed or expanded within a distance equal to the height of the wind turbine, excluding the length of the blades; and,
- the nearest noise receptor.

Staff Comments

Staff support the additional proposed requirements for a Site Plan; however for increased transparency and more meaningful consultation, the Site Plan should also be required to include the following information:

⁵ On June 25, 2010, the MOE uploaded EBR Posting 011-0089, entitled "Renewable Energy Approval Requirements for Offshore Wind Facilities – An Overview of the Proposed Approach" which proposed to establish a 5-kilometre shoreline exclusion zone (defined as the area 5 km from the water's edge of the Great Lakes, other inland lakes and major islands) within which wind turbines could not be located. Staff submitted comments to the Province and prepared a staff report to General Government Committee in response to the EBR Registry Posting (<http://www.townofajax.com/AssetFactory.aspx?did=9762>). Staff are awaiting the Province's decision on this policy proposal.

-
- Currently the requirements for a Site Plan only ask for maps or diagrams of natural features and water bodies that are significant or provincially significant, and any other natural features identified in the Greenbelt or Oak Ridges Moraine Plans. Where municipal Official Plans have identified an interconnected Greenlands System composed of locally, regionally and provincially significant natural features and functions, as is the case with Ajax's Official Plan Amendment No. 38 (currently pending Regional approval), staff recommend that proponents be required to delineate the outer boundary of the System and ensure the natural heritage features and functions, including water bodies, contained therein are protected in accordance with the applicable Official Plan policy framework. To achieve this, Site Plans need to show the outer boundary of the System identified in a municipal Official Plan. In those municipalities where such a System has not yet been established, the Site Plan should depict the outer boundary and classifications of all natural features and water bodies identified in municipal Official Plans within 120 metres of the project location.
 - As the Municipal Consultation Form requests comments with respect to proposed landscaping for a renewable energy facility, staff recommend that landscape plans be required as part of the Site Plan. Municipalities require such information and illustrations to evaluate and prepare comments. The landscape plans should provide information on the type of vegetation to be planted and any details on proposed tree/vegetation removal or modification.
 - Specifically with regard to wind projects, a Site Plan should also include:
 - o A diagram depicting the project location boundary and the location of all other property boundaries and all noise receptors within a 3km radius of the project site.
 - o Available information and diagrams or maps of the location and scope of other existing or proposed wind facilities within a 3 km radius that have been identified, as per the requirements of the REA, for the purposes of determining setbacks to noise receptors.
 - o Elevation drawings showing turbine height to the hub and blade length.
 - o Renderings or elevations depicting views of proposed wind turbines in the actual proposed locations to determine their visual impacts on the surrounding landscape. These renderings can be done by graphically inserting the proposed wind turbines into images depicting existing views and vistas from a variety of angles and at varying distances.
 - o Diagrams identifying blade flicker/shadow throughout all four seasons (taking into account deciduous leaf cover), and at various times of day and at night (shadows cast from moonlight).

2.3 Class 2 Wind Facilities

Class 2 Wind Facilities are identified as generating more than 3 kW but less than 50 kW and can have any sound power level. Class 2 Wind Facilities are sometimes referred to as 'small wind'. Proponents of Class 2 Wind Facilities are required to submit a REA application; however, the application requirements are scaled. The current REA Regulation only requires these projects to submit a Project Description Report. These projects also do not have minimum setback requirements from noise receptors, and they are not subject to the consultation requirements in the REA Regulation. This category of wind turbine would however require a building permit.

Wind turbines that fall into the Class 2 category can be fairly substantial structures and would typically be used for small industrial or commercial operations, or for agricultural applications. Smaller wind turbines in the Class 2 category (i.e.; 4 kW) may even be sited on large residential properties in rural areas.

The height of the tower to the hub of the turbine for a Class 2 Wind Turbine can range anywhere from 12 m (approximately 40 feet) for a 4 kW wind turbine to 25 m (approximately 82 feet) for a 50 kW wind turbine.

The blade diameter for a Class 2 Wind Turbine can range anywhere from 6 m (approximately 19 feet) for a 4 kW wind turbine to 15 m (approximately 49 feet) for a 50 kW wind turbine

As per the EBR Posting, the MOE is proposing to amend Table 1 of the REA Regulation to have proponents of Class 2 Wind Facilities also submit a Wind Specifications Report as part of their REA application. This report would include information on the sound power level and a Site Plan that identifies the location of noise receptors within a 1 km radius from each turbine to help the Ministry determine the facilities' compliance with noise limits.



50 kW Wind Turbine

Staff Comments

Staff agree that there should be increased application requirements for Class 2 Wind Facilities as these projects are more easily realized in built-up urban areas and are not without impacts. In fact, it is quite possible that such a project could be sited within Ajax.

Staff recommend that rather than simply exempting these projects from public and municipal consultation, the Province should require proponents to hold public information sessions where draft copies of the Project Description Report and Wind Specifications Report are made available for review.

These facilities should also be subject to setback requirements that protect adjacent properties from the impacts of noise, shadow flicker and ice throw. As such, REA applications for Class 2 Wind Facilities should also require proponents to submit a Noise Study Report. Additionally, the Site Plan that would be part of the proposed Wind Specifications Report should include all the information recommended by staff in Section 2.2 of this Report.

2.4 Solar Facilities

The current electricity generation capacity threshold to determine whether a ground-mounted solar facility project is required to submit a REA application is 10 kW (all projects where solar panels are attached to a building, regardless of size, are not required to submit a REA application).

The MOE is proposing to increase this threshold for ground-mounted solar to 12 kW to eliminate more 'small' projects from the requirement of submitting a REA application (Section 4(3)). The reason for this amendment is that a project's ultimate electricity generation capacity is reduced due to power lost through the inverters (an inverter changes the DC power generated by the solar panels to AC power that is fed to the electricity grid). Therefore, a 12 kW solar panel installation may only realize an output of approximately 10 kW. It was not the Province's intention to capture these 'small' projects in the REA Regulation.

Staff Comments

Staff do not foresee any issues or negative impacts with this proposed amendment.

2.5 Required Studies and Reports

The REA Regulation outlines the required reports that are necessary to accompany a REA application in order to be eligible for a renewable energy approval. The determination of whether all required documentation (i.e.; a complete application) has been provided is made at the time the REA application is submitted.

The MOE is proposing an amendment to this requirement that would provide the MOE Director with the ability to determine that one or more of the required reports are not necessary for the issue of a renewable energy approval if it is determined that the reports are not necessary for:

- an adequate understanding of the negative environmental effects of engaging in the renewable energy project, or
- satisfactory consultation respecting the project with the public, local authorities or any aboriginal communities (Section 12 (1.1)).

According to the EBR Posting, this proposed amendment is intended to provide greater flexibility to the MOE Director in the processing of applications and reduce unnecessary burden on the proponent, where appropriate. In discussions with MOE staff, they explained that this proposed amendment is intended for renewable energy projects that have already completed some studies or reports under another approval process (i.e.; *Planning Act*, *Environmental Assessment Act* or *Environmental Protection Act*) and are now seeking a renewable energy approval under the REA Regulation (i.e.; projects in transition). The intention is to provide proponents with credit for work or reports completed under another approval process. According to MOE staff, it is not the Province's intent to eliminate the need for proponents to submit required reports.

MOE staff also clarified that this proposed amendment applies to Part IV of the REA (Natural Heritage Assessment, Water Assessment, Archaeological Assessment, Cultural Heritage Assessment, Public and Municipal Consultation and all reports required in Table 1 of the REA). It does not excuse renewable energy projects from Part V of the Regulation (odour and noise setback requirements, or the prohibitions and setbacks from natural heritage and water features).

Staff Comments

While MOE staff have expressed the intent of this amendment as only being applicable to projects in transition that have already undergone some planning and/or environmental regulatory process, the manner in which this proposed amendment is worded allows for a very different interpretation. For example, nowhere in this proposed amendment does the language specify that this discretion only applies in circumstances where a project is in transition and has completed reports, studies or a public consultation process that would satisfy the requirements of the REA Regulation. Nor does the proposed amendment specify that this exemption only applies to requirements under Part IV of the Regulation.

It could be interpreted that the proposed amendment simply states that despite the Regulation's requirements, the Director has the discretion to excuse any renewable energy project, even those that have not undergone any other planning or environmental processes, from any of the following requirements:

- Part IV of the REA: Natural Heritage Assessment, Water Assessment, Archaeological Assessment, Cultural Heritage Assessment, Public and Municipal Consultation, and all reports required in Table 1 of the REA.
- Part V of the REA: odour and noise setback requirements or the prohibitions and setbacks from natural heritage and water features.

Staff recommend that this proposed amendment be clarified to specify exactly what types of projects and which parts of the Regulation it applies to.

While the MOE Director may deem certain reports or studies, for projects in transition, unnecessary for a renewable energy approval, the reports, studies or record of public consultation that were completed under the other approval processes should still be submitted with the REA application. This would provide municipalities and residents that want to review and comment on the REA application, once it is posted on the Environmental Bill of Rights Registry, with a complete picture of the project and its potential impacts.

For further transparency, staff recommend that a guideline be developed that outlines criteria for determining whether a requirement under Part IV of the REA is not necessary for projects in transition so that such decisions are not viewed as arbitrary.

2.6 Consultation and Notification Requirements

A number of amendments are proposed to clarify and strengthen the notification and consultation requirements in the REA. The proposed amendments are related to broader circulation of draft reports by the proponent and availability of these reports to the public.

- 1) The current REA Regulation mandates that consultation take place with any owner of land within 120 metres of the project location. The MOE is proposing an amendment that would also require consultation with every abutting land owner, even if they are more than 120 metres from the project location (Section 15(6) paragraph 5 i.1).
- 2) The current REA Regulation only requires drafts of reports that are to be submitted with a REA application be made available on the proponent's website and at each local municipality in

which the project is located, 60 days prior to the final public meeting date. A similar provision to have the Draft Project Description Report available prior to the first public meeting is currently not included in the REA. The MOE is proposing an amendment that would require proponents to make the Draft Project Description Report available on their website and at each local municipality in which the project is located, 30 days before the first public meeting (Section 16(3)).

- 3) Another proposed amendment will also require proponents that are subject to the public consultation requirements in the REA to make copies of their REA application and all accompanying reports and documentation available on their website, if they have one, until the MOE Director issues a decision on the application (Section 16(7)). When a REA application is submitted to the MOE, a notice is posted on the EBR Registry. However, the notice only states that an application has been submitted and provides a link to the proponent's website, if they have one, where the reports will be posted. The EBR posting will not include links to the application or associated documents.
- 4) Currently, Thermal Treatment and Anaerobic Digestion projects that are located on a farm and Class 2 Wind projects are not subject to the public and municipal consultation requirements of the REA. The MOE is proposing an amendment that would require Thermal Treatment and Anaerobic Digestion projects that are located on a farm to provide draft reports and the Municipal Consultation Form to the municipality 30 days in advance of the REA application being submitted to the Province; Class 2 Wind projects are still exempt (Sections 18(4) and (6)).

Staff Comments

While staff support the proposed amendments, additional amendments should be required to further strengthen the notification and consultation requirements in the REA Regulation.

Staff recommend that the proposed amendment requiring Thermal Treatment and Anaerobic Digestion projects that are located on farms to provide draft reports and the Municipal Consultation Form to the municipality 30 days in advance of the REA application being submitted, be further amended to increase the timeframe to 60 days. 60 days is a more appropriate timeframe for municipalities to review the draft reports and provide the appropriate information in the Municipal Consultation Form.

As noted in Section 2.3 of this Report, there should also be increased application requirements for Class 2 Wind Facilities as these projects are more easily realized in built-up urban areas and are not without impacts. Therefore, staff recommend that the requirement to provide draft reports and the Municipal Consultation Form to the municipality 60 days in advance of the REA application being submitted, also be applied to Class 2 wind projects.

Currently the REA Regulation only speaks to requiring proponents that are subject to the REA's public consultation process, to distribute a Municipal Consultation Form to the Clerk of each local and upper-tier municipality in which the project is located 90 days in advance of the final public meeting. Staff recommend that the MOE also add a requirement that the proponent "meet" with representatives of the municipality to discuss the proposed renewable energy project. Such a meeting should occur no later than 30 days prior to the final public meeting. This would afford a better opportunity to learn about the proposed project and assist in providing the required comments on the Municipal Consultation Form.

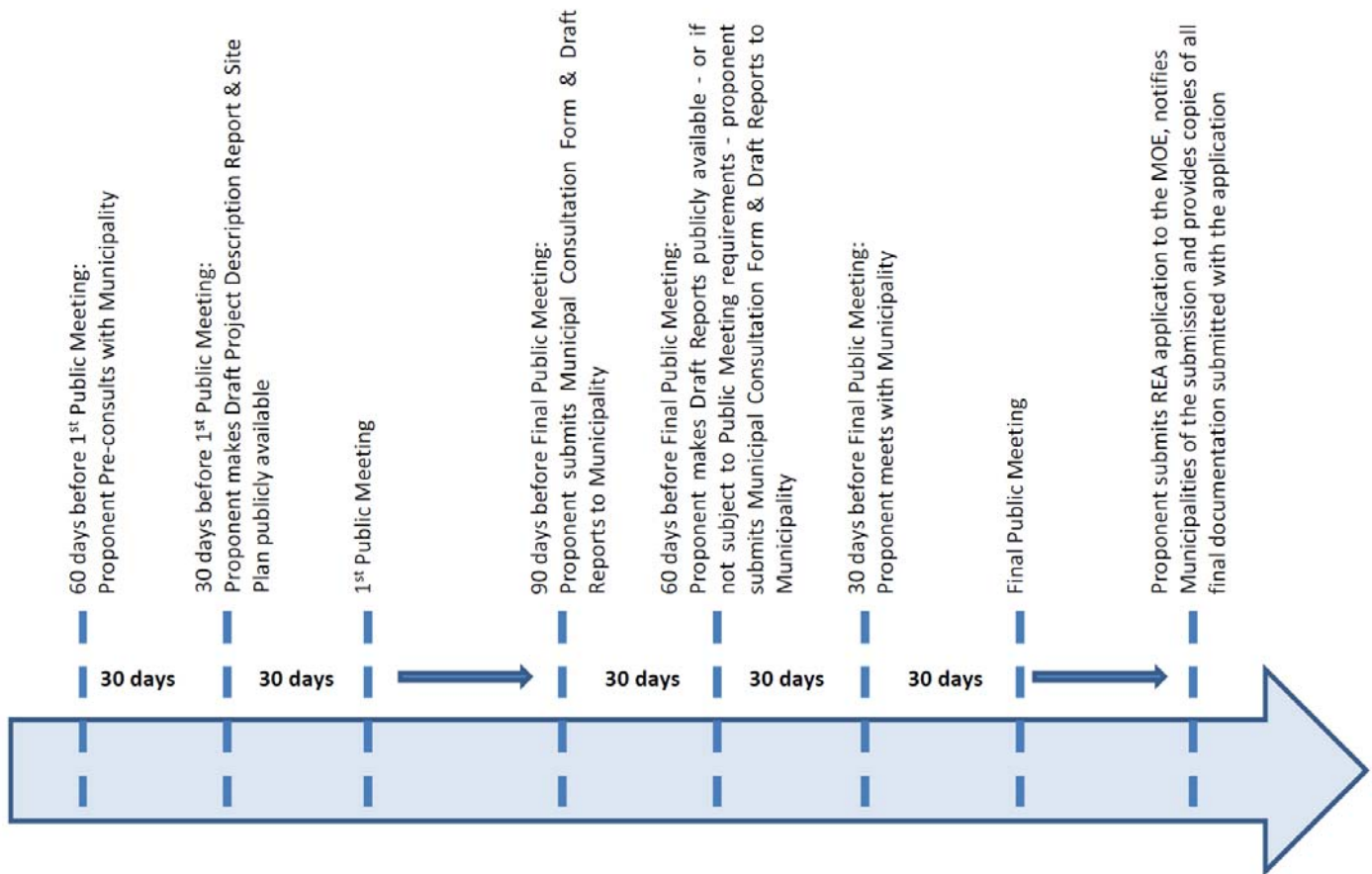
In addition to requiring the proponent to meet with the municipality, staff recommended adding a provision that would require the proponent to provide the municipality with draft copies of the reports in support of their REA application along with the Municipal Consultation Form a minimum of 60 days in advance of said meeting.

For increased transparency, it is also recommended that the MOE have a webpage on the MOE website dedicated to listing REA applications and decisions. Such a website should provide links to the REA application on the Environmental Bill of Right Registry and the proponent's website.

To provide a more consultative approach to the REA process, staff also recommend further amending the REA Regulation to require the following from proponents:

- Conduct a pre-consultation meeting with all municipalities, in which the proposed project is to be located, 30 days prior to the REA requirement to circulate a Draft Project Description Report for the first public meeting. This would provide municipal Councils with early information on the project and aid them in addressing inquiries from residents.
- Provide a Site Plan, as per staff comments in Section 2.2 of this Report in addition to the Draft Project Description Report for the first public meeting.
- Notify municipalities in which the project is located of their REA application submission and provide the municipality with a copy of the application and associated reports, studies and material. Such a notification and copy of all the final documents in support of the REA application would provide municipalities with an appropriate amount of time to be able to review the application and Municipal Consultation Form, and provide further comment to the Province on the project, if necessary.

For clarity, the graphic on the following page illustrates when during the REA process the activities noted in staff's comments would occur:



2.7 Bird and Bat Monitoring

The REA regulation currently does not address the impact of wind projects on birds or bats, or their habitats. A new provision proposed for Class 3, 4, and 5 Wind Facilities will require proponents to prepare an Environmental Effects Monitoring Plan in respect of birds or bats using criteria or procedures established by the Ministry of Natural Resources (MNR) (Section 23.1). A Bat and Bat Habitats Guidelines for Wind Power Projects was posted on the Environmental Bill of Rights Registry in April for a 52 day comment period. A Bird and Bird Habitat Guidelines for Wind Power Projects was posted on the Environmental Bill of Rights Registry on November 5, 2010 and has a comment deadline of December 20, 2010.

Staff Comments

Staff support the requirement of a Environmental Effects Monitoring Plan for Class 3, 4 and 5 wind facilities.

2.8 Natural Heritage and Water Assessments

Current provisions in the REA Regulation that outline what is required for a Natural Heritage Assessment and Water Assessment include the need for a site investigation, which requires physical access to land within 120 metres of the project location (i.e.; privately-owned properties that are adjacent or in proximity to the project lands).

The MOE is proposing amendments for Natural Heritage and Water Assessments that would allow proponents to determine whether or not it is reasonable to conduct a physical site investigation. If it is not possible, they must conduct an alternative site investigation using procedures established by the MNR. The proponent would have to explain why an alternative site investigation was done as part of the report (Sections 26(1.1) and 31(2)). According to discussions with MOE staff, a guidance document for Natural Heritage Assessments, which would include procedures for conducting an alternative site assessment, will be posted on the EBR Registry in 2011 for public review. Town staff are unaware of when the Province plans on releasing a Water Assessment guidance document for REA projects.

In harmony with the proposed amendments to allow alternative site investigations, the MOE is also proposing an amendment to the definition of “woodland”. The proposed amendment makes the definition more generic by removing specific criteria on stem counts and tree diameters (Section 1(1)). The intent of this proposed amendment is to take into account when a physical site investigation and therefore stem count cannot be done to determine whether a feature is a woodland. According to MOE staff, the forthcoming guidance document for Natural Heritage Assessments will also provide guidance on how to identify a woodland in an alternative site investigation.

Staff Comments

Staff recommend that the determination of whether or not it is reasonable to conduct a physical site investigation should not be left to the proponent. At a minimum, the Province should establish criteria outlining the steps needed to be taken (e.g.; type and minimum frequency of contact with landowner to gain access) before it can be deemed that all reasonable efforts were made to gain access to a site.

2.9 Protected Properties, Archaeological and Heritage Resources

The REA currently requires consideration of whether a renewable energy project is on a protected heritage property, or may or will have an impact on archaeological or heritage resources. If a proponent determines that there is no possibility of impact on an archaeological or heritage resource, then they must submit a written summary of how they came to that determination.

The MOE is proposing amendments that would also require proponents to submit:

- in situations where it is determined that a project is not on a designated heritage property, a written summary demonstrating how they determined that the project location was not on property that has been designated for protection under the *Ontario Heritage Act* (Section 19(3)); and,
- in situations where it is determined that there is no possibility of impact on an archaeological resource, a written summary of how the proponent determined that the characteristics of the project location do not require completion of an archaeological assessment (Section 21(3)).

Staff Comments

Staff support these amendments.

3.0 FINANCIAL IMPLICATIONS:

There are no financial implications associated with this report.

4.0 COMMUNICATION ISSUES:

The deadline for submitting comments to the Ministry of the Environment on the proposed amendments to the Renewable Energy Approvals Regulation (Environmental Registry No. 011-0181) was November 21, 2010.

Staff submitted the comments contained in Section 2.0 of this Report to the Ministry of the Environment on November 19, 2010.

There are no other communication issues associated with this report.

5.0 CONCLUSIONS:

While the proposed amendments to the Renewable Energy Approvals Regulation (O. Reg. 359/09) have made some positive steps towards clarifying and strengthening certain provisions, staff still have outstanding concerns. Accordingly, staff comments have addressed the need for stronger provisions regarding noise and odour receptors, requirements for Class 2 Wind Facilities, Site Plans, and public and municipal consultation.

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Director, Planning & Development Services

Attachments:

No. 1: Proposed Amendments to the Renewable Energy Approvals Regulation – Environmental Bill of Rights Registry Posting No. 011-0181

No. 2: Renewable Energy Approvals Municipal Consultation Form

Attachment No. 1

Proposed Amendments to the Renewable Energy Approvals Regulation –
Environmental Bill of Rights Registry Posting No. 011-0181

**PROPOSED AMENDMENTS TO ONTARIO REGULATION 359/09
RENEWABLE ENERGY APPROVALS UNDER PART V.0.1 OF THE ACT**

**PART I
INTERPRETATION**

Interpretation

1. (1) In this Regulation,

“alvar” means a naturally open area of thin or no soil over essentially flat limestone, dolostone or marble rock, supporting a sparse vegetation cover of mostly shrubs and herbs;

“anaerobic digestion” has the same meaning as in Ontario Regulation 160/99 (Definitions and Exemptions) made under the *Electricity Act, 1998*;

“anaerobic digestion facility” means a renewable energy generation facility at which biogas made from anaerobic digestion is used to generate electricity;

“applicant” means a person who applies for the issue of a renewable energy approval;

“archaeological resource” means, subject to subsection (2), an archaeological site or a marine archaeological site, both within the meaning of Ontario Regulation 170/04 (Definitions) made under the *Ontario Heritage Act*;

“area of natural and scientific interest (earth science)” means an area that has earth science values related to protection, scientific study or education;

“area of natural and scientific interest (life science)” means an area that has life science values related to protection, scientific study or education;

“biofuel” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“biofuel facility” means a renewable energy generation facility at which biofuel is used to generate electricity;

“biogas” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“biogas facility” means a renewable energy generation facility at which biogas is used to generate electricity but does not include an anaerobic digestion facility;

“biomass” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“board area” means, when used in relation to a Local Services Board, the geographical area within which the Local Services Board may exercise its jurisdiction;

“coastal wetland” means a wetland that is located,

(a) on Lake Ontario, Lake Erie, Lake Huron, Lake Superior or Lake St. Clair,

(b) on the St. Mary’s, St. Clair, Detroit, Niagara or St. Lawrence River, or

(c) subject to subsection (3), on a tributary to any water body mentioned in clause (a) or (b) and, either in whole or in part, downstream of a line located two kilometres upstream of the 1:100 year floodline of the water body;

“conservation reserve” means a conservation reserve within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*;

“dam” means a structure or work forwarding, holding back or diverting water and includes a dam, tailings dam, dike, diversion, channel alteration, artificial channel, culvert or causeway;

“digestate” means any solid or liquid material that results from anaerobic digestion of biomass, source separated organics or farm material;

“dwelling” means one or more habitable rooms used or intended to be used as a residence by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“earth science values” means values that relate to the geological, soil and landform features of the environment;

“farm material” means organic matter, other than biomass, that is derived from a plant or animal and that is available at a farm operation;

“farm operation” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act;

“Financial Assurance Guideline” means the publication of the Ministry of the Environment entitled “Guideline F-15 Financial Assurance” and dated November 2005, as amended from time to time and available from the Ministry;

“Greenbelt Plan” means the Greenbelt Plan established under subsection 3 (1) of the *Greenbelt Act, 2005* and by the Lieutenant Governor in Council by Order in Council No. 208/2005;

“heritage resource” means real property that is of cultural heritage value or interest and may include a building, structure, landscape or other feature of real property;

“intermittent stream” means a natural or artificial channel, other than a dam, that carries water intermittently and does not have established vegetation within the bed of the channel, except vegetation dominated by plant communities that require or prefer the continuous presence of water or continuously saturated soil for their survival;

“kettle lake” means a depression formed by glacial action and permanently filled with water;

“Lake Simcoe watershed” has the same meaning as in the *Lake Simcoe Protection Act, 2008*;

“lake trout lake” means a lake that has been designated by the Ministry of Natural Resources for lake trout management, as set out in records maintained by and available from that Ministry;

“life science values” means values that relate to the living component of the environment;

“liquid digestate” means any digestate that is not solid digestate;

“local roads area” means a local roads area established under the *Local Roads Boards Act*;

“local roads board” means a board of a local roads area under the *Local Roads Boards Act*;

“Local Services Board” means a Local Services Board within the meaning of the *Northern Services Boards Act*;

“municipal planning authority” means a municipal planning authority established under subsection 14.1 (1) of the *Planning Act*;

“name plate capacity” means, when used in relation to a renewable energy generation facility or a part of a renewable energy generation facility, the total of the design electricity generating capacities of all the generation units in or at the facility or the part of the facility;

“natural feature” means, subject to subsections 25 (2), 26 (2), 41 (3) and 43 (2), all or part of,

- (a) an area of natural and scientific interest (earth science),
- (b) an area of natural and scientific interest (life science),
- (c) a coastal wetland,
- (d) a northern wetland,
- (e) a southern wetland,
- (f) a valleyland,
- (g) a wildlife habitat, or
- (h) a woodland;

“Natural Heritage System” means the Natural Heritage System shown in Schedule 4 to the Greenbelt Plan;

“Niagara Escarpment Commission” means the Niagara Escarpment Commission continued under subsection 5 (1) of the *Niagara Escarpment Planning and Development Act*;

“Niagara Escarpment Plan” means the Plan approved under the *Niagara Escarpment Planning and Development Act*, as amended and revised in accordance with that Act;

“noise receptor” means a location described in subsection (4) at which noise discharged from a renewable energy generation facility is received;

“northern wetland” means a wetland located north of the northern limit of Ecoregions 5E, 6E and 7E as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005;

“Oak Ridges Moraine Conservation Plan” means the plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001* and by Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) made under that Act;

“Oak Ridges Moraine Conservation Plan Area” means the area shown as the Oak Ridges Moraine Conservation Plan Area on the map entitled “Oak Ridges Moraine Conservation Plan Land Use Designation Map”, numbered 208, dated April 17, 2002 and on file in the offices of the Ministry of Municipal Affairs and Housing at Toronto, as that map is amended from time to time;

“Oak Ridges Moraine settlement area” means an area shown as a Settlement Area on the map entitled “Oak Ridges Moraine Conservation Plan Land Use Designation Map”, numbered 208, dated April 17, 2002 and on file in the offices of the Ministry of Municipal Affairs and Housing at Toronto, as that map is amended from time to time;

“odour receptor” means a location described in subsection (5) at which odour discharged from a renewable energy generation facility is received;

“permanent stream” means a stream that continually flows in an average year;

“planning board” means a planning board established under section 9 or 10 of the *Planning Act*;

“professional engineer” means a person who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*;

“professional geoscientist” means a person who holds a certificate of registration under the *Professional Geoscientists Act, 2000* and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario;

“project location” means, when used in relation to a renewable energy project, a part of land and all or part of any building or structure in, on or over which a person is engaging in or proposes to engage in the project and any air space in which a person is engaging in or proposes to engage in the project;

“Protected Countryside” means the Protected Countryside shown in Schedule 1 to the Greenbelt Plan;

“Protected Countryside settlement area” means a town, village or hamlet that is located in the Protected Countryside and is shown in Schedule 1 to the Greenbelt Plan;

“provincial park” means a provincial park within the meaning of the *Provincial Parks and Conservation Reserves Act, 2006*;

“regulated mixed anaerobic digestion facility” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act;

“renewable energy source” has the same meaning as in the *Electricity Act, 1998*;

“sand barrens” has the same meaning as in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*;

“savannah” has the same meaning as in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*;

“seepage area” means a site of emergence of ground water where the water table is present at the ground surface, including a spring;

“sewage” has the same meaning as in the *Ontario Water Resources Act*;

“storm water” means rainwater runoff, water runoff from roofs, snowmelt and surface runoff;

“storm water management facility” means a facility for the treatment, retention, infiltration or control of storm water;

“solar facility” means a renewable energy generation facility at which one or more solar photovoltaic collector panels or devices use light to generate electricity;

“solid digestate” means digestate that has a dry matter content of 18 per cent or more or a slump of 150 millimetres or less using the Test Method for the Determination of Liquid Waste (slump test) set out in Schedule 9 to Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act;

“sound power level” means the rating that,

- (a) is given to a wind turbine by the manufacturer of the wind turbine, calculated in accordance with standard CAN/CSA-C61400-11-07, “Wind Turbine Generator Systems – Part 11: Acoustic Noise Measurement Techniques”, dated October 2007, rounded to the nearest whole number, and
- (b) applies in respect of the wind turbine when the wind turbine is operating at 95 per cent of its name plate capacity;

“source separated organics” has the same meaning as in Ontario Regulation 160/99 made under the *Electricity Act, 1998*;

“southern wetland” means a wetland located south of the northern limit of Ecoregions 5E, 6E and 7E as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005;

“tallgrass prairie” has the same meaning as in Ontario Regulation 140/02 made under the *Oak Ridges Moraine Conservation Act, 2001*;

“thermal treatment” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act;

“thermal treatment facility” means a renewable energy generation facility at which the thermal treatment of biomass is used to generate electricity;

“unorganized territory” has the same meaning as in the *Municipal Act, 2001*;

“valleyland” means a natural area,

- (a) that is south and east of the Canadian Shield as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005, and
- (b) that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

“water body” includes a lake, a permanent stream, an intermittent stream and a seepage area but does not include,

- (a) grassed waterways,
- (b) temporary channels for surface drainage, such as furrows or shallow channels that can be tilled and driven through,
- (c) rock chutes and spillways,
- (d) roadside ditches that do not contain a permanent or intermittent stream,
- (e) temporarily ponded areas that are normally farmed,
- (f) dugout ponds, or
- (g) artificial bodies of water intended for the storage, treatment or recirculation of runoff from farm animal yards, manure storage facilities and sites and outdoor confinement areas;

“water power facility” means a renewable energy generation facility at which the movement of water is used to generate electricity;

“wetland” means land such as a swamp, marsh, bog or fen, other than land that is being used for agricultural purposes and no longer exhibits wetland characteristics, that,

- (a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface, and
- (b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants;

“wildlife habitat” means an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species;

“wind facility” means a renewable energy generation facility at which wind is used to generate electricity through the use of one or more wind turbines;

“wind turbine” means,

- (a) the structure that supports an electrical generator used to convert wind energy into electricity,
- (b) the electrical and mechanical equipment, including electrical generators, used to convert wind energy into electricity, and
- (c) the base and foundation to which the structure mentioned in clause (a) is attached;

“woodland” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees, that is located south and east of the Canadian Shield as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005;

~~“woodland” means land;~~

~~—(a) that is south and east of the Canadian Shield as shown in Figure 1 in the Provincial Policy Statement issued under section 3 of the *Planning Act* and approved by the Lieutenant Governor in Council by Order in Council No. 140/2005;~~

- ~~— (b) that has, per hectare, at least,~~
- ~~— (i) 1,000 trees of any size,~~
- ~~— (ii) 750 trees measuring over five centimetres in diameter, measured in accordance with subsection (7),~~
- ~~— (iii) 500 trees measuring over 12 centimetres in diameter, measured in accordance with subsection (7), or~~
- ~~— (iv) 250 trees measuring over 20 centimetres in diameter, measured in accordance with subsection (7), and~~
- ~~— (e) that does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees;~~

“woodwaste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act. O. Reg. 359/09, s. 1 (1).

(2) For the purposes of the definition of “archaeological resource” in subsection (1), an archaeological resource is real property but does not include buildings or structures, other than ruins, burial mounds, petroglyphs and earthworks. O. Reg. 359/09, s. 1 (2).

(3) For the purposes of the definition of “coastal wetland” in subsection (1), the 1:100 year floodline includes wave run-up. O. Reg. 359/09, s. 1 (3).

4) Subject to subsection (6), for the purposes of the definition of “noise receptor” in subsection (1), the following locations are noise receptors:

1. The centre of a building or structure that contains one or more dwellings.
2. The centre of a building used as an educational facility, a day nursery or a place of worship.
3. If the construction of a building or structure mentioned in paragraph 1 or 2 has not commenced but an approval under section 41 of the *Planning Act* or a building permit under section 8 of the *Building Code Act, 1992* has been issued in respect of a building or structure mentioned in paragraph 1 or 2, the centre of the proposed building.
4. A portion of property that is used as a campsite or campground at which overnight accommodation is provided by or on behalf of a public agency or as part of a commercial operation
5. A location on a vacant lot that has been zoned to permit a building mentioned in paragraph 1 or 2 and in respect of which no approval or building permit mentioned in paragraph 3 has been issued and at which a building would reasonably be expected to be located, having regard to the existing zoning by-law and the typical building pattern in the area.

~~(4) Subject to subsection (6), for the purposes of the definition of “noise receptor” in subsection (1), the following locations may be noise receptors:~~

- ~~— 1. The centre of a building or structure used for overnight accommodation.~~
- ~~— 2. The centre of a building or structure used as an educational facility, a day nursery or a place of worship.~~
- ~~— 3. If the construction of a building or structure mentioned in paragraph 1 or 2 has not commenced but an approval under section 41 of the *Planning Act* or a building permit under section 8 of the *Building Code Act, 1992* has been issued in respect of a building or structure mentioned in paragraph 1 or 2, the centre of the proposed building or structure.~~
- ~~— 4. The centre of a vacant lot, if,~~
 - ~~— i. the vacant lot has been zoned to permit a building or structure mentioned in paragraph 1 or 2, and~~
 - ~~— ii. no approval or building permit mentioned in paragraph 3 has been issued in respect of a building or structure mentioned in paragraph 1 or 2 on the vacant lot.~~
- ~~— 5. A portion of property that is used as a campsite or campground at which overnight accommodation is provided by or on behalf of a public agency or as part of a commercial operation. O. Reg. 359/09, s. 1 (4).~~

(5) Subject to subsection (6), for the purposes of the definition of “odour receptor” in subsection (1), the following locations are odour receptors~~the following locations may be odour receptors:~~

1. A building or structure that contains one or more dwellings~~used for overnight accommodation.~~
2. A building ~~or structure~~ used for an institutional purpose, including an educational facility, a day nursery, a health care facility, a community centre or a place of worship,

3. A portion of a property used for recreational purposes that is not accessory to a building or structure mentioned in paragraph 1.
 4. A portion of a property that is used as a campsite or campground at which overnight accommodation is provided by or on behalf of a public agency or as part of a commercial operation.
 5. A portion of a property used for commercial activity. O. Reg. 359/09, s. 1 (5).
- (6) For the purposes of subsections (4) and (5), an odour receptor or noise receptor does not include a location on a parcel of land that,
- (a) is owned by a person who proposes to engage in the renewable energy project from which the noise or odour is to be discharged, if all or part of the facility is to be located on that parcel of land; or
 - (b) is owned by a person who has entered into an agreement with the person mentioned in clause (a) to permit all or part of the facility to be located on that parcel of land. O. Reg. 359/09, s. 1 (6).
- ~~(7) For the purposes of the definition of “woodland” in subsection (1), all measurements of the trees are to be taken at 1.37 metres from the ground. O. Reg. 359/09, s. 1 (7).~~
- (8) In this Regulation, a reference to a lake includes a kettle lake. O. Reg. 359/09, s. 1 (8).
- (9) In this Regulation, a reference to a lake trout lake that is at or above development capacity is a reference to a lake trout lake that has been identified by the Ministry of Natural Resources to be at or above development capacity, as set out in records maintained by and available from that Ministry. O. Reg. 359/09, s. 1 (9).
- (10) In this Regulation, unless otherwise specified, a reference to a project location is a reference to any part of the project location. O. Reg. 359/09, s. 1 (10).
- (11) In this Regulation, “environment” has the same meaning as in section 47.1 of the Act. O. Reg. 359/09, s. 1 (11).

Negative environmental effect

2. In this Regulation, a reference to a negative environmental effect is a reference to a negative effect that will be caused or that might reasonably be expected to be caused to the environment. O. Reg. 359/09, s. 2.

**PART II
CLASSES OF RENEWABLE ENERGY GENERATION FACILITIES**

Anaerobic digestion facilities

3. (1) An anaerobic digestion facility is an anaerobic digestion facility of a class set out in Column 1 of the Table to this section if,

- (a) the anaerobic digester of the facility is at a location set out opposite the class in Column 2 of the Table; and
- (b) the biogas used to generate electricity at the facility is made from the anaerobic digestion at the facility of the organic matter set out opposite the class in Column 3 of the Table. O. Reg. 359/09, s. 3 (1).

(2) In this Regulation, a reference to a Class 1, 2 or 3 anaerobic digestion facility is a reference to an anaerobic digestion facility of that class. O. Reg. 359/09, s. 3 (2).

TABLE

Item	Column 1	Column 2	Column 3
	Class of anaerobic digestion facility	Location of anaerobic digester	Organic matter
1.	Class 1	At a farm operation.	One or more of the following: 1. Biomass that is grown or harvested for the purpose of being used to generate electricity. 2. Biomass that is agricultural waste within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act. 3. Farm material.
2.	Class 2	At a farm operation.	One or more of the following:

			<ol style="list-style-type: none"> 1. Organic matter consisting of any biomass or a combination of biomass and farm material, other than organic matter that consists solely of organic matter described in Column 3 of Item 1. 2. Source separated organics.
3.	Class 3	At any location other than at a farm operation.	One or more of the following: <ol style="list-style-type: none"> 1. Biomass. 2. Source separated organics.. 3. Farm material.

O. Reg. 359/09, s. 3, Table.

Solar facilities

4. (1) A solar facility is a solar facility of a class set out in Column 1 of the Table to this section if,

- (a) the solar photovoltaic collector panels or devices that form part of the facility are at a location set out opposite the class in Column 2 of the Table; and
- (b) the facility has a name plate capacity that meets the criteria set out opposite the class in Column 3 of the Table. O. Reg. 359/09, s. 4 (1).

(2) In this Regulation, a reference to a Class 1, 2 or 3 solar facility is a reference to a solar facility of that class. O. Reg. 359/09, s. 4 (2).

(3) For the purposes of this Regulation, two or more solar facilities that each meet the criteria set out for the same class of solar facility in subsection (1) shall be deemed to be a single solar facility in accordance with the following rules if the facilities are to function together as an integrated or aggregated system for generating electricity:

1. Two or more Class 1 solar facilities that have a combined name plate capacity of less than or equal to 10 kW are deemed to be a single Class 1 solar facility.
2. Two or more Class 1 solar facilities that have a combined name plate capacity of greater than 10 kW and whose solar photovoltaic collector panels or devices are not mounted on a roof or wall of a building are deemed to be a single Class 3 solar facility.
3. Two or more Class 3 solar facilities are deemed to be a single Class 3 solar facility. O. Reg. 359/09, s. 4 (3).

TABLE

Item	Column 1	Column 2	Column 3
	Class of solar facility	Location of solar photovoltaic collector panels or devices	Name plate capacity of solar facility (expressed in kW)
1.	Class 1	At any location.	≤ 10
2.	Class 2	Mounted on the roof or wall of a building.	> 10
3.	Class 3	At any location other than mounted on the roof or wall of a building.	> 10

O. Reg. 359/09, s. 4, Table.

Thermal treatment facilities

5. (1) A thermal treatment facility is a thermal treatment facility of a class set out in Column 1 of the Table to this section if,

- (a) the generating unit of the facility is at a location set out opposite the class in Column 2 of the Table; and
- (b) the biomass that is thermally treated to generate electricity at the facility meets the description set out opposite the class in Column 3 of the Table. O. Reg. 359/09, s. 5 (1).

(2) In this Regulation, a reference to a Class 1, 2 or 3 thermal treatment facility is a reference to a thermal treatment facility of that class. O. Reg. 359/09, s. 5 (2).

TABLE

Item	Column 1	Column 2	Column 3
	Class of thermal treatment facility	Location of generating unit	Description of biomass
1.	Class 1	At any location.	Biomass consisting solely of woodwaste.
2.	Class 2	At a farm operation.	Any type of biomass, other than biomass consisting solely of woodwaste.

3.	Class 3	At any location other than at a farm operation.	Any type of biomass, other than biomass consisting solely of woodwaste.
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O. Reg. 359/09, s. 5, Table.

Wind facilities

6. (1) A wind facility is a wind facility of a class set out in Column 1 of the Table to this section if,

- (a) the wind turbines that form part of the facility are at a location set out opposite the class in Column 2 of the Table;
- (b) the facility has a name plate capacity that meets the criteria set out opposite the class in Column 3 of the Table; and
- (c) the greatest sound power level of any wind turbine that forms part of the facility meets the criteria set out in Column 4 of the Table. O. Reg. 359/09, s. 6 (1).

(2) In this Regulation, a reference to a Class 1, 2, 3, 4 or 5 wind facility is a reference to a wind facility of that class. O. Reg. 359/09, s. 6 (2).

(3) For the purposes of this Regulation, two or more wind facilities that each meet the criteria set out for the same class of wind facility in subsection (1) shall be deemed to be a single wind facility in accordance with the following rules if the facilities are to function together as an integrated or aggregated system for generating electricity:

- 1. Two or more Class 1 wind facilities that have a combined name plate capacity of greater than 3 kW are deemed to be,
 - i. a Class 2 wind facility, if the combined name plate capacity is less than 50 kW, or
 - ii. a Class 3 wind facility, if the combined name plate capacity is greater than or equal to 50 kW.
- 2. Two or more Class 2 wind facilities are deemed to be a single Class 2 wind facility.
- 3. Two or more Class 3 wind facilities are deemed to be a single Class 3 wind facility.
- 4. Two or more Class 4 wind facilities are be deemed to be a single Class 4 wind facility.
- 5. Two or more Class 5 wind facilities are deemed to be a single Class 5 wind facility. O. Reg. 359/09, s. 6 (3).

TABLE

Item	Column 1	Column 2	Column 3	Column 4
	Class of wind facility	Location of wind turbines	Name plate capacity of the facility (expressed in kW)	Greatest sound power level (expressed in dBA)
1.	Class 1	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	≤ 3	Any.
2.	Class 2	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	> 3 and < 50	Any.
3.	Class 3	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	≥ 50	< 102
4.	Class 4	At a location where no part of a wind turbine is located in direct contact with surface water other than in a wetland.	≥ 50	≥ 102
5.	Class 5	At a location where one or more parts of a wind turbine is located in direct contact with surface water other than in a wetland.	Any.	Any.

O. Reg. 359/09, s. 6, Table.

**PART III
APPLICATION OF THE ACT TO RENEWABLE ENERGY PROJECTS**

Exemption, standby generator

7. (1) Section 9 of the Act does not apply in respect of the construction, alteration, replacement, use or operation of a standby generator that uses a fossil fuel to generate electricity at a renewable energy generation facility, if the standby generator is only operated in any of the following circumstances:

1. The standby generator is only operated for the purposes of testing or maintenance of the standby generator or the start up or shut down of the facility, and,
 - i. the standby generator has not operated for more than 60 hours in the past 12 months for those purposes, and
 - ii. the standby generator is operated only on weekdays between the hours of 7 a.m. and 7 p.m for those purposes.
2. The standby generator is only operated due to,
 - i. a serious risk to the health or safety of a person,
 - ii. a serious risk of harm to the natural environment, plant life or animal life, or
 - iii. a serious risk of injury or damage to property. O. Reg. 359/09, s. 7 (1).

(2) This section does not apply in respect of a standby generator mentioned in subsection (1) if a certificate of approval was issued under section 9 of the Act in respect of the standby generator on a day before the day this section comes into force. O. Reg. 359/09, s. 7 (2).

Exemptions, subs. 47.3 (1) of the Act

8. Subsection 47.3 (1) of the Act does not apply to a person who is engaging in a renewable energy project in respect of,
- (a) a Class 1 or 2 solar facility; or
 - (b) a Class 1 wind facility. O. Reg. 359/09, s. 8.

Exemptions, s. 47.3 of the Act

9. (1) Section 47.3 of the Act does not apply to a person who is engaging in a renewable energy project if any of the following circumstances apply:

1. On a day before the day Part V.0.1 of the Act comes into force, all of the approvals, permits and other instruments mentioned in subsection 47.3 (1) of the Act that are required to construct, install, operate or use the renewable energy generation facility have been obtained.
2. No approvals, permits or other instruments mentioned in paragraph 1 were required to construct, install, operate or use a renewable energy generation facility on a day immediately before the day Part V.0.1 of the Act comes into force, and the construction or installation of the facility began on a day before that Part of the Act comes into force.~~on a day before the that Part of the Act comes into force.~~
3. On a day before the day Part V.0.1 of the Act comes into force, a notice of completion in respect of the renewable energy generation facility has been issued or published pursuant to an exempting regulation made under the *Environmental Assessment Act* and the proponent of the facility entered into a power purchase agreement with the Ontario Power Authority in respect of the supply of renewable energy from the facility.
4. The project is in respect of the changing or retirement of a renewable energy generation facility,
 - i. in respect of which all approvals, permits and other instruments referred to in paragraph 1 have been obtained on a day before the day Part V.0.1 of the Act comes into force or in respect of which none were required, or
 - ii. in respect of which, on a day before the day Part V.0.1 of the Act comes into force, a notice of completion referred to in paragraph 3 was issued or published before the changing or retirement occurred.
5. On a day before the day Part V.0.1 of the Act comes into force,
 - i. a power purchase agreement was entered into with the Ontario Power Authority in respect of the supply of renewable energy from the renewable energy generation facility,
 - ii. the use of the land at the project location was not prohibited by a zoning by-law or order under Part V of the *Planning Act*, and
 - iii. the facility was not an undertaking that was designated to be subject to the *Environmental Assessment Act* pursuant to a regulation made under that Act.
6. The project is in respect of a water power facility.
7. The project is in respect of a renewable energy generation facility that,
 - i. is designed to have a name plate capacity of less than or equal to 500 kW and on an annual basis, less than 90 per cent of the electricity generated at the facility is generated from a renewable energy source, or
 - ii. is designed to have a name plate capacity of greater than 500 kW and on an annual basis, less than 95 per cent of the electricity generated at the facility is generated from a renewable energy source.
8. The project is in respect of a regulated mixed anaerobic digestion facility.

9. The project is in respect of an anaerobic digestion facility that,
 - i. is located at a farm operation that is subject to an approved nutrient management strategy pursuant to the *Nutrient Management Act, 2002*, and
 - ii. would not have required a certificate of approval or provisional certificate of approval under subsection 27 (1) of the Act on a day before the day Part V.0.1 of the Act comes into force. O. Reg. 359/09, s. 9 (1).
- (2) For the purposes of paragraph 2 of subsection (1), construction or installation is deemed to begin,
 - (a) on the day on which the first contract was awarded for carrying out any part of the construction or installation, if any contracts were awarded; or
 - (b) on the day on which construction or installation began, if no contracts were awarded for carrying out any part of the construction or installation. O. Reg. 359/09, s. 9 (2).

Prescribed activities

10. The following activities are prescribed for the purposes of paragraph 7 of subsection 47.3 (1) of the Act:
 1. The construction, installation, use, operation or changing of a Class 3 solar facility, if the electricity generated at the facility is sold by the owner or operator of the facility.
 2. The construction, installation, use, operation or changing of a wind facility, other than a Class 1 wind facility, if the electricity generated at the facility is sold by the owner or operator of the facility.
 3. The construction, installation, use, operation or changing of a Class 1 anaerobic digestion facility.
 4. The construction, installation, use, operation or changing of a Class 1 thermal treatment facility, ~~if the generating unit of the facility is located at a farm operation.~~
 5. The construction, installation, use, operation or changing of a Class 2 thermal treatment facility. O. Reg. 359/09, s. 10.

**PART IV
RENEWABLE ENERGY APPROVALS**

APPLICATION OF PART

Application of Part

11. This Part applies to a person who proposes to engage in a renewable energy project in respect of which the issue of a renewable energy approval is required. O. Reg. 359/09, s. 11.

Transition

11.1 (1) Subject to subsection (2), if a person who proposes to engage in a renewable energy project has distributed a notice mentioned in subsection 15 (1) in respect of the project before the day subsection 1 (1) of Ontario Regulation [insert O. Reg. # for reg2010.0268] made under the Act comes into force, this Part applies, other than section 12, as it read immediately before the day subsection 1 (1) came into force.

(2) If the person referred to in subsection (1) elects to have one or more provisions of this Part apply as they read on the day subsection 1 (1) of Ontario Regulation [insert O. Reg. # for reg2010.0268] made under the Act comes into force, those provision

(3) For the purposes of electing, under subsection (2), to have one or more provisions of this Part apply as they read on the day subsection 1 (1) of Ontario Regulation [insert O. Reg. # for reg2010.0268] made under the Act comes into force, the person must notify the Director in writing within 60 days after the day that subsection comes into force.

APPLICATION FOR RENEWABLE ENERGY APPROVAL

Eligibility, renewable energy approval

12. (1) In order to be eligible for the issue of a renewable energy approval, a person who proposes to engage in a renewable energy project shall, before submitting an application for the issue of a renewable energy approval to the Director ~~submitting an application to the Director~~,

- (a) prepare the application in a form or format approved by the Director;
- (b) obtain or prepare, as the case may be, any documents that,
 - (i) are required under this Part to be submitted as part of the application, or
 - (ii) are to be submitted as part of the application for the purposes of obtaining an exemption from a provision of Part V; and

(c) comply with all other requirements in this Part. O. Reg. 359/09, s. 12 (1).

(1.1) Despite subsection (1), a person who proposes to engage in a renewable energy project may be eligible for the issue of a renewable energy approval if the Director determines that compliance with one or more of the requirements in that subsection is not necessary for,

(a) an adequate understanding of the negative environmental effects of engaging in the renewable energy project, or

(b) satisfactory consultation respecting the project with the public, local authorities or any aboriginal communities.

(2) If there is more than one person applying for the issue of a renewable energy approval in respect of a renewable energy project, those persons shall jointly submit one application for the issue of a renewable energy approval. O. Reg. 359/09, s. 12 (2).

(3) An application to alter the terms and conditions of a renewable energy approval shall be prepared in a form or format approved by the Director and shall be submitted to the Director. O. Reg. 359/09, s. 12 (3).

Supporting documents

13. (1) A person who proposes to engage in a renewable energy project shall submit a document set out in Column 1 of Table 1 as part of an application for the issue of a renewable energy approval in respect of the project if it is a project described opposite the document in Column 3. O. Reg. 359/09, s. 13 (1).

(2) If a document set out in Column 1 of Table 1 is submitted as part of an application for the issue of a renewable energy approval, the person who is engaging in the renewable energy project shall ensure that the document meets the requirements set out opposite the document in Column 2 of Table 1. O. Reg. 359/09, s. 13 (2).

(3) Any document submitted as part of an application for the issue of a renewable energy approval shall be in writing. O. Reg. 359/09, s. 13 (3).

(4) Any document submitted as part of an application for the issue of a renewable energy approval that is a diagram, map or plan shall be drawn to scale and shall include a scale bar and a north arrow. O. Reg. 359/09, s. 13 (4).

CONSULTATION

List of aboriginal communities

14. (1) A person who proposes to engage in a renewable energy project shall,

(a) give the Director a draft of the project description report prepared in accordance with Table 1; and

(b) obtain from the Director a list of aboriginal communities who, in the opinion of the Director,

(i) have or may have constitutionally protected aboriginal or treaty rights that may be adversely impacted by the project, or

(ii) otherwise may be interested in any negative environmental effects of the project. O. Reg. 359/09, s. 14 (1).

(2) This section does not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility. O. Reg. 359/09, s. 14 (2).

Notices of project and meetings

15. (1) A person who proposes to engage in a renewable energy project shall distribute,

(a) notice of the proposal to engage in the project; and

(b) notices of the location and time of at least two public meetings to be held for the purpose of conducting consultations in respect of the project. O. Reg. 359/09, s. 15 (1).

(2) Clause (1) (b) does not apply in respect of a proposal to engage in a renewable energy project in respect of,

(a) a Class 2 wind facility;

(b) a Class 1 or 2 anaerobic digestion facility;

(c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or

(d) a Class 2 thermal treatment facility. O. Reg. 359/09, s. 15 (2).

(3) A notice mentioned in subsection (1) shall be in a form approved by the Director and shall be distributed in accordance with all of the rules set out in subsection (6)~~in accordance with subsection (6),~~

(a) at least 30 days before each public meeting is held, if the notices mentioned in clauses (1) (a) and (b) are required to be distributed; or (a) — at least 30 days before the first public meeting is held, if the notice mentioned in both clauses (1) (a) and (b) is required to be distributed; or

- (b) at least 30 days before the application for the issue of a renewable energy approval is submitted to the Director, if only the notice mentioned in clause (1) (a) is required to be distributed. O. Reg. 359/09, s. 15 (3).
- (4) The notices mentioned in clauses (1) (a) and (b) may be distributed together and in combination with any other notice in respect of the renewable energy project if,
 - (a) this section is complied with in combining the notices; and
 - (b) the combined notices include a clear description of all of the notices that are being combined. O. Reg. 359/09, s. 15 (4).
- (5) If the notices mentioned in clauses (1) (a) and (b) are both required to be distributed but are not distributed together, the notice mentioned in clause (1) (a) shall be distributed before any notice mentioned in clause (1) (b) is distributed. O. Reg. 359/09, s. 15 (5).
- (6) A notice mentioned in clause (1) (a) or (b) shall be distributed in accordance with the following rules:
 1. The notice must be published on at least two separate days in a newspaper with general circulation in each local municipality in which the project location is situated.
 2. If the project location is in unorganized territory,
 - i. the notice must be published on two separate days in a newspaper with general circulation within 25 kilometres of the project location, or
 - ii. if no newspaper mentioned in subparagraph i exists, the notice must be posted in at least six conspicuous locations within 25 kilometres of the project location.
 3. If it is reasonable to do so, the notice must be published in a newspaper printed by each aboriginal community on the list obtained under section 14, if the list was required to be obtained, and if such a newspaper exists and the publisher of the newspaper permits the publication.
 4. If the person mentioned in subsection (1) has a website, the notice must be posted on the website.
 5. A copy of the notice must be given to,
 - i. every assessed owner of land within 120 metres of the project location,
 - [i.1 every assessed owner of land abutting a parcel of land on which the project location is situated, other than an owner described in subparagraph i.](#)
 - ii. every aboriginal community on the list obtained under section 14, if the list was required to be obtained, and any other aboriginal community that, in the opinion of the person mentioned in subsection (1), has or may have constitutionally protected aboriginal or treaty rights that could be adversely impacted by the renewable energy project or otherwise may be interested in any negative environmental effects of the project,
 - iii. the clerk of each local municipality and upper-tier municipality in which the project location is situated,
 - iv. the secretary-treasurer of each local roads board of a local roads area in which the project location is situated,
 - v. the secretary of each Local Services Board of a board area in which the project location is situated,
 - vi. the secretary-treasurer of a planning board that has jurisdiction in an area in which the project location is situated,
 - vii. the chair of the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan,
 - viii. the Director, and
 - ix. the Ministry's district manager in each district in which the project location is situated. O. Reg. 359/09, s. 15 (6).

Consultation with public

- 16.** (1) A person who proposes to engage in a renewable energy project shall hold at least two public meetings, each on a separate day, in accordance with this section,
- (a) in each local municipality in which the project location is situated; and
 - (b) if the project location is in unorganized territory,
 - (i) within 25 kilometres of the project location, or
 - (ii) in the local municipality that is closest to the project location, if there is no appropriate place to hold a public meeting in the area described in subclause (i). O. Reg. 359/09, s. 16 (1).
- (2) This section does not apply in respect of a proposal to engage in a renewable energy project in respect of,
- (a) a Class 2 wind facility;

- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility. O. Reg. 359/09, s. 16 (2).

(3) During a period of at least 30 days immediately before the first public meeting is held, a person mentioned in subsection (1) shall ensure that a draft of the project description report prepared in accordance with Table 1 is,

- (a) posted on the person's website, if the person has a website;
- (b) made available to the public in each local municipality in which the project location is situated and, if the project location is situated in unorganized territory, to the public within 25 kilometres of the project location;
- (c) made available in any aboriginal community on the list obtained under section 14, if the list was required to be obtained and if the aboriginal community agrees to the making of the drafts available in the community; and
- (d) distributed to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6). ~~(3) Before the first public meeting is held, a person mentioned in subsection (1) shall ensure that a draft of the project description report prepared in accordance with Table 1 is posted on the person's website and remains posted until after the Director makes a decision under section 47.5 of the Act, if the person has a website. O. Reg. 359/09, s. 16 (3).~~

(4) At the first public meeting that is held, a person mentioned in subsection (1) shall make a draft of the project description report prepared in accordance with Table 1 available for inspection. O. Reg. 359/09, s. 16 (4).

(5) During a period of at least 60 days before the final public meeting is held, a person mentioned in subsection (1) shall make available drafts of all documents mentioned in subsection (6) by,

- (a) posting the drafts on the person's website, if the person has a website;
- (b) making paper copies of the drafts available to the public in each local municipality and in each part of unorganized territory in which the project location is situated;
- (c) making paper copies of the drafts available in any aboriginal community on the list obtained under section 14, if the aboriginal community agrees to the making of the drafts available in the community; and
- (d) distributing the drafts to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6). O. Reg. 359/09, s. 16 (5).

(6) For the purposes of subsection (5), drafts of the following documents shall be made available if they are to be submitted as part of the application for the issue of a renewable energy approval:

1. All documents required under this Part to be submitted as part of the application, other than the consultation report prepared in accordance with Table 1.
2. All documents that are to be submitted as part of the application for the purposes of obtaining an exemption from a provision of Part V. O. Reg. 359/09, s. 16 (6).

(7) A person mentioned in subsection (1) shall, after submitting an application for the issue of a renewable energy approval to the Director and until the Director makes a decision under section 47.5 of the Act, make available copies of the documents described in subclauses 12 (1) (b) (i) and (ii) by posting the documents on the person's website, if the person has a website.

Consultation with aboriginal communities

17. (1) A person who proposes to engage in a renewable energy project shall, in accordance with subsection (1.1), distribute the following to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6): ~~(1) Before drafts of documents are made available or distributed under subsection 16 (5), a person who proposes to engage in a renewable energy project shall distribute the following to each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6) in a form approved by the Director:~~

1. A draft of the project description report prepared in accordance with Table 1.
2. Any information the person has regarding any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights that the community may have identified as being adversely impacted by the project.
- ~~3. A summary of each document mentioned in paragraphs 1 and 2 of subsection 16 (6) in respect of which information is being requested under paragraph 4.~~
3. A summary of each of the following documents in respect of which information is being requested under paragraph 4:
 - i. All documents required under this Part to be submitted as part of the application, other than the consultation report prepared in accordance with Table 1.
 - ii. All documents that are to be submitted as part of the application for the purposes of obtaining an exemption from a provision of Part V.

4. A written request that the aboriginal community provide in writing any information available to the community that, in its opinion, should be considered in preparing a document summarized under paragraph 3, and in particular, any information the community may have about any adverse impacts that the project may have on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts. O. Reg. 359/09, s. 17 (1).

(1.1) The drafts, information and documents mentioned in subsection (1) shall be made available,

(a) if section 16 applies, before drafts of document are made available under subsection 16 (5); or

(b) if section 16 does not apply, at least 30 days before an application for the issue of a renewable energy approval is made to the Director.

(2) A person mentioned in subsection (1) shall communicate with each aboriginal community regarding,

(a) any constitutionally protected aboriginal or treaty rights that the community has identified as being adversely impacted by the renewable energy project; and

(b) measures for mitigating any adverse impacts referred to in clause (a), including any measures identified by the community. O. Reg. 359/09, s. 17 (2).

(3) Subject to subsection (4), this section does not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility. O. Reg. 359/09, s. 17 (3).

(4) If the Director is of the opinion that any consultation in addition to consultation required under subsection (2) is necessary to assess whether the project may have any adverse impacts on constitutionally protected aboriginal or treaty rights and any measures for mitigating those adverse impacts, the Director may, by written notice to a person mentioned in subsection (1), require the person to conduct consultation with any aboriginal community specified by the Director. O. Reg. 359/09, s. 17 (4).

~~Consultation with municipalities, local authorities~~

~~—18. (1) At least 90 days before the final public meeting is held for the purposes of subsection 16 (1) in respect of a renewable energy project, the person who proposes to engage in the project shall distribute a consultation form to,~~

~~—(a) the clerk of each local municipality and upper-tier municipality in which the project location is situated;~~

~~—(b) the secretary-treasurer of the local roads board of each local roads area in which the project location is situated; and~~

~~—(c) the secretary of the Local Services Board of each board area in which the project location is situated.—O. Reg. 359/09, s. 18 (1).~~

~~—(2) The consultation form mentioned in subsection (1) shall be distributed for the purpose of consulting on matters relating to municipal or local infrastructure and servicing and shall be in a form and format approved by the Director.—O. Reg. 359/09, s. 18 (2).~~

~~—(3) This section does not apply to a person who proposes to engage in a renewable energy project in respect of a Class 2 wind facility.—O. Reg. 359/09, s. 18 (3).~~

Consultation with municipalities, local authorities

18. (1) A person who proposes to engage in a renewable energy project shall, in accordance with subsections (3) and (4), distribute drafts of the documents mentioned in subsection (2) to,

(a) the clerk of each local municipality and upper-tier municipality in which the project location is situated;

(b) the secretary-treasurer of the local roads board of each local roads area in which the project location is situated; and

(c) the secretary of the Local Services Board of each board area in which the project location is situated.

(2) The documents referred to in subsection (1) are:

1. A project description report.

2. A document mentioned in subsection 16 (6), other than the documents described in clauses 22 (3) (a), 23 (3) (a), 28 (3) (b) and (c), 38 (2) (b) and (c), 41 (5) (b) and (c) and 43 (3) (b) and (c).

3. A consultation form.

(3) If section 16 applies, the documents referred to in paragraphs 1 and 3 of subsection (2) shall be distributed under subsection (1) at least 30 days before the first public meeting is held for the purposes of subsection 16 (1).

(4) The documents referred to in paragraphs 2 and 3 and subsection (2) shall be distributed under subsection (1).

- (a) if section 16 applies, at least 90 days before the final public meeting is held for the purposes of subsection 16 (1); or
- (b) if section 16 does not apply, at least 30 days before an application for a renewable energy project is submitted to the Director.
- (5) The consultation form referred to in paragraph 3 of subsection (2) shall be distributed for the purpose of consulting on matters relating to municipal or local infrastructure and servicing and shall be in a form and format approved by the Director.
- (6) This section does not apply to a person who proposes to engage in a renewable energy project in respect of a Class 2 wind facility.

PROTECTED PROPERTIES, ARCHAEOLOGICAL AND HERITAGE RESOURCES

Protected properties

19. (1) A person who proposes to engage in a renewable energy project shall determine whether the project location is on a property described in Column 1 of the Table to this section. O. Reg. 359/09, s. 19 (1).

(2) If a person mentioned in subsection (1) determines that the project location is on a property described in Column 1 of the Table to this section, the person shall submit, as part of the application for the issue of a renewable energy approval,

(a) written confirmation from the person or body set out in Column 2 of the Table that authorization is not required; or

(b) a copy of the written authorization,

(i) of the person or body set out opposite the description in Column 2 of the Table, and

(ii) of the type set out opposite the description in Column 3 of the Table.

~~(2) If the project location is on a property described in Column 1 of the Table to this section, a person mentioned in subsection (1) shall submit. If a person mentioned in subsection (1) determines that the project location is on a property described in Column 1 of the Table to this section, the person shall submit, as part of the application for the issue of a renewable energy approval, a copy of the written authorization,~~

~~— (a) of the person or body set out opposite the description in Column 2 of the Table; and~~

~~— (b) of the type set out opposite the description in Column 3 of the Table. O. Reg. 359/09, s. 19 (2).~~

TABLE

Item	Column 1	Column 2	Column 3
	Description of property.	Person or body whose authorization is required.	Type of authorization required to be submitted.
1.	A property that is the subject of an agreement, covenant or easement entered into under clause 10 (1) (b) of the <i>Ontario Heritage Act</i> .	Ontario Heritage Trust.	Authorization to undertake any activities related to the renewable energy project that require the approval of the Ontario Heritage Trust pursuant to the easement or covenant.
2.	A property in respect of which a notice of intention to designate the property to be of cultural heritage value or interest has been given in accordance with section 29 of the <i>Ontario Heritage Act</i> .	Municipality that gave the notice.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
3.	A property designated by a municipal by-law made under section 29 of the <i>Ontario Heritage Act</i> as a property of cultural heritage value or interest.	Municipality that made the by-law.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
4.	A property designated by order of the Minister of Culture made under section 34.5 of the <i>Ontario Heritage Act</i> as a property of cultural heritage value or interest of provincial significance.	Minister of Culture.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.
5.	A property in respect of which a notice of intention to designate the property as property of cultural heritage value or interest of provincial significance has been given in accordance with section 34.6 of the <i>Ontario Heritage Act</i> .	Minister of Culture.	If, as part of the renewable energy project, the alteration of the property or the demolition or removal of a building or structure on the property is proposed, consent to alter the property or demolish or remove the building or structure.

6.	A property that is the subject of an easement or a covenant entered into under section 37 of the <i>Ontario Heritage Act</i> .	Municipality that entered into the easement or covenant.	Authorization to undertake any activities related to the renewable energy project that require the approval of the municipality that entered into the easement or covenant.
7.	A property that is part of an area designated by a municipal by-law made under section 41 of the <i>Ontario Heritage Act</i> as a heritage conservation district.	Municipality that made the by-law.	If, as part of the renewable energy project, the alteration of the property or the erection, demolition or removal of a building or structure on the property is proposed, a permit to alter the property or to erect, demolish or remove a building or structure on the property.
8.	A property designated as a historic site under Regulation 880 of the Revised Regulations of Ontario, 1990 (Historic Sites) made under the <i>Ontario Heritage Act</i> .	Minister of Culture.	If, as part of the renewable energy project, the excavation or alteration of the property of historical significance is proposed, a permit to excavate or alter the property.

O. Reg. 359/09, s. 19, Table.

(3) If a person mentioned in subsection (1) determines that the project location is not on a property described in Column 1 of the Table to this section, the person shall submit, as part of an application for the issue of a renewable energy approval, a written summary of the matters addressed in determining whether the project location is on such a property.

Consideration of archaeological and heritage resources

20. (1) A person who proposes to engage in a renewable energy project shall consider whether engaging in the project may have an impact on any of the following:

1. An archaeological resource at the project location.
2. A heritage resource at the project location, other than at a part of the project location that is on a property described in Column 1 of the Table to section 19.
3. A property described in Column 1 of the Table to section 19 that abuts the parcel of land on which the project location is situated. O. Reg. 359/09, s. 20 (1).

(2) If, as a result of the consideration under subsection (1), the person mentioned in subsection (1) concludes that there is no possibility of impact on a resource or a property described in paragraph 1, 2 or 3 of subsection (1), the person shall submit, as part of an application for the issue of a renewable energy approval, a written summary of the matters addressed in the consideration of the resource or property. O. Reg. 359/09, s. 20 (2).

(3) This section does not apply to a person who proposes to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility. O. Reg. 359/09, s. 20 (3).

Consideration of archaeological resources

21. (1) This section applies to a person who proposes to engage in a renewable energy project in respect of,

- (a) a Class 2 wind facility;
- (b) a Class 1 or 2 anaerobic digestion facility;
- (c) a Class 1 thermal treatment facility, if the generating unit of the facility is located at a farm operation; or
- (d) a Class 2 thermal treatment facility. O. Reg. 359/09, s. 21 (1).

(2) A person mentioned in subsection (1) shall,

- (a) contact the Ministry of Culture to determine whether the project location is,
 - (i) within 250 metres of an archaeological resource that is set out by that Ministry in records it maintains, or
 - (ii) on property designated as a an archaeological site under Regulation 875 of the Revised Regulations of Ontario, 1990 (Archaeological Sites) made under the *Ontario Heritage Act*; and
- (b) contact the clerk of each local municipality and upper-tier municipality in which the project location is situated to determine whether the project location is in an area that has been identified on [an archaeological management plan](#) ~~municipal archaeological plan~~. O. Reg. 359/09, s. 21 (2).

(3) If the person mentioned in subsection (1) concludes that there is no possibility of impact on an archaeological resource or site described in clause (2) (a) or on an archaeological resource located in an area described in clause (2) (b), the person shall submit, as part of an application for the issue of a renewable energy approval, a written summary of the matters addressed in the consideration of the archaeological resource or site, or the area identified in an archaeological management plan.

Archaeological assessment

- 22.** (1) This section applies to a person if,
- (a) as a result of the consideration mentioned in subsection 20 (1), the person concludes that engaging in the renewable energy project may have an impact on an archaeological resource described in paragraph 1 of subsection 20 (1); or
 - (b) the person concludes, after complying with section 21, that the project location is situated as described in subclause 21 (2) (a) (i) or (ii) or clause 21 (2) (b). O. Reg. 359/09, s. 22 (1).
- (2) A person to whom this section applies shall ensure that,
- (a) an archaeological assessment is conducted by a consultant archaeologist; and
 - (b) an archaeological assessment report is prepared by the consultant archaeologist mentioned in clause (a) and submitted to the Ministry of Culture. O. Reg. 359/09, s. 22 (2).
- (3) As part of an application for the issue of a renewable energy approval, a person to whom this section applies shall submit,
- (a) written comments provided by the Ministry of Culture in respect of the archaeological assessment conducted under clause (2) (a);
 - (b) the archaeological assessment report prepared under clause (2) (b); and
 - (c) if the project location is on property described in subclause 21 (2) (a) (ii), a copy of the permit issued by the Minister of Culture to excavate or alter the property or to remove an artifact from that property, as the case may be. O. Reg. 359/09, s. 22 (3).
- (4) In this section, a reference to a consultant archaeologist is a reference to a consultant archaeologist within the meaning of Ontario Regulation 8/06 (Licences under Part VI of the Act — Excluding Marine Archaeological Sites) made under the *Ontario Heritage Act*. O. Reg. 359/09, s. 22 (4).

Heritage assessment

- 23.** (1) If, as a result of the consideration mentioned in subsection 20 (1), a person concludes that engaging in the renewable energy project may have an impact on a heritage resource described in paragraph 2 of subsection 20 (1), the person shall,
- (a) conduct a heritage assessment consisting of,
 - (i) an evaluation of whether there are any heritage resources at the project location, applying the criteria set out in Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the *Ontario Heritage Act*, and
 - (ii) if any heritage resources are identified as a result of the evaluation under subclause (i), an evaluation of any impact of the renewable energy project on the heritage resources and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan;
 - (b) prepare a heritage assessment report summarizing the assessment conducted under clause (a); and
 - (c) submit the report prepared under clause (b) to the Ministry of Culture. O. Reg. 359/09, s. 23 (1).
- (2) If, as a result of the consideration mentioned in subsection 20 (1), a person concludes that engaging in the renewable energy project may have an impact on a property mentioned in paragraph 3 of subsection 20 (1), the person shall,
- (a) conduct a heritage assessment consisting of an evaluation of any impact of the renewable energy project on the property and proposed measures to avoid, eliminate or mitigate the impact, which may include a heritage conservation plan;
 - (b) prepare a heritage assessment report summarizing the assessment conducted under clause (a); and
 - (c) submit the report prepared under clause (b) to the Ministry of Culture. O. Reg. 359/09, s. 23 (2).
- (3) As part of an application for the issue of a renewable energy approval, a person mentioned in subsection (1) shall submit,

- (a) written comments provided by the Ministry of Culture in respect of any heritage assessment conducted under this section; and
- (b) any heritage assessment reports prepared under this section. O. Reg. 359/09, s. 23 (3).

NATURAL HERITAGE

Environmental effects monitoring plan

23.1 (1) A person who proposes to engage in a renewable energy project in respect of a Class 3, 4 or 5 wind facility shall prepare an environmental effects monitoring plan in respect of birds and bats.

(2) For the purposes of preparing the plan mentioned in subsection (1), the person shall use the applicable evaluation criteria or procedures established by the Ministry of Natural Resources, as amended from time to time.

Natural heritage assessment

24. (1) A person who proposes to engage in a renewable energy project shall conduct a natural heritage assessment, consisting of the following:

1. A records review conducted in accordance with section 25.
2. A site investigation conducted in accordance with section 26.
3. Subject to subsection (3), an evaluation of the significance or provincial significance of each natural feature identified in the course of the records review and site investigation, conducted in accordance with section 27. O. Reg. 359/09, s. 24 (1).

(2) For the purposes of this section and sections 25 and 26, in conducting a records review or a site investigation, identifying natural features and determining the boundaries of any natural features, a person mentioned in subsection (1) shall use applicable evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time. O. Reg. 359/09, s. 24 (2).

(3) This section and sections 25, 26, 27 and 28 do not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility. O. Reg. 359/09, s. 24 (3).

Natural heritage, records review

25. (1) In conducting a records review mentioned in paragraph 1 of subsection 24 (1), a person who proposes to engage in a renewable energy project shall ensure that a search for and analysis of the records set out in Column 1 of the Table to this section are conducted in respect of the project location for the purpose of making the determinations set out opposite the records in Column 2 of the Table. O. Reg. 359/09, s. 25 (1).

(2) For the purposes of this section, “natural feature” includes all or part of,

- (a) a sand barrens, a savannah, a tallgrass prairie and an alvar, if the records review is being conducted in respect of a project location that is in the Protected Countryside; and
- (b) a sand barrens, a savannah and a tallgrass prairie, if the records review is being conducted in respect of a project location that is in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan. O. Reg. 359/09, s. 25 (2).

(3) The person mentioned in subsection (1) shall prepare a report setting out a summary of the records searched and the results of the analysis conducted under subsection (1). O. Reg. 359/09, s. 25 (3).

TABLE

Item	Column 1	Column 2
	Records to be searched and analyzed	Determination to be made
1.	Records that relate to provincial parks and conservation reserves and that are maintained by the Ministry of Natural Resources.	Whether the project location is in a provincial park or conservation reserve or within 120 metres of a provincial park or conservation reserve.
2.	Records that relate to natural features and that are maintained by, <ol style="list-style-type: none"> i. the Ministry of Natural Resources, ii. the Crown in right of Canada, iii. a conservation authority, if the project location is in the area of jurisdiction of the conservation authority, iv. each local and upper-tier municipality in which the project location is situated, 	Whether the project location is, <ol style="list-style-type: none"> i. in a natural feature, ii. within 50 metres of an area of natural and scientific interest (earth science), or

	<ul style="list-style-type: none"> v. the planning board of an area of jurisdiction of a planning board in which the project location is situated, vi. the municipal planning authority of an area of jurisdiction of a municipal planning authority in which the project location is situated, vii. the local roads board of a local roads area in which the project location is situated, viii. the Local Services Board of a board area in which the project location is situated, and ix. the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan. 	<ul style="list-style-type: none"> iii. within 120 metres of a natural feature that is not an area of natural and scientific interest (earth science).
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O. Reg. 359/09, s. 25, Table.

Natural heritage, site investigation

26. ~~(1) In conducting a site investigation mentioned in paragraph 2 of subsection 24 (1), a person who proposes to engage in a renewable energy project shall ensure that a physical investigation of the air, land and water within 120 metres of the project location is conducted for the purpose of determining;~~ (1) Subject to subsection (1.1), for the purposes of conducting a site investigation mentioned in paragraph 2 of subsection 24 (1), a person who proposes to engage in a renewable energy project shall ensure that a physical investigation of the air, land and water within 120 metres of the project location is conducted in order to determine.

- (a) whether the results of the analysis summarized in the report prepared under subsection 25 (3) are correct or require correction, and identifying any required corrections;
- (b) whether any additional natural features exist, other than those that were identified in the report prepared under subsection 25 (3);
- (c) the boundaries, located within 120 metres of the project location, of any natural feature that was identified in the records review or the site investigation; and
- (d) the distance from the project location to the boundaries determined under clause (c). O. Reg. 359/09, s. 26 (1).

(1.1) If the person mentioned in subsection (1) determines that it is not reasonable to conduct a physical investigation of any air, land or water referred to in subsection (1), for the purposes of conducting a site investigation mentioned in paragraph 2 of subsection 24 (1), the person shall ensure that an alternative site investigation of that air, land or water is conducted using procedures established or accepted by the Ministry of Natural Resources, as amended from time to time, in order to determine.

- (a) whether the results of the analysis summarized in the report prepared under subsection 25 (3) are correct or require correction, and identifying any required corrections;
- (b) whether any additional natural features exist, other than those that were identified in the report prepared under subsection 25 (3);
- (c) the boundaries, located within 120 metres of the project location, of any natural feature that was identified in the records review or the alternative site investigation; and
- (d) the distance from the project location to the boundaries determined under clause (c).

(2) For the purposes of this section, “natural feature” includes all or part of,

- (a) a sand barrens, a savannah, a tallgrass prairie and an alvar, if the site investigation is being conducted in respect of a project location that is in the Protected Countryside; and
- (b) a sand barrens, a savannah and a tallgrass prairie, if the site investigation is being conducted in respect of a project location that is in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan. O. Reg. 359/09, s. 26 (2).

(3) If the person mentioned in subsection (1) conducts a site investigation under subsection (1) or an alternative site investigation under subsection (1.1), the person shall prepare a report setting out the following with respect to the air, land and water in respect of which the site investigation or alternative site investigation was conducted:

- 1. A summary of any corrections to the report prepared under subsection 30 (2) and the determinations made as a result of conducting the site investigation or the alternative site investigation.

2. Information relating to each natural feature identified in the records review and in the site investigation or the alternative site investigation, including the type, attributes, composition and function of the feature.
3. A map showing,
 - i. all boundaries mentioned in clauses (1) (c) and (1.1) (c),
 - ii. the location and type of each natural feature identified in relation to the project location, and
 - iii. all distances mentioned in clauses (1) (d) and (1.1) (d).
4. The dates and times of,
 - i. the beginning and completion of the site investigation, and
 - ii. the collection of the data used in the alternative site investigation.
5. The duration of the site investigation.
6. The weather conditions during the site investigation.
7. A summary of methods used to make observations for the purposes of the site investigation or the alternative site investigation.
8. The name and qualifications of any person conducting the site investigation or the alternative site investigation.
9. Field notes kept by the person conducting the site investigation.
10. If the person conducted an alternative site investigation under subsection (1.1), an explanation of why the determination to conduct an alternative site investigation was made.

~~(3) The person mentioned in subsection (1) shall prepare a report setting out the following:~~

- ~~— 1. A summary of any corrections to the report prepared under subsection 25 (3) and the determinations made as a result of conducting the site investigation under subsection (1);~~
- ~~— 2. Information relating to each natural feature identified in the records review and in the site investigation, including the type, attributes, composition and function of the feature.~~
- ~~— 3. A map showing,~~
 - ~~— i. the boundaries mentioned in clause (1) (c);~~
 - ~~— ii. the location and type of each natural feature identified in relation to the project location, and~~
 - ~~— iii. the distance mentioned in clause (1) (d).~~
- ~~— 4. The dates and times of the beginning and completion of the site investigation.~~
- ~~— 5. The duration of the site investigation.~~
- ~~— 6. The weather conditions during the site investigation.~~
- ~~— 7. A summary of methods used to make observations for the purposes of the site investigation.~~
- ~~— 8. The name and qualifications of any person conducting the site investigation.~~
- ~~— 9. Field notes kept by the person conducting the site investigation. O. Reg. 359/09, s. 26 (3).~~

Natural heritage, evaluation of significance

27. (1) In conducting the evaluation of the significance or provincial significance of a natural feature for the purposes of paragraph 3 of subsection 24 (1), a person who proposes to engage in a renewable energy project shall consider any information available to the person relating to natural features, including~~shall evaluate any information available to the person relating to natural features, including all information obtained during,~~

- (a) all information obtained during the records review conducted in accordance with section 25;
 - (b) all information obtained during any site investigation and alternative site investigation conducted in accordance with section 26; and
 - (c) all information received from the public, aboriginal communities, municipalities, local road boards and Local Service Boards until such time as the report mentioned in subsection 27 (4) has been prepared.
- ~~(a) the records review conducted in accordance with section 25;~~

- ~~—(b) the site investigation conducted in accordance with section 26; and~~
- ~~—(c) consultations conducted under sections 16, 17 and 18. O. Reg. 359/09, s. 27 (1).~~

(2) For the purposes of the evaluation under subsection (1), a person shall determine that a natural feature is significant if it is a woodland, a valleyland or a wildlife habitat,

- (a) that the Ministry of Natural Resources has identified as significant; or
- (b) that is considered to be significant when evaluated using evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time, for significant natural features. O. Reg. 359/09, s. 27 (2).

(3) For the purposes of the evaluation under subsection (1), a person shall determine that a natural feature is provincially significant if it is a southern wetland, a northern wetland, a coastal wetland, an area of natural and scientific interest (earth science) or an area of natural and scientific interest (life science),

- (a) that the Ministry of Natural Resources has identified as provincially significant; or
- (b) that is considered to be provincially significant when evaluated using evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time, for provincially significant natural features. O. Reg. 359/09, s. 27 (3).

(4) The person mentioned in subsection (1) shall prepare a report that sets out the following:

1. For each natural feature shown on the map mentioned in paragraph 3 of subsection 26 (3), a determination of whether the natural feature is provincially significant, significant, not significant or not provincially significant.
2. A summary of the evaluation criteria or procedures used to make the determinations mentioned in paragraph 1.
3. The name and qualifications of any person who applied the evaluation criteria or procedures mentioned in paragraph 2.
4. The dates of the beginning and completion of the evaluation. O. Reg. 359/09, s. 27 (4).

(5) This section does not apply if the project location is,

- (a) at least 50 metres outside of all areas of natural and scientific interest (earth science); and
- (b) at least 120 metres outside of all natural features that are not areas of natural and scientific interest (earth science). O. Reg. 359/09, s. 27 (5).

(6) If the project location is in the Protected Countryside or in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan, this section does not apply in respect of,

- (a) a sand barrens, a savannah, a tallgrass prairie or an alvar; or
- (b) an area of natural and scientific interest (life science) that has been identified by the Ministry of Natural Resources using evaluation procedures established by that Ministry, as amended from time to time, but that has not been identified by that Ministry as provincially significant. O. Reg. 359/09, s. 27 (6).

Confirmation from Ministry of Natural Resources

28. (1) A person who proposes to engage in a renewable energy project shall submit to the Ministry of Natural Resources each plan the person is required to prepare under section 23.1 and each report the person is required to prepare under subsections 25 (3), 26 (3) and (4) and 27 (4)~~each report the person is required to prepare under subsections 25 (3), 26 (3) and 27 (4).~~ O. Reg. 359/09, s. 28 (1).

(2) The person mentioned in subsection (1) shall obtain the following in writing from the Ministry of Natural Resources:

1. Confirmation that the determination of the existence of natural features and the boundaries of natural features was made using applicable evaluation criteria or procedures established or accepted by that Ministry, as amended from time to time.
2. Confirmation that the site investigation and records review were conducted using applicable evaluation criteria or procedures established or accepted by that Ministry, as amended from time to time, if no natural features were identified.
3. Confirmation that the evaluation of the significance or provincial significance of the natural features was conducted using applicable evaluation criteria or procedures established or accepted by that Ministry, as amended from time to time.
4. If the person has determined that the project location is not in a provincial park or conservation reserve, confirmation that that Ministry agrees with the determination.

5. If the person has determined that the project location is in a provincial park or conservation reserve, confirmation that engaging in the project is not prohibited by or under the *Provincial Parks and Conservation Reserves Act, 2006*. O. Reg. 359/09, s. 28 (2).

6. If section 23.1 applies, confirmation that the environmental effects monitoring plan required under section 23.1 was prepared using applicable evaluation criteria or procedures established by that Ministry, as amended from time to time.

(3) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall submit,

- (a) the the plan and reports mentioned in subsection (1);
- (b) a copy of any confirmation required under subsection (2); and
- (c) any additional written comments provided by the Ministry of Natural Resources in respect of the natural heritage assessment or the environmental effects monitoring plan required under section 23.1. O. Reg. 359/09, s. 28 (3).

WATER

Water assessment

29. (1) A person who proposes to engage in a renewable energy project shall conduct a water assessment, consisting of the following:

- 1. A records review conducted in accordance with section 30.
- 2. A site investigation conducted in accordance with section 31. O. Reg. 359/09, s. 29 (1).

(2) This section and sections 30 and 31 do not apply in respect of a proposal to engage in a renewable energy project in respect of a Class 2 wind facility. O. Reg. 359/09, s. 29 (2).

Water, records review

30. (1) In conducting a records review mentioned in paragraph 1 of subsection 29 (1), a person who proposes to engage in a renewable energy project shall ensure that a search for and analysis of the records set out in Column 1 of the Table to this section are conducted in respect of the project location for the purpose of making the determinations set out opposite the records in Column 2 of the Table. O. Reg. 359/09, s. 30 (1).

(2) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall prepare a report setting out a summary of the records searched and the results of the analysis conducted under subsection (1). O. Reg. 359/09, s. 30 (2).

TABLE

Item	Column 1	Column 2
	Records to be searched and analyzed	Determination to be made
1.	Records that relate to water bodies and that are maintained by, <ul style="list-style-type: none"> i. the Ministry of Natural Resources, ii. the Crown in right of Canada, iii. a conservation authority, if the project location is in the area of jurisdiction of the conservation authority, iv. each local and upper-tier municipality in which the project location is situated, v. the planning board of an area of jurisdiction of a planning board in which the project location is situated, vi. the municipal planning authority of an area of jurisdiction of a municipal planning authority in which the project location is situated, vii. the local roads board of a local roads area in which the project location is situated, viii. the Local Services Board of a board area in which the project location is situated, and ix. the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan. 	Whether the project location is, <ul style="list-style-type: none"> i. in a water body, ii. within 120 metres of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity, iii. within 300 metres of the average annual high water mark of a lake trout lake that is at or above development capacity, iv. within 120 metres of the average annual high water mark of a permanent or intermittent stream, or v. within 120 metres of a seepage area.

O. Reg. 359/09, s. 30, Table.

Water, site investigation

~~31. (1) Subject to subsection (2), in conducting a site investigation mentioned in paragraph 2 of subsection 29 (1), a person who proposes to engage in a renewable energy project shall ensure that a physical investigation of the land and water located within 120 metres of the project location is conducted for the purpose of determining,~~ (1) Subject to subsection (2), for the purposes of conducting a site investigation mentioned in paragraph 2 of subsection 29 (1), a person who proposes to engage in a renewable energy project shall ensure that a physical investigation of the land and water within 120 metres of the project location is conducted in order to determine,

- (a) whether the results of the analysis summarized in the report prepared under subsection 30 (2) are correct or require correction, and identifying any required corrections;
- (b) whether any additional water bodies exist, other than those identified in the records review;
- (c) the boundaries, located within 120 metres of the project location, of any water body that was identified in the records review or the site investigation; and
- (d) the distance from the project location to the boundaries determined under clause (c). O. Reg. 359/09, s. 31 (1).

~~(2) If, as a result of the records review conducted in accordance with section 30, the person mentioned in subsection (1) has identified, within 300 metres of the project location, the average annual high water mark of a lake trout lake that is at or above development capacity, the person shall ensure that a physical investigation of the land and water located within 300 metres of the project location is conducted for the purpose of determining,~~

- ~~(a) whether the results of the analysis summarized in the report prepared under subsection 30 (2) are correct or require correction, and identifying any required corrections;~~
- ~~(b) whether any additional water bodies exist, other than those that were identified in the report prepared under subsection 30 (2);~~
- ~~(c) the boundaries of any lake trout lake that is at or above development capacity, if,
 - ~~(i) the lake was identified in the records review or the site investigation, and~~
 - ~~(ii) the boundaries are within 300 metres of the project location;~~~~
- ~~(d) the boundaries of any water body other than a lake trout lake that is at or above development capacity, if,
 - ~~(i) the water body was identified in the records review or the site investigation, and~~
 - ~~(ii) the boundaries are within 120 metres of the project location; and~~~~
- ~~(e) the distance from the project location to the boundaries determined under clause (c) and (d). O. Reg. 359/09, s. 31 (2).~~

~~(3) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall prepare a report setting out the following~~ 1. A summary of any corrections to the report prepared under subsection 30 (2) and the determinations made as a result of conducting the site investigation under subsection (1).

~~2. Information relating to each water body identified in the records review and in the site investigation, including the type of water body, plant and animal composition and the ecosystem of the land and water investigated.~~

~~3. A map showing,~~

- ~~i. the boundaries mentioned in clause (1) (c) or (2) (c) and (d),~~
- ~~ii. the location and type of each water body identified in relation to the project location, and~~
- ~~iii. the distances mentioned in clause (1) (d) or (2) (e).~~

~~4. The dates and times of the beginning and completion of the site investigation.~~

~~5. The duration of the site investigation.~~

~~6. The weather conditions during the site investigation.~~

~~7. A summary of methods used to make observations for the purposes of the site investigation.~~

~~8. The name and qualifications of any person conducting the site investigation.~~

~~9. Field notes kept by the person conducting the site investigation. O. Reg. 359/09, s. 31 (3).~~

(2) If the person mentioned in subsection (1) determines that it is not reasonable to conduct a physical investigation of any land or water referred to in subsection (1), for the purposes of conducting a site investigation mentioned in paragraph 2 of

subsection 29 (1), the person shall ensure that an alternative site investigation of that land or water is conducted within 120 metres of the project location in order to determine,

- (a) whether the results of the analysis summarized in the reported prepared under subsection 30 (2) are correct or require correction, and identifying any required corrections;
- (b) whether any additional water bodies exist, other than those that were identified in the records review conducted in accordance with section 30;
- (c) the boundaries, located within 120 metres of the project location, of any water body that was identified in the records review or the alternative site investigation; and
- (d) the distance from the project location to the boundaries determined under clause (c).

(3) If, as a result of the records review conducted in accordance with section 30, the person mentioned in subsection (1) has identified, within 300 metres of the project location, the average annual high water mark of a lake trout lake that is at or above development capacity, the person shall ensure that a physical investigation of the land and water located between the project location and the lake trout lake is conducted for the purpose of determining,

- (a) the boundaries of any lake trout lake that is at or above development capacity, if,
 - (i) the lake was identified in the records review, and
 - (ii) the boundaries are within 300 metres of the project location; and
- (b) the distance from the project location to the boundaries determined under clause (a).

(4) If the person mentioned in subsection (1) determines that it is not reasonable to conduct a physical investigation of any land or water for the purposes of subsection (3), for the purposes of conducting a site investigation mentioned in subsection (3), the person shall ensure that an alternative site investigation of that land or water is conducted in order to determine,

- (a) the boundaries of any lake trout lake that is at or above development capacity, if,
 - (i) the lake was identified in the records review conducted in accordance with section 30, and
 - (ii) the boundaries are within 300 metres of the project location; and
- (b) the distance from the project location to the boundaries determined under clause (a).

(5) If the person mentioned in subsection (1) conducts a site investigation under subsection (1) or (3) or an alternative site investigation under subsection (2) or (4), the person shall prepare a report setting out the following with respect to the land and water in respect of which any site investigation or alternative site investigation was conducted:

1. A summary of any corrections to the report prepared under subsection 30 (2) and the determinations made as a result of conducting any site investigation or alternative site investigation.
2. Information relating to each water body identified in the records review and in any site investigation, including the type of water body, plant and animal composition and the ecosystem of the land and water investigated.
3. A map showing,
 - i. all boundaries mentioned in clauses (1) (c), 2 (c), (3) (a) and (4) (a),
 - ii. the location and type of each water body identified in relation to the project location, and
 - iii. all distances mentioned in clauses (1) (d), 2 (d), 3 (b) and (4) (b).
4. The dates and times of,
 - i. the beginning and completion of any site investigation, or
 - ii. the collection of the data used in any alternative site investigation.
5. The duration of any site investigation.
6. The weather conditions during any site investigation.
7. A summary of methods used to make observations for the purposes of any site investigation or alternative site investigation.
8. The name and qualifications of any person conducting any site investigation or alternative site investigation.
9. Field notes kept by the person conducting any site investigation.
10. If the person conducted an alternative site investigation under subsection (2) or (4), an explanation of why the determination to conduct an alternative site investigation was made.

(6) As part of an application for the issue of a renewable energy approval, the person mentioned in subsection (1) shall submit the report prepared under subsection (5).

NIAGARA ESCARPMENT

Niagara Escarpment

32. (1) A person who proposes to engage in a renewable energy project in respect of a project location in the area of the Niagara Escarpment Plan shall, in accordance with subsection (1.1), submit drafts of the following reports, prepared in accordance with Table 1, to the chair of the Niagara Escarpment Commission:~~(1) A person who proposes to engage in a renewable energy project in respect of a project location in the area of the Niagara Escarpment Plan shall submit drafts of the following reports, prepared in accordance with Table 1, to the chair of the Niagara Escarpment Commission at least 90 days before the final public meeting is held for the purposes of subsection 16 (1):~~

1. The project description report.
2. The design and operations report.
3. The construction plan report.
4. The decommissioning plan report. O. Reg. 359/09, s. 32 (1).

(1.1) The drafts mentioned in subsection (1) shall be distributed,

(a) if section 16 applies, at least 90 days before the final public meeting is held for the purposes of subsection 16 (1) in respect of a renewable energy project; or

(b) if section 16 does not apply, at least 30 days before an application for a renewable energy project is submitted to the Director.

(2) As part of an application for the issue of a renewable energy approval, a person who proposes to engage in a renewable energy project mentioned in subsection (1) shall submit,

- (a) evidence that the drafts mentioned in paragraphs 1, 2, 3 and 4 of subsection (1) were submitted to the chair of the Niagara Escarpment Commission; and
- (b) if a development permit is required in respect of engaging in a renewable energy project ~~in respect of the engaging in a renewable energy project~~ under the *Niagara Escarpment Planning and Development Act*, a copy of the development permit. O. Reg. 359/09, s. 32 (2).

PART V PROHIBITIONS — RENEWABLE ENERGY PROJECTS

APPLICATION AND INTERPRETATION OF PART

Application of Part

33. (1) This Part applies to a person who is engaging in a renewable energy project in respect of which the issue of a renewable energy approval is required, other than a renewable energy project in respect of a Class 2 wind facility. O. Reg. 359/09, s. 33 (1).

(2) Despite subsection (1), sections 53, 54 and 55 apply to a person who is engaging in any renewable energy project in respect of a Class 3, 4 or 5 wind facility. O. Reg. 359/09, s. 33 (2).

(3) Despite subsection (2), sections 53, 54 and 55 do not apply to a person who is constructing, installing or expanding a Class 3, 4 or 5 wind facility if,

- (a) a certificate of approval that was required under section 9 of the Act in respect of the construction, installation or expansion was obtained on a day before the day that Part V.0.1 of the Act came into force; or
- (b) section 47.3 of the Act does not apply to the person pursuant to paragraph 2 of subsection 9 (1). O. Reg. 376/09, s. 1.

Significant and provincially significant natural features

34. In this Part, a reference to a significant natural feature or a provincially significant natural feature is a reference to a natural feature that,

- (a) the Ministry of Natural Resources has identified as significant or provincially significant, as the case may be; or
- (b) that has been confirmed in writing by the Ministry of Natural Resources to have been determined to be significant or provincially significant, as the case may be, using applicable evaluation criteria or procedures established or accepted by the Ministry of Natural Resources, as amended from time to time. O. Reg. 359/09, s. 34.

GENERAL PROHIBITIONS

Associated transformers

~~35. (1) No person shall construct, install or expand a transformer station that forms part of a renewable energy generation facility and that is capable of operating at a nominal voltage of 50 kV or more unless,~~

~~— (a) the transformer station is constructed, installed or expanded with an acoustic barrier with a density of 20kg/m² that breaks the line of sight with any noise receptors and is located at a distance of at least 500 metres from the nearest noise receptor; or~~

~~— (b) the transformer station is located at a distance of at least 1,000 metres from the nearest noise receptor. O. Reg. 359/09, s. 35 (1).~~

(1) No person shall construct, install or expand a transformer substation that forms part of a renewable energy generation facility and that is capable of operating at a nominal voltage of 50 kV or more unless,

(a) the transformer substation is constructed, installed or expanded with an acoustic barrier with a density of at least 20kg/m² that breaks the line of sight with any noise receptors and is located at a distance of at least 500 metres from,

(i) any noise receptor described in paragraph 1, 2, 3 or 4 of subsection 1 (4), and

(ii) any noise receptor described in paragraph 5 of subsection 1 (4) that is specified by the Director in the renewable energy approval; or

(b) the transformer substation is located at a distance of at least 1,000 metres from the noise receptors referred to in subclauses (a) (i) and (ii).

(2) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy generation facility, the applicant submits,

(a) if the application is in respect of a wind facility, a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms” dated October 2008, as amended from time to time and available from the Ministry; or

(b) if the application is in respect of a facility other than a wind facility, a noise study report prepared in accordance with Table 1. O. Reg. 359/09, s. 35 (2).

Non-renewable energy sources

36. No person shall operate or use a renewable energy generation facility unless, on an annual basis,

(a) if the facility has a name plate capacity of less than or equal to 500 kW, at least 90 per cent of the electricity generated at the facility is generated from a renewable energy source; and

(b) if the facility has a name plate capacity of greater than 500 kW, at least 95 per cent of the electricity generated at the facility is generated from a renewable energy source. O. Reg. 359/09, s. 36.

NATURAL FEATURES AND WATER BODIES — GENERAL

Specified wetlands, provincial parks, conservation reserves

37. No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A provincially significant southern wetland.

2. A provincially significant coastal wetland.

3. A provincial park or a conservation reserve, unless the construction, installation or expansion of the facility is not prohibited by or under the *Provincial Parks and Conservation Reserves Act, 2006*. O. Reg. 359/09, s. 37.

Specified natural features

38. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A provincially significant northern wetland or within 120 metres of a provincially significant northern wetland.

2. Within 120 metres of a provincially significant southern wetland.

3. Within 120 metres of a provincially significant coastal wetland.

4. A provincially significant area of natural and scientific interest (earth science) or within 50 metres of a provincially significant area of natural and scientific interest (earth science).

5. A provincially significant area of natural and scientific interest (life science) or within 120 metres of a provincially significant area of natural and scientific interest (life science).
6. A significant valleyland or within 120 metres of a significant valleyland.
7. A significant woodland or within 120 metres of a significant woodland.
8. A significant wildlife habitat or within 120 metres of a significant wildlife habitat.
9. Within 120 metres of a provincial park.
10. Within 120 metres of a conservation reserve. O. Reg. 359/09, s. 38 (1).

(2) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits,

- (a) an environmental impact study report prepared in accordance with any procedures established by the [Ministry of Natural Resources, as amended from time to time](#), ~~that, Ministry of Natural Resources, as amended from time, that,~~
 - (i) identifies and assesses any negative environmental effects of the project on a natural feature, provincial park or conservation reserve referred to in paragraphs 1 to 10 of subsection (1),
 - (ii) identifies mitigation measures in respect of any negative environmental effects mentioned in subclause (i),
 - (iii) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in subclause (i), and
 - (iv) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in subclause (i);
- (b) written confirmation from the Ministry of Natural Resources that the report mentioned in clause (a) has been prepared in accordance with any procedures established by that Ministry, as amended from time to time; and
- (c) any written comments provided by the Ministry of Natural Resources to the applicant in respect of the project. O. Reg. 359/09, s. 38 (2).

Water bodies

39. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project in a project location that is in any of the following locations:

1. A lake or within 30 metres of the average annual high water mark of a lake.
2. A permanent or intermittent stream or within 30 metres of the average annual high water mark of a permanent or intermittent stream.
3. A seepage area or within 30 metres of a seepage area. O. Reg. 359/09, s. 39 (1).

(2) Subsection (1) does not apply if the facility is a facility mentioned in subsection (3) and, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the project on a water body referred to in paragraphs 1 to 3 of subsection (1) and on land within 30 metres of the water body;
- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a). O. Reg. 359/09, s. 39 (2).

(3) Subsection (2) applies in respect of the following facilities:

1. A Class 3 or 4 wind facility, if no wind turbine or ~~transformer station~~[transformer substation](#) is constructed, installed or expanded in a project location described in subsection (1).
2. A Class 5 wind facility, if no ~~transformer station~~[transformer substation](#) is constructed, installed or expanded in a project location described in subsection (1).
3. A Class 3 solar facility, if no solar photovoltaic panel or device and no ~~transformer station~~[transformer substation](#) is constructed, installed or expanded in a project location described in subsection (1).
4. An anaerobic digestion facility, if no biomass storage areas, ~~source separated storage areas, farm material storage areas, digestate storage tanks, generating units, flares, anaerobic digesters and transformer stations~~ [source separated organics storage areas, digestate storage tanks, generating units, flares, anaerobic digesters and transformer substations](#) are constructed, installed or expanded in a project location described in subsection (1).

5. A thermal treatment facility, if no biomass storage areas or ~~transformer station~~transformer substations are constructed, installed or expanded in a project location described in subsection (1). O. Reg. 359/09, s. 39 (3).

(4) For the purposes of this section,

“~~transformer station~~transformer substation” means a ~~transformer station~~transformer substation capable of operating at a nominal voltage of 50 kV or more.

Water bodies, continued

40. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. Within 120 metres of the average annual high water mark of a lake, other than a lake trout lake that is at or above development capacity.
2. Within 300 metres of the average annual high water mark of a lake trout lake that is at or above development capacity.
3. Within 120 metres of the average annual high water mark ~~Within 120 metres of the high water mark~~ of a permanent or intermittent stream.
4. Within 120 metres of a seepage area. O. Reg. 359/09, s. 40 (1).

(2) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the project on a water body referred to in paragraphs 1 to 4 of subsection (1) and on land within 30 metres of the water body;
- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a). O. Reg. 359/09, s. 40 (2).

NATURAL FEATURES AND WATER BODIES — GREENBELT

Specified natural features in Natural Heritage System

41. (1) Subject to subsection (2) and in addition to sections 37, 38, 39 and 40, this section applies to a person who is constructing, installing or expanding a renewable energy generation facility as part of a renewable energy project at a project location in the Protected Countryside. O. Reg. 359/09, s. 41 (1).

(2) This section does not apply to a person who is constructing, installing or expanding a renewable energy facility as part of a renewable energy project at a project location that is entirely within a Protected Countryside settlement area. O. Reg. 359/09, s. 41 (2).

(3) In this section, a reference to a natural feature includes all or part of a sand barrens, a savannah, a tallgrass prairie and an alvar in the Protected Countryside. O. Reg. 359/09, s. 41 (3).

(4) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations in the Natural Heritage System:

1. A southern wetland that is not a provincially significant southern wetland or within 120 metres of a southern wetland that is not a provincially significant southern wetland.
2. A sand barrens, savannah or tallgrass prairie or within 120 metres of a sand barrens, savannah or tallgrass prairie.
3. An alvar or within 120 metres of an alvar.
4. An area of natural and scientific interest (life science) that is mentioned in clause 27 (6) (b) or within 120 metres of an area of natural and scientific interest (life science) that is mentioned in that clause. O. Reg. 359/09, s. 41 (4).

(5) Subsection (4) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits,

- (a) an environmental impact study report prepared in accordance with any procedures established by the Ministry of Natural Resources, as amended from time to time, that ~~Ministry of Natural Resources, as amended from time, that~~,
 - (i) identifies and assesses any negative environmental effects of the project on a natural feature referred to in paragraphs 1 to 4 of subsection (4),
 - (ii) identifies mitigation measures in respect of any negative environmental effects mentioned in subclause (i),

- (iii) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in subclause (i), and
- (iv) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in subclause (i);
- (b) written confirmation from the Ministry of Natural Resources that the report mentioned in clause (a) has been prepared in accordance with any procedures established by that Ministry, as amended from time to time; and
- (c) any written comments provided by the Ministry of Natural Resources to the applicant in respect of the project. O. Reg. 359/09, s. 41 (5).

NATURAL FEATURES AND WATER BODIES — OAK RIDGES MORAINE

Oak Ridges Moraine

42. (1) In addition to sections 37 and 38, sections 43, 44, 45 and 46 apply to a person who is constructing, installing or expanding a ~~renewable energy generation facility as part of a renewable energy project in the portion of the Oak Ridges Moraine Conservation Plan Area~~ renewable energy project at a project location that is in the portion of the Oak Ridges Moraine Conservation Area that is subject to the Oak Ridges Moraine Conservation Plan. O. Reg. 359/09, s. 42 (1).

(2) Sections 39 and 40 do not apply to a person who is constructing, installing or expanding a renewable energy generation facility as part of a renewable energy project at a project location that is in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan. O. Reg. 359/09, s. 42 (2).

Specified natural features

43. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A southern wetland that is not a provincially significant southern wetland or within 120 metres of a southern wetland that is not a provincially significant southern wetland ~~or within 120 metres of a provincially significant southern wetland~~.
2. A sand barrens, savannah or tallgrass prairie or within 120 metres of a sand barrens, savannah or tallgrass prairie.
3. An area of natural and scientific interest (life science) that is mentioned in clause 27 (6) (b) or within 120 metres of an area of natural and scientific interest (life science) that is mentioned in that clause. O. Reg. 359/09, s. 43 (1).

(2) In this section, a reference to a natural feature includes all or part of a sand barrens, a savannah and a tallgrass prairie in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan. O. Reg. 359/09, s. 43 (2).

(3) Subsection (1) does not apply if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits,

- (a) an environmental impact study report prepared in accordance with procedures established by the Ministry of Natural Resources, as amended from time, that,
 - (i) identifies and assesses any negative environmental effects of the project on a natural feature referred to in paragraphs 1 to 3 of subsection (1),
 - (ii) identifies mitigation measures in respect of any negative environmental effects mentioned in subclause (i),
 - (iii) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in subclause (i), and
 - (iv) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in subclause (i);
- (b) written confirmation from the Ministry of Natural Resources that the report mentioned in clause (a) has been prepared in accordance with procedures established by that Ministry, as amended from time to time; and
- (c) any written comments provided by the Ministry of Natural Resources to the applicant in respect of the project. O. Reg. 359/09, s. 43 (3).

(4) Except in respect of a natural feature mentioned in paragraph 1, 2 or 3 of subsection (1) that is located in an Oak Ridges Moraine settlement area, subsection (1) does not apply in respect of the construction, installation or expansion of a renewable energy generation facility as part of a renewable energy project at a project location that is entirely within an Oak Ridges Moraine settlement area. O. Reg. 359/09, s. 43 (4).

Water bodies

44. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. A kettle lake or within 30 metres of the average annual high water mark of a kettle lake.
2. A permanent or intermittent stream or within 30 metres of the average annual high water mark of a permanent or intermittent stream.
3. A seepage area or within 30 metres of a seepage area. O. Reg. 359/09, s. 44 (1).

(2) Subsection (1) does not apply in respect of the construction or installation of a transmission line that is being constructed or installed as part of the renewable energy generation facility or to the expansion of a transmission line that is part of the renewable energy generation facility if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the construction, installation or expansion of the transmission line and of the operation or use of the transmission line on any water body referred to in paragraphs 1 to 3 of subsection (1) and on land within 30 metres of the water body;
- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a). O. Reg. 359/09, s. 44 (2).

Water bodies, continued

45. (1) No person shall construct, install or expand a renewable energy generation facility as part of a renewable energy project at a project location that is in any of the following locations:

1. Within 120 metres of the average annual high water mark of a kettle lake that is not a lake trout lake that is at or above development capacity.
2. Within 300 metres of the average annual high water mark of a kettle lake that is a lake trout lake that is at or above development capacity.
3. Within 120 metres of the average annual high water mark of a permanent or intermittent stream.
4. Within 120 metres of a seepage area. O. Reg. 359/09, s. 45 (1).

(2) Subsection (1) does not apply if, as part of an application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits a report that,

- (a) identifies and assesses any negative environmental effects of the project on a water body referred to in paragraphs 1 to 4 of subsection (1) and on land within 30 metres of the water body;
- (b) identifies mitigation measures in respect of any negative environmental effects mentioned in clause (a);
- (c) describes how the environmental effects monitoring plan set out in paragraph 4 of item 4 of Table 1 addresses any negative environmental effects mentioned in clause (a); and
- (d) describes how the construction plan report prepared in accordance with Table 1 addresses any negative environmental effects mentioned in clause (a). O. Reg. 359/09, s. 45 (2).

(3) Except in respect of a water body mentioned in paragraph 1, 2, 3 or 4 of subsection (1) that is located, in whole or in part, within an Oak Ridges Moraine settlement area, subsection (1) does not apply in respect of the construction, installation or expansion of a renewable energy generation facility as part of a renewable energy project if the project location is entirely within an Oak Ridges Moraine settlement area. O. Reg. 359/09, s. 45 (3).

Rapid infiltration basin or column

46. (1) No person shall construct, install or expand a part of a renewable energy generation facility that will be used or operated, or is used or operated, as a rapid infiltration basin or a rapid infiltration column. O. Reg. 359/09, s. 46 (1).

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

“rapid infiltration basin” and “rapid infiltration column” have the same meanings as in subsection 47 (3) of Ontario Regulation 140/02 (Oak Ridges Moraine Conservation Plan) made under the *Oak Ridges Moraine Conservation Act, 2001*. O. Reg. 359/09, s. 46 (2).

ANAEROBIC DIGESTION FACILITIES

Class 1 and 2 anaerobic digestion facilities, less than or equal to 500 kW

47. (1) This section applies to a person who is constructing, installing or expanding a Class 1 or Class 2 anaerobic digestion facility that has a name plate capacity of less than or equal to 500 kW. O. Reg. 359/09, s. 47 (1).

(2) No person shall construct, install or expand a facility mentioned in subsection (1) unless any biomass storage areas, farm material storage areas, digestate storage tanks, generating units, flares and anaerobic digesters of the facility are,

- (a) at least 250 metres from the nearest odour receptor; or
- (b) at least 125 metres from the nearest odour receptor, if,
 - (i) the conditions set out in subsection (3) are met, or
 - (ii) the facility is designed to minimize the discharge of odour to at least the same extent as if the conditions set out in subsection (3) were met. O. Reg. 359/09, s. 47 (2).

(3) For the purposes of subclause (2) (b) (i), the following conditions must be met:

1. The facility must be designed to be equipped with an anaerobic digester that has a gas storage cover with a design permeability of less than $500 \text{ cm}^3/\text{m}^2/\text{day}/\text{bar}$.
2. If the facility is designed to be equipped with,
 - i. any digestate storage tanks storing liquid digestate, the tanks storing liquid digestate with a total storage volume set out in Column 1 of Table 2 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table, and
 - ii. any digestate storage tanks storing solid digestate, the tanks storing solid digestate with a total storage volume set out in Column 1 of Table 3 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table.
3. If the facility is designed to be equipped with flares, they must be located at a distance from the nearest odour receptor that is equal to or greater than the greatest distance at which any digestate storage tank is required to be located from the nearest odour receptor under paragraph 2.
4. The facility must be designed to operate with a minimum average monthly input of five per cent manure. O. Reg. 359/09, s. 47 (3).

(4) Subsection (2) does not apply to a person mentioned in subsection (1) if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits the following reports prepared in accordance with Table 1:

1. The emission summary and dispersion modelling report.
2. The noise study report.
3. The odour study report.

(5) Subsection (2) does not apply in respect of an odour receptor that did not exist when the person proposing to construct, install or expand a facility mentioned in subsection (1) submitted an application for the issue of a renewable energy approval to the Director.

Class 1 and 2 anaerobic digestion facilities, greater than 500 kW

48. (1) This section applies to a person who is constructing, installing or expanding a Class 1 or Class 2 anaerobic digestion facility that has a name plate capacity of greater than 500 kW. O. Reg. 359/09, s. 48 (1).

(2) Subject to subsections (3) and (4), no person shall construct, install or expand a facility mentioned in subsection (1) unless the following conditions are met:

1. All biomass storage areas, farm material storage areas, digestate storage tanks, generating units, flares and anaerobic digesters of the facility must be located at a distance of at least 250 metres from the nearest odour receptor.
2. The facility must be designed to be equipped with an anaerobic digester that has a gas storage cover with a design permeability of less than $500 \text{ cm}^3/\text{m}^2/\text{day}/\text{bar}$.
3. Subject to paragraph 1, if the facility is designed to be equipped with,
 - i. any digestate storage tanks storing liquid digestate, the tanks storing liquid digestate with a total storage volume set out in Column 1 of Table 2 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table, and
 - ii. any digestate storage tanks storing solid digestate, the tanks storing solid digestate with a total storage volume set out in Column 1 of Table 3 must be located at a distance from the nearest odour receptor that is equal to or greater than the distance set out opposite the volume in Column 2 of that Table.

4. Subject to paragraph 1, if the facility is designed to be equipped with flares, they must be located at a distance from the nearest odour receptor that is equal to or greater than the greatest distance at which any digestate storage tank is required to be located from the nearest odour receptor under paragraph 3.
5. The facility must be designed to operate with a minimum average monthly input of five per cent manure. O. Reg. 359/09, s. 48 (2).

(3) Paragraphs 2, 3, 4 and 5 of subsection (2) do not apply if the facility has been designed to minimize the discharge of odour to at least the same extent as if the conditions set out in those paragraphs were met. O. Reg. 359/09, s. 48 (3).

(4) Subsection (2) does not apply in respect of a project mentioned in subsection (1) if, as part of the application for the issue of a renewable energy approval in respect of the renewable energy project, the applicant submits the following reports prepared in accordance with Table 1:

1. Emission summary and dispersion modelling report.
2. Noise study report.
3. Odour study report. O. Reg. 359/09, s. 48 (4).

(5) Subsection (2) does not apply in respect of an odour receptor that did not exist when the person proposing to construct, install or expand a facility mentioned in subsection (1) submitted an application for the issue of a renewable energy approval to the Director.

Class 2 anaerobic digestion facilities, financial assurance

49. (1) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of a Class 2 anaerobic digestion facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location. O. Reg. 359/09, s. 49 (1).

(2) The financial assurance estimate mentioned in subsection (1) shall be prepared in accordance with the methodology in the Financial Assurance Guideline. O. Reg. 359/09, s. 49 (2).

Class 3 anaerobic digestion facilities

50. (1) No person shall construct, install or expand a Class 3 anaerobic digestion facility unless the facility is,

- (a) designed to be equipped with,
 - (i) an anaerobic digester that has a gas storage cover with a design permeability of less than 500 cm³/m²/day/bar, and
 - (ii) a high efficiency flare system; or
- (b) designed to minimize the discharge of odour to at least the same extent as if the facility had the characteristics set out in clause (a). O. Reg. 359/09, s. 50 (1).

(2) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of a Class 3 anaerobic digestion facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location. O. Reg. 359/09, s. 50 (2).

(3) The financial assurance estimate mentioned in subsection (2) shall be prepared in accordance with the methodology in the Financial Assurance Guideline. O. Reg. 359/09, s. 50 (3).

THERMAL TREATMENT FACILITIES

Class 2 thermal treatment facilities

51. (1) No person shall construct, install or expand a Class 2 thermal treatment facility unless,

- (a) all biomass storage areas of the facility are located at a distance of at least 250 metres from any odour receptors~~from the nearest odour receptor~~; and

~~(b) the generating unit of the facility is located at a distance of at least 250 metres from the nearest odour receptor nearest noise receptor. O. Reg. 359/09, s. 51 (1).~~

(b) the generating unit of the facility is located at a distance of at least 250 metres from.

(i) any noise receptor described in paragraph 1, 2, 3 or 4 of subsection 1 (4), and

(ii) any noise receptor described in paragraph 5 of subsection 1 (4) that is specified by the Director in the renewable energy approval.

(2) Clause (1) (a) does not apply if, as part of an application for the issue of a renewable energy approval in respect of a Class 2 thermal treatment facility, the applicant submits an odour study report prepared in accordance with Table 1. O. Reg. 359/09, s. 51 (2).

(3) Clause (1) (b) does not apply if, as part of an application for the issue of a renewable energy approval in respect of a Class 2 thermal treatment facility, the applicant submits the following reports prepared in accordance with Table 1:

1. Emission summary and dispersion modelling report.
2. Noise study report. O. Reg. 359/09, s. 51 (3).

(4) Subsection (1) does not apply in respect of a noise receptor or odour receptor that did not exist when the person proposing to construct, install or expand a facility mentioned in subsection (1) submitted an application for the issue of a renewable energy approval to the Director.

Class 2 and 3 thermal treatment facilities

52. (1) If, in the absence of subsection 47.3 (2) of the Act, a certificate of approval or provisional certificate of approval would be required under subsection 27 (1) of the Act in respect of waste at a Class 2 or Class 3 thermal treatment facility, the applicant shall submit, as part of the application for the issue of a renewable energy approval, a financial assurance estimate related to the cost of the removal and disposal of waste from the project location. O. Reg. 359/09, s. 52 (1).

(2) The financial assurance estimate mentioned in subsection (1) shall be prepared in accordance with the methodology in the Financial Assurance Guideline. O. Reg. 359/09, s. 52 (2).

WIND FACILITIES

Class 3, 4 and 5 wind facilities

53. (1) No person shall construct, install or expand a wind turbine that is to form part of a Class 3, 4 or 5 wind facility unless,

- (a) the distance between the base of the wind turbine and any public road rights of way or railway rights of way is equivalent to, at a minimum, the length of any blades of the wind turbine, plus 10 metres; and
- (b) the distance between the base of the wind turbine and all boundaries of the parcel of land on which the wind turbine is constructed, installed or expanded is equivalent to, at a minimum, the height of the wind turbine, excluding the length of any blades. O. Reg. 359/09, s. 53 (1).

(2) Clause (1) (b) does not apply in respect of a boundary of the parcel of land on which the wind turbine is constructed, installed or expanded if the abutting parcel of land on that boundary is,

- (a) owned by the person who proposes to engage in the renewable energy project in respect of the wind turbine; or
- (b) owned by a person who has entered into an agreement with the person mentioned in clause (a) to permit the wind turbine to be located closer than the distance specified in clause (1) (b). O. Reg. 359/09, s. 53 (2).

(3) Clause (1) (b) does not apply if,

- (a) the distance between the base of the wind turbine and all boundaries of the parcel of land on which it is constructed, installed or expanded is equivalent to, at a minimum, the length of any blades plus 10 metres; and
- (b) as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of the construction, installation or expansion of the wind turbine, the person who is constructing, installing or expanding the wind turbine submits a written assessment,
 - (i) demonstrating that the proposed location of the wind turbine will not result in adverse impacts on nearby business, infrastructure, properties or land use activities, and
 - (ii) describing any preventative measures that are required to be implemented to address the possibility of any adverse impacts mentioned in subclause (i). O. Reg. 359/09, s. 53 (3).

Specified wind turbines, prohibition and requirements

54. (1) No person shall construct, install or expand a wind turbine that meets the following criteria unless the base of the wind turbine is located at a distance of at least 550 metres from the ~~nearest noise receptor~~ any of the locations described in subsection (1.1):

1. The wind turbine has a name plate capacity of greater than or equal to 50 kW.
2. The wind turbine is not located in direct contact with surface water other than in a wetland.
3. The wind turbine has a sound power level that is greater than or equal to 102 dBA. O. Reg. 359/09, s. 54 (1).

(1.1) The locations referred to in subsection (1) are the following:

1. Any noise receptor described in paragraph 1, 2, 3 or 4 of subsection 1 (4).
2. Any noise receptor described in paragraph 5 of subsection 1 (4) that is specified by the Director in the renewable energy approval.

(1.2) Subsection (1) does not apply in respect of a noise receptor that did not exist when the earliest of the following events occurred:

1. The person proposing to construct, install or expand the wind turbine issued or published a notice of completion in respect of the renewable energy generation facility pursuant to O. Reg 116/01 (Electricity Projects) made under the *Environmental Assessment Act*.
2. Subject to subsections (1.3) and (1.4), the person proposing to construct, install or expand the wind turbine,
 - i. obtained property rights sufficient to permit the construction or installation of all the wind turbines that are proposed to form part of the wind facility, if the construction or installation is on privately owned property, and
 - ii. made available or distributed a draft site plan of the project location at which the renewable energy project in respect of a wind facility would be engaged in, in accordance with section 54.1.
3. The person proposing to construct, install or expand the wind turbine submitted an application for the issue of a renewable energy approval to the Director.

(1.3) Paragraph 2 of subsection (1.2) applies only in respect of the first time the person makes available or distributes a draft site plan of the project location in respect of the renewable energy project.

(1.4) Paragraph 2 of subsection (1.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable energy project within six months after making available or distributing the draft site plan mentioned in that paragraph.

(1.5) If paragraph 2 of subsection (1.2) ceases to apply under subsection (1.4), subsection (1) does not apply in respect of a noise receptor that did not exist when the event described in paragraph 3 of subsection (1.2) occurred.

(2) Subsection (1) does not apply in respect of a wind turbine that is constructed, installed or expanded as part of a Class 4 or 5 wind facility if, as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of the facility, the person who proposes to construct, install or expand the wind turbine, submits,

(a) results of measurements or calculations showing that the lowest hourly ambient sound level at a noise receptor is greater than 40 dBA due to road traffic for wind speeds less than or equal to 4 metres per second, obtained in accordance with the publication of the Ministry of the Environment entitled NPC-206 “Sound Levels due to Road Traffic”, dated October 1995, as amended from time to time and available from the Ministry; and

(b) a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms”, dated October 2008, as amended from time to time and available from the Ministry, including a demonstration that the proposed facility will not exceed the lowest hourly ambient sound level measured or calculated under clause (a). O. Reg. 359/09, s. 54 (2).

(3) If the issue of a renewable energy approval or a certificate of approval is required in respect of the construction, installation or expansion of one or more wind turbines mentioned in subsection (1) in a circumstance described in subsection (4), the person who is constructing, installing or expanding a wind turbine shall submit, as part of the application for the issue of the renewable energy approval or certificate of approval, a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms”, dated October 2008, as amended from time to time and available from the Ministry. O. Reg. 359/09, s. 54 (3).

(4) Subsection (3) applies if,

(a) one or more of the wind turbines has a sound power level greater than 107 dBA;

(b) the application is in respect of one or more wind turbines that are to form part of a renewable energy generation facility consisting of 26 or more wind turbines, any of which has a sound power level greater than or equal to 102 dBA and less than 107 dBA; or

(c) the application is in respect of a renewable energy generation facility that would, once constructed, installed or expanded, result in 26 or more wind turbines located within a three kilometre radius of any noise receptor. O. Reg. 359/09, s. 54 (4).

(5) For the purposes of clause (4) (c), the number of wind turbines within a three kilometre radius of a noise receptor shall be calculated by determining the sum of,

- (a) the wind turbines with a sound power level equal to or greater than 102 dBA that the person proposes to construct, install or expand as part of the facility;
- (b) any wind turbines with a sound power level equal to or greater than 102 dBA that have already been constructed or installed;
- (c) any wind turbines with a sound power level equal to or greater than 102 dBA that have not yet been constructed or installed but in respect of which a renewable energy approval or certificate of approval has been issued by the Director; and
- (d) any wind turbines with a sound power level equal to or greater than 102 dBA that have been proposed to be constructed or installed and,
 - (i) in respect of which notice of the proposal for the issue of a renewable energy approval or certificate of approval has been posted on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, and
 - (ii) the Director has not refused or approved the proposal. O. Reg. 359/09, s. 54 (5).

(e) any other wind turbines with a sound power level equal to or greater than 102 dBA that have been proposed to be constructed or installed and are identified in:

(i) an environmental screening report or environmental review report that is made available under the Environmental Screening Process pursuant to O. Reg 116/01 (Electricity Projects) made under the *Environmental Assessment Act*, or

(ii) draft site plan of the project location at which the renewable energy project in respect of a wind facility will be engaged in that is made available or distributed in accordance with section 54.1.

Wind turbine location publication

54.1 For the purposes of paragraph 2 of subsection 54 (1.2), the person must comply with the following rules with respect to the draft site plan of the project location at which the renewable energy project in respect of a wind facility will be engaged in:

1. The draft site plan shall include the information set out in sub-subparagraphs 1 i A and G and subparagraph ii of item 4 of Table 1.

2. The draft site plan shall be made available, until the Director makes a decision under section 47.5 of the Act in respect of a renewable energy approval, by,

i. posting the draft site plan on the person's website, if the person has a website,

ii. making paper copies of the draft site plan available to the public in each local municipality and in each part of unorganized territory in which the project location is situated, and

iii. making paper copies of the draft site plan available,

A. in any aboriginal community on the list obtained under section 14, if the list was obtained and the aboriginal community agrees to making of the copies of the draft site plan available in the community, or

B. in any aboriginal community with reserve land within or abutting the project location, if the list was not obtained under section 14 and the aboriginal community agrees to making the draft site plan available in the community.

3. The draft site plan shall be distributed to the Director and,

i. each aboriginal community mentioned in subparagraph 5 ii of subsection 15 (6), or

ii. if the list mentioned in section 14 was not obtained, any aboriginal community with reserve land within or abutting the project location.

4. Notice of making the site plan available shall be given in a form approved by the Director and the notice shall be distributed in accordance with the following rules:

i. The notice must be published on at least two separate days in a newspaper with general circulation in each local municipality in which the project location is situated.

ii. If the project location is in unorganized territory,

A. the notice must be published on two separate days in a newspaper with general circulation within 25 kilometres of the project location, or

B. if no newspaper mentioned in subparagraph i exists, the notice must be posted in at least six conspicuous locations within 25 kilometres of the project location.

iii. If it is reasonable to do so, the notice must be published in a newspaper printed by each aboriginal community,

A. on the list obtained under section 14, if the list was obtained, and if such a newspaper exists and the publisher of the newspaper permits the publication, or

B. with reserve land within or abutting the project location, if the list under section 14 was not obtained, and such a newspaper exists and the publisher of the newspaper permits the publication.

iv. If the person has a website, the notice must be posted on the website.

v. A copy of the notice must be given to,

A. every assessed owner of land within 120 metres of the project location,

B. every assessed owner of land abutting a parcel of land on which the project location is situated, other than an owner described in sub-subparagraph A,

C. every aboriginal community,

1. mentioned in subparagraph 5 ii of subsection 15 (6), if the list under section 14 was obtained, or

2. if the list under section 14 was not obtained, any aboriginal community with reserve land within or abutting the project location.

D. the clerk of each local municipality and upper-tier municipality in which the project location is situated,

E. the secretary-treasurer of each local roads board of a local roads area in which the project location is situated,

F. the secretary of each Local Services Board of a board area in which the project location is situated,

G. the secretary-treasurer of a planning board that has jurisdiction in an area in which the project location is situated,

H. the chair of the Niagara Escarpment Commission, if the project location is in the area of the Niagara Escarpment Plan,

I. the Director, and

J. the Ministry's district manager in each district in which the project location is situated.

Wind turbines, requirements re location

55. (1) This section applies to a person who applies for the issue of a renewable energy approval or a certificate of approval in respect of a wind facility consisting of a wind turbine mentioned in subsection 54 (1) if, at the time of the application, within a three kilometre radius of a noise receptor of the facility,

- (a) the person proposes to construct or install more than one wind turbine with a sound power level equal to or greater than 102 dBA as part of the same renewable energy generation facility;
- (b) a wind turbine with a sound power level equal to or greater than 102 dBA has been constructed or installed;
- (c) the construction or installation of a wind turbine with a sound power level equal to or greater than 102 dBA has not yet been completed but a renewable energy approval or certificate of approval has been issued by the Director in respect of it; or
- (d) a wind turbine with a sound power level equal to or greater than 102 dBA has been proposed to be constructed or installed and,
 - (i) notice of the proposal for the issue of a renewable energy approval or a certificate of approval in respect of the facility has been posted on the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*, and
 - (ii) the Director has not refused or approved the proposal. O. Reg. 359/09, s. 55 (1).

(e) any other wind turbines with a sound power level equal to or greater than 102 dBA that have been proposed to be constructed or installed and are identified in:

- (i) an environmental screening report or environmental review report that is made available under the Environmental Screening Process pursuant to O. Reg 116/01 (Electricity Projects) made under the *Environmental Assessment Act*, or
- (ii) a draft site plan of the project location at which the renewable energy project in respect of a wind facility will be engaged in that is made available or distributed in accordance with section 54.1.

2

(2) Subject to subsection (3), no person shall construct, install or expand a wind turbine mentioned in subsection 54 (1) except in accordance with the following rules if, within a three kilometre radius of ~~a noise receptor~~ any of the locations described in subsection (2.1), the sum of the wind turbines at the proposed facility and the number of wind turbines mentioned in clauses (1) (b), (c) and (d) equals a number set out in Column 1 of the Table to this section:

1. If the sound power level of the wind turbines at the proposed facility corresponds to the sound power level set out in Column 2 of the Table opposite the number of wind turbines, the total distance from the base of the wind turbine to any of the locations in described in subsection (2.1) ~~its nearest noise receptor~~ shall be, at a minimum, the distance set out in Column 3 opposite the sound power level.

2. For the purposes of this section, if the proposed facility is to consist of different models of wind turbines with varying sound power levels, the greatest sound power level of a wind turbine at the proposed facility shall be deemed to be the sound power level of every wind turbine at the facility. O. Reg. 359/09, s. 55 (2).

(2.1) The locations referred to in subsection (2) are:

- 1. any noise receptor described in paragraph 1, 2, 3 or 4 of subsection 1 (4), and
- 2. any noise receptor described in paragraph 5 of subsection 1 (4) that is specified by the Director in the renewable energy approval.

(2.2) Subsection (2) does not apply in respect of a noise receptor that did not exist when the earliest of the following events occurred:

- 1. The person proposing to construct, install or expand the wind turbine issued or published a notice of completion in respect of the renewable energy generation facility pursuant to O. Reg 116/01 (Electricity Projects) made under the *Environmental Assessment Act*;
- 2. Subject to subsections (2.3) and (2.4), the person proposing to construct, install or expand the wind turbine,
 - i. obtained property rights sufficient to permit the construction or installation of all the wind turbines that are proposed to form part of the wind facility, if the construction or installation is on privately owned property, and
 - ii. made available or distributed a draft site plan of the project location at which the renewable energy project in respect of a wind facility will be engaged in, in accordance with section 54.1.
- 3. The person proposing to construct, install or expand the wind turbine submitted an application for the issue of a renewable energy approval to the Director.

(2.3) Paragraph 2 of subsection (2.2) applies only the first time the person makes available or distributes a draft site plan for the renewable energy project.

(2.4) Paragraph 2 of subsection (2.2) ceases to apply if the person does not submit an application for the issue of a renewable energy approval in respect of the renewable energy project within six months after making available or distributing the draft site plan mentioned in that paragraph.

(2.5) If paragraph 2 of subsection (2.2) ceases to apply under subsection (2.4), subsection (2) does not apply in respect of a noise receptor that did not exist when the event described in paragraph 3 of subsection (2.2) occurred.

(3) Subsection (2) does not apply if, as part of an application for the issue of a renewable energy approval or a certificate of approval in respect of a wind facility that consists of a wind turbine mentioned in subsection 54 (1), the person who is constructing, installing or expanding the facility submits a report prepared in accordance with the publication of the Ministry of the Environment entitled “Noise Guidelines for Wind farms”, dated October 2008, as amended from time to time and available from the Ministry. O. Reg. 359/09, s. 55 (3).

TABLE

Item	Column 1	Column 2	Column 3
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	Number of wind turbines calculated in accordance with subsection (2) <u>or</u> <u>(2.1)</u>	Sound power level of wind turbine (expressed in dBA)	Total distance from <u>the base of the</u> wind turbine to <u>a location described in subsection 55(1.1) nearest noise receptor of the wind turbine</u> -(expressed in metres)
1.	1-5	102	550
		103 – 104	600
		105	850
		106 – 107	950
2.	6-10	102	650
		103 – 104	700
		105	1000
		106 – 107	1200
3.	11-25	102	750
		103 – 104	850
		105	1250
		106 – 107	1500

O. Reg. 359/09, s. 55, Table.

PART VI POWERS AND DUTIES OF DIRECTOR

Great Lakes Charter

56. (1) In considering an application for the issue of a renewable energy approval, the Director shall ensure that Ontario’s obligations under the Great Lakes Charter with respect to the application are complied with. O. Reg. 359/09, s. 56 (1).

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

“Great Lakes Charter” means the Great Lakes Charter signed by the premiers of Ontario and Quebec and the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin on February 11, 1985 and amended by the Great Lakes Charter Annex, dated June 18, 2001. O. Reg. 359/09, s. 56 (2).

Discretion re reporting requirement

57. Despite the requirement in Column 2 of Item 6 of Table 1 in respect of an emission summary and dispersion modelling report, the Director may relieve an applicant from the obligation to comply with any provision of subsection 26 (1) of Ontario Regulation 419/05 (Air Pollution – Local Air Quality) made under the Act that is specified by the Director, subject to any conditions specified by the Director, if the Director is of the opinion that compliance with the provision is not necessary to understand the impact of discharges of one or more contaminants. O. Reg. 359/09, s. 57.

PART VII HEARINGS

Date to require hearing

58. For the purposes of subsection 142.1 (2) of the Act, the prescribed day is the day on which notice of the decision made by the Director under clause 47.5 (1) (a), subsection 47.5 (2) or (3) of the Act is published in the environmental registry established under section 5 of the *Environmental Bill of Rights, 1993*. O. Reg. 359/09, s. 58.

Date of deemed confirmation

59. (1) Subject to subsection (2), the prescribed period of time for the purposes of subsection 145.2.1 (6) of the Act is six months from the day that the notice is served upon the Tribunal under subsection 142.1 (2) of the Act. O. Reg. 359/09, s. 59 (1).

(2) For the purposes of calculating the time period mentioned in subsection (1), any of the following periods of time shall be excluded from the calculation of time:

1. Any period of time occurring during an adjournment of the proceeding if,
 - i. the adjournment is granted by the Tribunal on the consent of the parties, or
 - ii. the adjournment is on the initiative of the Tribunal or granted by the Tribunal on the motion of one of the parties and the Tribunal determines that an adjournment is necessary to secure a fair and just determination of the proceeding on its merits.
2. If an application for judicial review under the *Judicial Review Procedure Act* has been commenced with respect to the proceeding, the period of time from the day that the application is commenced until the day that the application is disposed of, if an adjournment of the proceeding before the Tribunal is granted by the Tribunal or a stay of the proceeding before the Tribunal is granted by the Divisional Court. O. Reg. 359/09, s. 59 (2).

Exemption, s. 142.1 of the Act

60. Section 142.1 of the Act does not apply in respect of a renewable energy approval if the conditions set out in subclause 176 (9.1) (b) (i), (ii) or (iii) of the Act are met. O. Reg. 359/09, s. 60.

61. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 359/09, s. 61.

TABLE 1
(REPORTS (SEE SECTION 13))

Item	Column 1	Column 2	Column 3
	Name of document	Requirements	Renewable energy project
1.	Construction plan report	Set out a description of the following in respect of the renewable energy project: <ol style="list-style-type: none"> 1. Details of any construction or installation activities. 2. The location and timing of any construction or installation activities for the duration of the construction or installation. 3. Any negative environmental effects that may result from construction or installation activities within a 300 metre radius of the activities. 4. Mitigation measures in respect of any negative environmental effects mentioned in paragraph 3. 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.
2.	Consultation report	Set out information relating to consultations conducted in respect of the renewable energy project, including the following: <ol style="list-style-type: none"> 1. A summary of communication with any members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards regarding the project. 2. Evidence that the information required to be distributed to aboriginal communities under subsection 17 (1) was distributed. 3. Any information provided by an aboriginal community in response to a request made under paragraph 4 of subsection 17 (1). 4. Evidence that a consultation form was distributed in accordance with subsection 18 (1). 5. The consultation form distributed under subsection 18 (1), if any part of it has been completed by a municipality, local roads board or Local Services Board. 6. A description of whether and how, <ol style="list-style-type: none"> i. comments from members of the public, aboriginal communities, municipalities, local roads boards and Local Services Boards were considered by the person who is engaging in the project, ii. the documents that were made available under subsection 16 (5) were amended after the final public meeting was held, and iii. the proposal to engage in the project was altered in response to comments mentioned in subparagraph i. 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.
3.	Decommissioning plan report	Set out a description of plans for the decommissioning of the renewable energy generation facility, including the following: <ol style="list-style-type: none"> 1. Procedures for dismantling or demolishing the facility. 2. Activities related to the restoration of any land and water negatively affected by the facility. 3. Procedures for managing excess materials and waste. 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.
4.	Design and operations report	<ol style="list-style-type: none"> 1. Set out a site plan of the project location at which the renewable energy project will be engaged in, including, <ol style="list-style-type: none"> i. one or more maps or diagrams of, <ol style="list-style-type: none"> A. all buildings, structures, roads, utility corridors, rights of way and easements required in respect of the renewable energy generation facility and situated within 300 metres of the facility, B. any ground water and surface water supplies used at the facility, C. any things from which contaminants are discharged into the air, D. any works for the collection, transmission, treatment and disposal of sewage, E. any areas where waste, biomass, source separated organics and farm material are stored, handled, processed or disposed of, 	Any renewable energy project, other than a project in respect of a Class 2 wind facility.

- F. the project location in relation to any of the following within 125 metres: ~~properties described in Column 1 of the Table to section 19, heritage resources, archaeological resources~~, the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Conservation Plan, the area of the Niagara Escarpment Plan, the Protected Countryside, the Lake Simcoe watershed, and
- G. any noise receptors or odour receptors that may be negatively affected by the use or operation of the facility,
 - ii. a description of each item diagrammed under subparagraph i, and
 - iii. one or more maps or diagrams of land contours, surface water drainage and any of the following, if they have been identified in complying with this Regulation: properties described in Column 1 of the Table to section 19, heritage resources, archaeological resources, water bodies, significant or provincially significant natural features and any other natural features identified in the Protected Countryside or in the portion of the Oak Ridges Moraine Conservation Plan Area that is subject to the Oak Ridges Moraine Plan.
 - iv. a description, map or diagram of the distance between the base of any wind turbines and any public road rights of way or railway rights of way that are within a distance equivalent to the length of any blades of the wind turbine, plus 10 metres,
 - v. a description, map or diagram of the distance between the base of any wind turbines and all boundaries of the parcel of land on which the wind turbine is constructed, installed or expanded within a distance equivalent to the height of the wind turbine, excluding the length of any blades.
 - vi. a description, map or diagram of the distance between the base of each wind turbine and the nearest noise receptor.
- 2. Set out conceptual plans, specifications and descriptions related to the design of the renewable energy generation facility, including a description of,
 - i. any works for the collection, transmission, treatment and disposal of sewage, including details of any sediment control features and storm water management facilities,
 - ii. any things from which contaminants are discharged into the air, and
 - iii. any systems, facilities and equipment for receiving, handling, storing and processing any waste, biomass, source separated organics, farm material and biogas.
- 3. Set out conceptual plans, specifications and descriptions related to the operation of the renewable energy generation facility, including,
 - i. in respect of any water takings,
 - A. a description of the time period and duration of water takings expected to be associated with the operation of the facility,
 - B. a description of the expected water takings, including rates, amounts and an assessment of the availability of water to meet the expected demand, and
 - C. an assessment of and documentation showing the potential for the facility to interfere with existing uses of the water expected to be taken,
 - ii. a description of the expected quantity of sewage produced and the expected quality of that sewage at the project location and the manner in which it will be disposed of, including details of any sediment control features and storm water management facilities,
 - iii. a description of any expected concentration of air contaminants discharged from the facility,
 - iv. in respect of any biomass, source separated organics and farm material at the facility,
 - A. the maximum daily quantity that will be accepted,
 - B. the estimated annual average quantity that will be accepted,
 - C. the estimated average time that it will remain at the facility, and
 - D. the estimated average rate at which it will be used, and
 - v. in respect of any waste generated as a result of processes at the project location, the management and disposal of such waste, including,

		<ul style="list-style-type: none"> A. the expected types of waste to be generated, B. the estimated maximum daily quantity of waste to be generated, by type, C. processes for the storage of waste, and D. processes for final disposal of waste. <p>4. Include an environmental effects monitoring plan in respect of any negative environmental effects that may result from engaging in the renewable energy project, setting out,</p> <ul style="list-style-type: none"> i. performance objectives in respect of the negative environmental effects, ii. mitigation measures to assist in achieving the performance objectives mentioned in subparagraph i, iii. a program for monitoring negative environmental effects for the duration of the time that the project is engaged in, including a contingency plan to be implemented if any mitigation measures fail. <p>5. Include a response plan setting out a description of the actions to be taken while engaging in the renewable energy project to inform the public, aboriginal communities and municipalities, local roads boards and Local Services Boards with respect to the project, including,</p> <ul style="list-style-type: none"> i. measures to provide information regarding the activities occurring at the project location, including emergencies, ii. means by which persons responsible for engaging in the project may be contacted, and iii. means by which correspondence directed to the persons responsible for engaging in the project will be recorded and addressed. <p>6. If the project location is in the Lake Simcoe watershed, a description of whether the project requires alteration of the shore of Lake Simcoe, the shore of a fresh water estuary of a stream connected to Lake Simcoe or other lakes or any permanent or intermittent stream and,</p> <ul style="list-style-type: none"> i. how the project may impact any shoreline, including the ecological functions of the shoreline, and ii. how the project will be engaged in to, <ul style="list-style-type: none"> A. maintain the natural contour of the shoreline through the implementation of natural shoreline treatments, such as planting of natural vegetation and bioengineering, and B. use a vegetative riparian area, unless the project location is used for agricultural purposes and will continue to be used for such purposes. 	
5.	Effluent management plan report	<p>Set out a description of the following in respect of the renewable energy project:</p> <ul style="list-style-type: none"> 1. The quality and quantity of all sewage that is expected to be produced by or at the renewable energy generation facility. 2. The manner in which the sewage mentioned in paragraph 1 is proposed to be treated and disposed of, including details of any sediment control features and storm water management facilities. 3. Mitigation measures to ensure that the sewage mentioned in paragraph 1 will not result in negative environmental effects on the quality of any water. 4. If the sewage mentioned in paragraph 1 is proposed to be discharged into surface water, the assimilative capacity of the receiving water body. 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 2 or 3 anaerobic digestion facility. 2. A Class 1, 2 or 3 thermal treatment facility.
6.	Emission summary and dispersion modelling report	<p>Subject to section 57, report to be prepared in accordance with section 26 of Ontario Regulation 419/05 (Air Pollution — Local Air Quality) made under the Act.</p>	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 3 anaerobic digestion facility. 2. Class 1 thermal treatment facility, if the generating unit of the facility is located at a location other than a farm operation. 3. A Class 3 thermal treatment facility.

			<ul style="list-style-type: none"> 4. A biogas facility. 5. A biofuel facility.
7.	Hydrogeological assessment report	<ul style="list-style-type: none"> 1. Report to be completed by one of the following persons after the person has conducted a hydrogeological assessment in respect of the renewable energy project: <ul style="list-style-type: none"> i. A professional engineer. ii. A professional geoscientist. iii. A person working under the supervision of a person mentioned in subparagraph i or ii. 2. Set out the following information in respect of the renewable energy project: <ul style="list-style-type: none"> i. Plans, specifications and descriptions of the geological and hydrogeological conditions of the land within 300 metres of any biomass storage areas, source separated organics storage areas, farm material storage areas, storage tanks and digester tanks. ii. An assessment of the suitability of the project location for the handling, storage and processing of biomass, taking into account, <ul style="list-style-type: none"> A. the design of the facility, including existing features and features that are proposed to be implemented to control the expected production of leachate, B. the ability to identify, through monitoring, any negative environmental effects that may result on ground water from leachate production, and C. the feasibility of contingency plans that could be implemented to control leachate produced in a quantity greater than expected or with a quality worse than expected. 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 2 anaerobic digestion facility if, <ul style="list-style-type: none"> i. the facility is located at a farm operation, and ii. section 10 or 13 of Ontario Regulation 267/03 (Nutrient Management Strategies) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation. 2. A Class 3 anaerobic digestion facility. <u>3. A Class 2 thermal treatment facility if section 10 or 13 of Ontario Regulation 267/03 (Nutrient Management Strategies) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation where the facility is located.</u> 34. A Class 3 thermal treatment facility.
8.	Noise study report	Report to be prepared in accordance with Appendix A of the publication of the Ministry of the Environment entitled, "Basic Comprehensive Certificates of Approval (Air) – User Guide", dated April 2004, as amended from time to time and available from the Ministry.	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 3 anaerobic digestion facility. 2. Class 1 thermal treatment facility, if the generating unit of the facility is located anywhere other than at a farm operation. 3. A Class 3 thermal treatment facility. 4. A biogas facility. 5. A biofuel facility. 6. A Class 3 solar facility.
9.	Odour study report	Set out a description of the following in respect of the renewable energy project: <ul style="list-style-type: none"> 1. The significant process and fugitive sources of odour discharge from the renewable energy generation facility. 2. Any negative environmental effects that may result from the odour discharge mentioned in paragraph 1 at all odour receptors. 3. The technical methods that are expected to be employed to mitigate any negative environmental effects mentioned in paragraph 2 and the negative environmental effects that are expected to result if the technical methods are employed 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 3 anaerobic digestion facility. 2. A biogas facility. 3. A biofuel facility. <u>4. A Class 3 Thermal Treatment Facility.</u>
10.	Project description report	Set out a description of the following in respect of the renewable energy project: <ul style="list-style-type: none"> 1. Any energy sources to be used to generate electricity at the renewable energy generation facility. 2. The facilities, equipment or technology that will be used to convert the renewable energy source or any other energy source to electricity. 3. If applicable, the class of the renewable energy generation facility. 	Any renewable energy project.

		<p>4. The activities that will be engaged in as part of the renewable energy project.</p> <p>5. The name plate capacity of the renewable energy generation facility.</p> <p>6. 6. The ownership of the land on which the project location is to be situated</p> <p>6.7. <u>If the person proposing to engage in the project does not own the land on which the project location is to be situated, a description of the permissions that are required to access the land and whether they have been obtained.</u></p> <p>7.8. Any negative environmental effects that may result from engaging in the project.</p> <p>8.9. An unbound, well marked, legible and reproducible map that is an appropriate size to fit on a 215 millimetre by 280 millimetre page, showing the project location and the land within 300 metres of the project location.</p>	
11.	Surface water assessment report	<p>1. Report to be completed by one of the following persons after the person has carried out a surface water assessment in respect of the renewable energy project:</p> <ul style="list-style-type: none"> i. A professional engineer. ii. A professional geoscientist. iii. A person working under the supervision of a person mentioned in subparagraph i or ii. <p>2. Set out the following information:</p> <ul style="list-style-type: none"> i. Plans, specifications and descriptions of the surface water features at the project location and any surface water features that will receive a direct discharge of sewage as part of engaging in the project. ii. An assessment of the suitability of the facility for the handling, storage and processing of biomass, source separated organics or farm material, taking into account, <ul style="list-style-type: none"> A. the design of the facility, including features that will be implemented to control the expected production of leachate, the flow of surface water and erosion and sedimentation resulting from the flow of surface water, B. the surface water features within 300 metres of the location where biomass, source separated organics or farm material will be handled, stored or processed, any surface water features that will receive a direct discharge of sewage from the facility and the surface water features of the project location, C. the ability to identify any negative environmental effects of leachate production on the surface water by monitoring, and D. the feasibility of contingency plans that can be implemented to control the negative environmental effects on surface water resulting from the production of leachate in a quantity greater than expected or with a quality worse than expected. 	<p>A renewable energy project in respect of one of the following facilities:</p> <ul style="list-style-type: none"> 1. A Class 2 anaerobic digestion facility if, <ul style="list-style-type: none"> i. the facility is located at a farm operation, and ii. section 10 or 13 of Ontario Regulation 267/03 (Nutrient Management Strategies) made under the <i>Nutrient Management Act, 2002</i> does not apply to the farm operation. 2. A Class 3 anaerobic digestion facility. 3. A Class 1, 2 or 3 thermal treatment facility.
12.	Off-shore wind facility report	<p>Set out a description of the following:</p> <ul style="list-style-type: none"> 1. The nature of the existing environment in which the renewable energy project will be engaged. 2. Any negative environmental effects that may result from engaging in the renewable energy project. 3. Mitigation measures in respect of any negative environmental effects identified in paragraph 2 and the negative environmental effects that are expected to result if the measures are implemented. 	<p>A renewable energy project in respect of a Class 5 wind facility.</p>
13.	Specifications report, Class 2	Provide:	A renewable energy project in respect of a Class 2 wind facility.

	wind facility	<ol style="list-style-type: none"> 1. All of the manufacturer's specifications that are available in respect of the wind turbine. 2. The acoustic emissions in terms of overall sound power level and the corresponding frequency spectrum, in terms of octave-band sound power levels. 3. A site plan, drawn to scale, including the project location, property boundaries, location of all proposed wind turbines and all noise receptors and public roads (within a 1 kilometre radius from the base of each wind turbine). 2. A table listing the distances from the base of each proposed wind turbine relative to each noise receptor diagrammed under paragraph 3 in metres. 	
14.	Specifications report, wind facility (not class 2)	Provide specifications of each wind turbine, including make, model, name plate capacity, hub height above grade, rotational speeds and acoustic emissions data, including the overall sound power level, uncertainty value, octave-band sound power levels (linear weighted) and tonal audibility calculated in accordance with standard CAN/CSA-C61400-11-07, "Wind Turbine Generator Systems - Part 11: Acoustic Noise Measurement Techniques", dated October 2007, rounded to the nearest whole number.	A renewable energy project in respect of a Class 3, 4 or 5 wind facility.

O. Reg. 359/09, Table 1.

TABLE 2
(DISTANCE FOR LIQUID DIGESTATE STORAGE (SEE SECTIONS 47 AND 48))

Item	Column 1	Column 2
	Total Liquid Digestate Storage Volume (m ³)	Distance (m)
	≤1000	125
	>1000 and ≤ 1250	129
	>1250 and ≤ 1500	134
	>1500 and ≤ 1750	139
	>1750 and ≤ 2000	144
	>2000 and ≤ 2250	151
	>2250 and ≤ 2500	156
	>2500 and ≤ 2750	162
	>2750 and ≤ 3000	167
	>3000 and ≤ 3250	171
	>3250 and ≤ 3500	176
	>3500 and ≤ 3750	180
	>3750 and ≤ 4000	184
	>4000 and ≤ 4250	188
	>4250 and ≤ 4500	192
	>4500 and ≤ 4750	196
	>4750 and ≤ 5000	199
	>5000 and ≤ 5500	206
	>5500 and ≤ 6000	212
	>6000 and ≤ 6500	218
	>6500 and ≤ 7000	224
	>7000 and ≤ 7500	229
	>7500 and ≤ 8000	235
	>8000 and ≤ 8500	240
	>8500 and ≤ 9000	245
	>9000 and ≤ 9500	249
	>9500 and ≤ 10000	254
	>10000 and ≤ 11000	262
	>11000 and ≤ 12000	271
	>12000 and ≤ 13000	278
	>13000 and ≤ 14000	286
	>14000 and ≤ 15000	292
	>15000 and ≤ 16000	299
	>16000 and ≤ 17000	306
	>17000 and ≤ 18000	312
	>18000 and ≤ 19000	318

	>19000 and ≤ 20000	323
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O. Reg. 359/09, Table 2.

TABLE 3
(DISTANCE FOR SOLID DIGESTATE STORAGE (SEE SECTIONS 47 AND 48))

Item	Column 1 Total Solid Digestate Storage Volume (m ³)	Column 2 Distance (m)
1.	≤ 2000	125
2.	> 2000 and ≤ 2250	132
3.	> 2250 and ≤ 2500	137
4.	> 2500 and ≤ 2750	141
5.	> 2750 and ≤ 3000	146
6.	> 3000 and ≤ 3250	150
7.	> 3250 and ≤ 3500	154
8.	> 3500 and ≤ 3750	158
9.	> 3750 and ≤ 4000	161
10.	> 4000 and ≤ 4250	165
11.	> 4250 and ≤ 4500	168
12.	> 4500 and ≤ 4750	171
13.	> 4750 and ≤ 5000	174
14.	> 5000 and ≤ 5500	180
15.	> 5500 and ≤ 6000	186
16.	> 6000 and ≤ 6500	191
17.	> 6500 and ≤ 7000	196
18.	> 7000 and ≤ 7500	201
19.	> 7500 and ≤ 8000	205
20.	> 8000 and ≤ 8500	210
21.	> 8500 and ≤ 9000	214
22.	> 9000 and ≤ 9500	218
23.	> 9500 and ≤ 10000	222
24.	> 10000 and ≤ 11000	230
25.	> 11000 and ≤ 12000	237
26.	> 12000 and ≤ 13000	243
27.	> 13000 and ≤ 14000	250
28.	> 14000 and ≤ 15000	256
29.	> 15000 and ≤ 16000	262
30.	> 16000 and ≤ 17000	267
31.	> 17000 and ≤ 18000	273
32.	> 18000 and ≤ 19000	278
33.	> 19000 and ≤ 20000	283

O. Reg. 359/09, Table 3.

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Attachment No. 2

Renewable Energy Approvals Municipal Consultation Form

Ministry of the Environment

PART A: TO BE COMPLETED BY THE APPLICANT BEFORE SUBMITTING TO MUNICIPALITY OR LOCAL AUTHORITY
Section 1 - Project Description

1.1 - Renewable Energy Project
Project Name <i>(Project identifier to be used as a reference in correspondence)</i>

Project Location					
Same as Applicant Physical Address? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, please provide site address information below)					
Civic Address- Street information <i>(includes street number, name, type and direction)</i>					Unit Identifier <i>(i.e. apartment number)</i>
Survey Address <i>(Not required if Street Information is provided)</i>					
Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number. Lot Conc.			Part and Reference: used to indicate location within unorganized territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan. Part Reference Plan		
Location Information <i>(includes any additional information to clarify physical location)(e.g. municipality, ward/ township)</i>					
Geo Reference <i>(e.g. southwest corner of property)</i>					
Map Datum	Zone	Accuracy Estimate	Geo Referencing Method	UTM Easting	UTM Northing

Project Phasing <i>(outline construction, operation and decommissioning activities)</i>

1.2 - Environmental Context
Describe any negative environmental effects that may result from engaging in the project <i>(consider construction, operation and decommissioning activities.)</i>
Propose early avoidance/prevention/mitigation concepts and measures.

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1.3 - Renewable Energy Generation Facility

Type of Facility / Operation *(select all that apply & complete all appropriate sections)*

<input type="checkbox"/> Wind Facility (Land Based) <input type="checkbox"/> Wind Facility (Off-Shore) <input type="checkbox"/> Biogas Facility (Anaerobic Digesters) <input type="checkbox"/> Biomass Facility (Thermal Treatment)	<input type="checkbox"/> Biofuel Facility <input type="checkbox"/> Solar Photo Voltaic Facility <input type="checkbox"/> Other Describe : <input type="checkbox"/> Class (if applicable) :
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Name Plate Capacity	Expected Generation	Service Area	Total Area of Site <i>(hectares)</i>

Provide a description of the facilities equipment or technology that will be used to convert the renewable energy source or any other energy source to electricity.

1.4 – Renewable Energy Generation Activities

Describe the activities that will be engaged in as part of the renewable energy project

Section 2 – Supporting Documents

2.1 – Requirement	Name of Draft documents distributed for consultation	Date available to Municipal or Local Authority Contact
DRAFT Project Description Report		
DRAFT Design and Operations Report		
DRAFT Construction Plan Report		
DRAFT Decommissioning Plan Report		
List of other Documents		

Location where written draft reports can be obtained for public inspection *(physical location for viewing and the applicants project website if one is available):*

Section 3 – Applicant Address and Contact Information

3.1 - Applicant Information <i>(Owner of project/facility)</i>				
Applicant Name <i>(legal name of individual or organization as evidenced by legal documents)</i>			Business Identification Number	
Business Name <i>(the name under which the entity is operating or trading - also referred to as trade name)</i>			<input type="checkbox"/> same as Applicant Name	
Civic Address- Street information <i>(includes street number, name, type and direction)</i>			Unit Identifier <i>(i.e. apartment number)</i>	
Survey Address <i>(Not required if Street Information is provided)</i>				
Lot and Conc.: used to indicate location within a subdivided township and consists of a lot number and a concession number.		Part and Reference: used to indicate location within an unsubdivided township or unsurveyed territory, and consists of a part and a reference plan number indicating the location within that plan. Attach copy of the plan.		
Lot	Conc.	Part	Reference Plan	
Municipality	County/District	Province/State	Country	Postal Code

PART B: TO BE COMPLETED BY THE MUNICIPALITY OR LOCAL AUTHORITY

Section 4 - Municipal or Local Authority Contact Information (check the one that applies)

Local Municipality <i>(include each local municipality in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Municipality	Address	Phone	Clerk's Name	Clerk's Phone/Fax	E-Mail Address
Upper Tier Municipality <i>(include each upper tier municipality in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Municipality	Address	Phone	Clerk's name	Clerk's Phone/Fax	E-Mail Address
Local roads area <i>(include each local roads area in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of local roads board	Address	Phone	Secretary-treasurer's Name	Secretary-treasurer's Phone/Fax	E-Mail Address
Board Area <i>(include each board area in which project location is situated)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No					
Name of Local Service Board	Address	Phone	Secretary's name	Secretary's Phone/Fax	E-Mail Address

Section 5: Consultation Requirement

5.1 - Project Location
Provide comment on the project location with respect to infrastructure and servicing.
5.2 – Project Roads
Provide comment on the proposed project's plans respecting proposed road access.
Identify any issues and provide recommendations with respect to road access
Provide comment on any proposed Traffic Management Plans
Identify any issues and provide recommendations with respect to the proposed Traffic Management Plans

5.3 – Municipal or Local authority Service Connections

Provide comment on the proposed project plans related to the location of and type of municipal service connections, other than roads.

Identify any issues and provide recommendations with respect to the type of municipal service connections, other than roads.

5.4 – Facility Other

Identify any issues and recommendations with respect to the proposed landscaping design for the facility

Provide comment on the proposed project plans for emergency management procedures / safety protocols.

Identify any issues and recommendations with respect to the proposed emergency management procedures / safety protocols.

Identify any issues and recommendations with respect to any Easements or Restrictive Covenants associated with the Project Location

5.5 Project Construction

Identify any issues and recommendations with respect to the proposed rehabilitation of any temporary disturbance areas and any municipal or local authority infrastructure that could be damaged during construction.

Identify any issues and recommendations with respect to the proposed location of fire hydrants and connections to existing drainage, water works and sanitary sewers

Identify any issues and recommendations with respect to the proposed location of buried kiosks and above-grade utility vaults

Identify any issues and recommendations with respect to the proposed location of existing and proposed gas and electricity lines and connections

Provide comment on the proposed project plans with respect to Building Code permits and licenses.

Identify any issues and recommendations related to the identification of any significant natural features and water bodies within the municipality or territory.

Identify any issues and recommendations related to the identification any archaeological resource or heritage resource.

**TOWN OF AJAX
REPORT**



REPORT TO: General Government Committee

SUBMITTED BY: Dave Meredith
Director, Operations and Environmental Services

PREPARED BY: Scott Glew
Fleet Manager

SUBJECT: Pre-budget Approval 2011 Capital Equipment Acquisitions

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That Council provide pre-budget approval for staff to proceed with the tender of selected replacement and growth related equipment at an estimated combined cost of \$ 843,500.00.

BACKGROUND:

Staff have completed evaluations on all vehicles included in the 2011 Capital Equipment Replacement Forecast. Each year, the decision to replace vehicles is based on life cycle, as well as their exterior and mechanical condition.

The recommended acquisition of the growth related vehicles and equipment, is based on the 2008 Development Charge background study, endorsed by Council. The equipment has been recommended based on strategic needs assessed during the background study. The acquisitions will fulfill the levels of service requirements and customer service standards identified for grounds maintenance and winter control based on the planned assumption of parks and roads in 2011.

The recommendation for pre-budget approval proposed at this time will enable Town staff to proceed with the acquisition of replacement and growth related equipment requirements to meet the department's seasonal demands.

DISCUSSION:

It is desirable to have Council provide pre-budget approval for the identified capital growth related and replacement equipment, to ensure adequate time for tendering, awarding and delivering these pieces of equipment in time for the peak seasonal demands.

1) Replacement Vehicles

As part of a long term fleet right-sizing strategy, the equipment acquisitions for user departments has been scrutinized to take advantage of smaller, more fuel efficient and environmentally friendly pieces of equipment.

All vehicles planned for replacement are specified to be bio-fuel compatible or clean diesel compliant engine units. In acquiring these units, the environmental impacts will be greatly reduced over the existing vehicles, as the new vehicles will meet the stringent 2010 EPA guidelines for emissions.

2) Growth Related Vehicles

The growth related equipment being recommended for acquisition, have been identified in the 2008 Development Charge Background Study, endorsed by Council. These pieces of equipment are required to continue to provide excellent customer service and maintain our current levels of service.

Financial Implication

<u>Replacement Equipment</u>			
<u>Dept.</u>	<u>Fleet #</u>	<u>Description</u>	<u>Estimated Repl. Cost</u>
Fire	395-0	3/4 Ton 4x4 Pickup Truck	\$ 60,000.00
Ops.	692-0	Sports-field Mower	\$ 120,000.00
Ops.	634-0	Playground Truck	\$ 60,000.00
Ops.	612-0	Crew Cab 4x4 Pickup Truck	\$ 60,000.00
Ops.	610-0	½ Ton Pick-up Truck	\$ 30,000.00
Ops.	N/A	Scissor Lift	\$ 30,000.00
Ops	683-6	Front Mounted Rotary Mower	\$ 30,000.00
Ops	683-7	Front Mounted Rotary Mower	\$ 30,000.00
Total Estimated Cost for Replacement Equipment			<u>\$ 420,000.00</u>

Funding for the replacement equipment will be from the Vehicle/Equipment Reserve Fund.

Additional Growth Related Equipment

<u>Dept.</u>	<u>Description</u>	<u>Estimated Cost</u>
Ops.	Articulating Sidewalk Tractor w/plow & salter	\$ 130,000.00
Ops.	Snow Plow	\$ 243,500.00
Ops.	Playground Truck	\$ 50,000.00
Total Estimated Cost for Additional Growth Related Equipment		<u>\$ 423,500.00</u>
Funding for the additional equipment will be as follows:		
	Development Charges	\$ 419,000.00
	Capital Projects Reserve	<u>\$ 4,500.00</u>
	Total	<u>\$ 423,500.00</u>

The 2011 Capital Budget/2012-2015 Long Range Capital Forecast Detail Sheets are attached to this report.

COMMUNICATION ISSUES:

N/A

CONCLUSION:

Pre-budget approval from Council will provide authorization for staff to proceed with the tendering of the required replacement and growth related equipment. This pre-budget approval will ensure the timely delivery of the needed vehicles and equipment to meet seasonal demands, while at the same time ensure these acquisitions are procured to obtain the best pricing.

S. Glew - Fleet Manager

D. Meredith - Director, Operations and Environmental Services

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	630 - Fire Emergency Services	BUSINESS UNIT NO:	2030
PROJECT NAME:	Replacement Equipment - Unit #395-0		
START YEAR:	2011	CAPITAL COST:	\$ 60,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 2002 Extended cab 4x4

Rationale: The existing piece of equipment is used year round by Fire and Emergency Services to perform fire prevention inspections and to haul the Fire Prevention "smoke house" Trailer for educational purposes.

The unit has been inspected and based on the increasing maintenance requirements, mileage, the vehicle's history of repairs and downtime, it is recommended that this unit be replaced given that it is at the end of its useful life.

The replacement unit will be more fuel efficient and will come equipped with a diesel engine that meets the 2010 emissions standards. It will be better equipped to tow the trailer with an electronically controlled trailer braking system, draw bar and towing package. This piece of equipment will be adorned with the Town of Ajax Fire and Emergency decals, reflective safety striping and an emergency lighting package.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	60,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	60,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	60,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	60,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	644 - Ops Env. Services - Env. Services	BUSINESS UNIT NO:	3310
PROJECT NAME:	Replacement Equipment - Unit #692-0		
START YEAR:	2011	CAPITAL COST:	\$ 120,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 1999 articulating tractor with a sportsfield large area mower.

Rationale: The existing piece of equipment is used year round in the parks system, on Town sidewalks and in open green spaces for seasonal maintenance demands. The unit plows snow and disperses salt in the trails system and on sidewalks during the winter seasons, while rough cutting large open green spaces and trails during the growing season.

The unit has been inspected and based on the increasing maintenance requirements, high hours of usage, and the piece of equipment's history of repairs and downtime, it is recommended that this unit be replaced given that it is at the end of its useful life.

This piece of equipment is a utility vehicle used for snow plowing, salting, snow blowing and grounds maintenance. It is being recommended that this piece of equipment be replaced with a dedicated seasonal large area sportsfield mower. The recommended replacement mower will produce a high quality cut, possess the ability to stripe the sportsfields and aid in the ability of staff to keep up with the turf maintenance demands for the numerous sportsfields in Town

The replacement unit will be more activity specific for sports turf, come with 5-7 mowing heads with striping rollers and a cab that has integrated roll-over protection, up to date safety features (safety seat switches, slope meters) and diesel engine that meets the new Tier 3 emissions standards. This piece of equipment will be adorned with the Town of Ajax decal and reflective safety striping and a lighting package.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	120,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	120,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	120,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	120,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	644 - Ops Env. Services - Env. Services	BUSINESS UNIT NO:	3310
PROJECT NAME:	Replacement Equipment - Unit #634-0		
START YEAR:	2011	CAPITAL COST:	\$ 60,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 2002 cut away van with a unicell body.

Rationale: The existing piece of equipment is used year round in the parks system to maintain the Town's playground infrastructure. The unit carries an inventory of parts and tools to perform maintenance, parts replacement and graffiti removal on all playgrounds throughout the Town.

The unit has been inspected and based on the increasing maintenance requirements, high mileage, the vehicle's history of repairs and downtime, it is recommended that this unit be replaced given that it is at the end of its useful life.

The replacement unit will be a larger, more robust vehicle. It will have the ability to carry significantly more parts and tools, and reduce the number of times staff will need to acquire hardware at local businesses or return to the Operations yard for specialty tools. The vehicle will also be more fuel efficient and will come equipped with a diesel engine that meets the 2010 emissions standards. This piece of equipment will be adorned with the Town of Ajax decal and reflective safety striping and a lighting package.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	60,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	60,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	60,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	60,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	644 - Ops Env. Services - Env. Services	BUSINESS UNIT NO:	3310
PROJECT NAME:	Replacement Equipment - Unit #612-0		
START YEAR:	2011	CAPITAL COST:	\$ 60,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 2002 Crew cab 4x4 with plow.

Rationale: The existing piece of equipment is used year round in the parks system to maintain the Town's trails, parks and open green spaces. During the growing season, the unit transports four crew members, carries four string trimmers, two back pack blowers and tows a large landscape trailer with a zero radius mower and a front mounted rotary mower on board. During winter control, the unit plows trails, parking lots and is utilized for the senior snow removal program.

The unit has been inspected and based on the increasing maintenance requirements, high mileage, the vehicles history of repairs and downtime, it is recommended that this unit be replaced given that it is at the end of its useful life.

The replacement unit will be more fuel efficient and will come equipped with a diesel engine that meets the 2010 emissions standards. It will also come equipped with a V-plow to more easily remove snow and not leave behind windrows, during winter control. This piece of equipment will be adorned with the Town of Ajax decal and reflective safety striping and a lighting package.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	60,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	60,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	60,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	60,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	643 - Ops Env. Services - Operations	BUSINESS UNIT NO:	3140
PROJECT NAME:	Replacement Equipment - Unit #610-0		
START YEAR:	2011	CAPITAL COST:	\$ 30,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 2002 Pick-up Truck.

Rationale: The existing vehicle was a former roads inspection vehicle that was transferred to the Capital Projects section where it is used on a daily basis to inspect construction projects all over town. This vehicle is required to ensure staff can reliably access all job sites.

The unit has been reviewed and based on the increasing maintenance requirements, extremely high mileage, the vehicle's history of repairs and downtime, it is recommended that this vehicle be replaced given that it is at the end of its useful life.

The replacement vehicle will be a more fuel efficient, reliable model outfitted with safety equipment, inspection apparatus, a Global Positioning System and road temperature sensor. This vehicle will be equipped with the Town of Ajax decal, safety lighting and a reflective striping package for 360 degree visibility.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	30,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	30,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	30,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	30,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	647 - Ops Env. Services - Building Maintenance	BUSINESS UNIT NO:	3602
PROJECT NAME:	Replacement Equipment - Scissor Lift		
START YEAR:	2011	CAPITAL COST:	\$ 30,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 1995 20ft scissor lift.

Rationale: The existing piece of equipment is used throughout the Town for building maintenance and repairs.

The unit has been reviewed and based on its inability to reach the heights of the new Operations yard roof or the top of the salt dome, it is recommended that this piece of equipment be replaced given that it is at the end of its useful life.

The replacement lift will have the ability to reach the heights of the new facilities, be wider (for better stability) and have all the up to date safety features mandated by the provincial ministries.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	30,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	30,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	30,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	30,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	643 - Ops Env. Services - Operations	BUSINESS UNIT NO:	3140
PROJECT NAME:	Replacement Equipment - Unit #683-6		
START YEAR:	2011	CAPITAL COST:	\$ 30,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 2003 John Deere F1445 Front Runner.

Rationale: The existing piece of equipment is used (seasonally) daily by an Operations Crew to maintain park space, boulevards and open green spaces throughout the Town. This equipment is an integral part of the grounds maintenance program and an imperative piece of equipment to ensure level of service standards are adhered to on a seasonal basis.

The unit has been inspected and based on the increasing maintenance requirements, high hours of usage, history of repairs and downtime, it is recommended that this front mounted rotary mower be replaced given that it is at the end of its useful life.

The replacement vehicle will be a more fuel efficient, reliable model outfitted with roll-over protection, up to date safety features (safety seat switches, slope meters) and diesel engine that meets the new Tier 3 emissions standards. This equipment will be adorned with the Town of Ajax decal and reflective safety striping.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	30,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	30,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	30,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	30,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	643 - Ops Env. Services - Operations	BUSINESS UNIT NO:	3140
PROJECT NAME:	Replacement Equipment - Unit #683-7		
START YEAR:	2011	CAPITAL COST:	\$ 30,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To replace a 2003 John Deere F1445 Front Runner.

Rationale: The existing piece of equipment is used (seasonally) daily by an Operations Crew to maintain park space, boulevards and open green spaces throughout the Town. This equipment is an integral part of the grounds maintenance program and an imperative piece of equipment to ensure level of service standards are adhered to on a seasonal basis.

The unit has been inspected and based on the increasing maintenance requirements, high hours of usage, history of repairs and downtime, it is recommended that this front mounted rotary mower be replaced given that it is at the end of its useful life.

The replacement vehicle will be a more fuel efficient, reliable model outfitted with roll-over protection, up to date safety features (safety seat switches, slope meters) and diesel engine that meets the new Tier 3 emissions standards. This piece of equipment will be adorned with the Town of Ajax decal and reflective safety striping.

Reference: By-law 108-2005, Schedule "A" Life Expectancy

Schedule: Delivery and in-service date prior to May. 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	30,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	30,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003					
Development Charges - 2008					
Vehicle/Equipment Reserve Fund	30,000				
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	30,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS

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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	643 - Ops Env. Services - Operations	BUSINESS UNIT NO:	3140
PROJECT NAME:	Additional Equipment - Articulating Tractor		
START YEAR:	2011	CAPITAL COST:	\$ 130,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To procure an additional articulating tractor with salter and snow plow, required for acquisition due to growth.

Rationale: This piece of equipment will be assigned to the Operations section and will be for the use in the Town's parks and trail system, as well as for sidewalk maintenance. The Town has assumed nearly 10km of sidewalks and trails in recent years and is anticipated to assume a further 4.5km per year over the next 5 years. This has precipitated the need for additional equipment to maintain the infrastructure. This piece of equipment will include a salt spreading box and a power V-plow to be utilized during winter control. The unit is designed to accommodate several existing attachments existing in the fleet, to grind sidewalk trip hazards and cut grass/brush along the road side that may impair site lines. The new piece of equipment will come equipped with a Tier 3 emissions compliant diesel engine and be adorned with a Town of Ajax decal, striping package along with reflective markings and safety lighting for 360 degree

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Reference: 2008 DC Background Study Reference – page B-28

Schedule: Delivery and in-service date prior to May 1, 2011

TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	130,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	130,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003	24,900				
Development Charges - 2008	105,100				
Vehicle/Equipment Reserve Fund					
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	130,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS	2,500	5,000	5,000	5,000	5,000
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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	643 - Ops Env. Services - Operations	BUSINESS UNIT NO:	3140
PROJECT NAME:	Additional Equipment - Single Axle Snow Plow		
START YEAR:	2011	CAPITAL COST:	\$ 243,500
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To procure an additional single axle snow plow with pre-salting and anti-icing capabilities, required for acquisition due to growth.

Rationale: This piece of equipment will be assigned to the Operations section and will be used in the Town's roads system to aid in the winter control operations. As the Town continues to grow, so do the requirements for additional equipment. The Town expects to assume a further 4.5km per year over the next 5 years. This has precipitated the need for additional equipment to maintain infrastructure. This piece of equipment will be a single axle snow plow with a large cargo box area to accommodate a salt pre-wetting system with liquid holding tanks. It will also have a Global Positioning System and an on-board computer to hydraulically control salt disbursement, plowing and winging operations.

The vehicle will be adorned with a Town of Ajax decal, striping package along with reflective markings and safety lighting for 360 degree visibility.

Reference: 2008 DC Background Study Reference - B-28 Item# 22

Schedule: Delivery and in-service date prior to December 1, 2011

**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	243,500				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	243,500	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003	46,500				
Development Charges - 2008	197,000				
Vehicle/Equipment Reserve Fund					
Capital Projects Reserve					
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	243,500	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS	1,000	8,000	8,000	8,000	8,000
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**TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPT./SECTION:	644 - Ops Env. Services - Env. Services	BUSINESS UNIT NO:	3310
PROJECT NAME:	Additional Equipment - Playground Truck		
START YEAR:	2011	CAPITAL COST:	\$ 50,000
SUBMITTED BY:	Scott Glew, Fleet Manager		

PROJECT DESCRIPTION/JUSTIFICATION

Scope: To procure an additional playground truck required for acquisition due to growth.

Rationale: The vehicle will be assigned to the Environmental Services section and will be for use in the Town's parks system to maintain playgrounds. It will be ergonomically designed for accessibility issues, safety protocols and ease of use. The vehicle will be a medium size cargo van with activity specific shelving and tool carrier. The new vehicle will be equipped with the Town of Ajax decal striping package along with reflective markings and safety lighting for 360 degree visibility.

Reference: 2008 DC Background Study Reference - B-28 Item# 19

Schedule: Delivery and in-service date prior to May 1, 2011

TOWN OF AJAX
2011 CAPITAL BUDGET / 2012-2015 LONG RANGE CAPITAL FORECAST
DETAIL SHEET

	2011	2012	2013	2014	2015
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EXPENDITURE DETAILS

4108 Consulting Fees					
5810 Building and Building Improvements					
5820 Furniture, Fixtures & General Equipment					
5830 Computer Software/Hardware					
5840 Vehicles and Rolling Equipment	50,000				
5850 Land Improvements					
5870 Road Systems					
Other:					
TOTAL EXPENDITURES	50,000	0	0	0	0

FUNDING SOURCES

General Levy					
Development Charges - 2003	5,100				
Development Charges - 2008	40,400				
Vehicle/Equipment Reserve Fund					
Capital Projects Reserve	4,500				
Federal Gas Tax Reserve Fund					
Building Repair Reserve					
Infrastructure Reserve (Slots)					
Other:					
TOTAL FUNDING	50,000	0	0	0	0

ASSOCIATED ANNUAL OPERATING COSTS	2,500	5,000	5,000	5,000	5,000
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TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Brian Skinner
Chief Administrative Officer

PREPARED BY: Kevin Gaynor
Web & Social Media Coordinator

Christie McLardie
Manager of Communications

SUBJECT: Contract Award – Website Redesign

WARD(S): ALL

DATE OF MEETING: December 9, 2010

REFERENCE: RFP No. P10014 - Website Redesign
Capital Account No. 907411 - Website Redesign

RECOMMENDATION:

That Council award the contract for Website Redesign to eSolutions Group in the amount of \$109,892.50 (inclusive of all taxes).

That Council approve the following funding, to be allocated to Capital Account No. 907411 from Capital Projects Fund Reserve in the amount of \$8,857.76.

That Council award the contract to host the Town's website (from October 2011 to October 2014) to eSolutions Group in the amount of \$22,882.50 (inclusive of all taxes).

BACKGROUND:

The Town's current public website (www.townofajax.com) was developed in 2004 using a basic content management system. This website consists of approximately 1,000 pages and receives an average of three million hits annually. In 2010, the website recorded visitors from more than 183 different countries, with the highest percentage of visitors from Canada, United States and United Kingdom.

To date, the Town's website has served as a valuable information source and marketing and communications tool. However, as with any communications tool, a website requires continuous improvements to remain current, relevant and efficient. Industry standards indicate that the most successful websites conduct a full site review and redesign every two to three years. Since the

launch of the current website in 2006, a modest \$25,000 has been spent on minor design improvements and upgrades.

The three-click rule is a web design best practice that suggests website users should be able to find any information within three mouse clicks or less. The current website's lack of an intuitive, user-friendly navigation system, combined with buried content links does not satisfy this rule. Accessing relevant information can often be difficult. An overall lack of visual appeal and text heavy content pages further contribute to a site that is outdated and short on interactivity. Given the Town's progressive stance on public engagement and participation, a website with easily accessible information and more interactive content is necessary.

The website redesign provides an opportunity to incorporate Web 2.0 technologies and features to facilitate user interaction and information sharing, including, but not limited to, social media networks, Real Simple Syndication (RSS) feeds, video-sharing, podcasting, blogging and e-government services to facilitate online payments. This new generation of website encourages interaction and collaboration within a virtual community, all of which is key to engagement and sharing of information. In contrast, a traditional website model allows for the passive viewing of content and a lack of user interaction.

The Town recognizes the importance of effective search engine optimization (SEO). As such, the website redesign provides an opportunity to embrace the latest SEO standards and principles in order to effectively increase search engine rankings and drive more of the right traffic to the Town's website. This is beneficial to Economic & Business Development when marketing the Town to potential businesses or Recreation & Culture when promoting programs and services to residents.

Web accessibility is a key component of the website redesign. The aim of web accessibility is to provide equal access and equal opportunity to all individuals accessing the Town's website. Based on the Province's proposed timelines for Compliance with Accessibility Standards, public organizations of 50 or more employees must comply with these standards by 2014. By utilizing principles of universal design, the website redesign would allow for the display of content in diverse languages, the adjustment of font sizes site-wide and the translation of content via text to audio screen readers. An accessible website will allow for greater resident engagement and interaction.

In addition to the public website (www.townofajax.com), a redesign would allow for the creation of new specialty portals including: Economic Development, Ajax Library, Environmental, Tourism online, Customer Service hub and a Neighbourhoods section. The Town's existing portals such as Ajax Naturally and Uncovering Historical Ajax will be redesigned to fit within the new design.

Redesigning the Town's website is a great opportunity to enhance the Town's online image and provide website visitors with a rich user experience while advancing online engagement. The end goal is to create an effective website that is intuitive, functional, interactive, user-friendly, contemporary, aesthetically pleasing, and quick to load.

DISCUSSION:

Request for Proposals documents were issued to 38 prospective Proponents, with Proposals being received back from eight of these, prior to the closing on October 19, 2010. Listed below is a summary of the Proposals received:

NAME OF PROPONENT
Active Network Ltd.
Agile Dudes Inc.
Bark Communications/Gateseven Media Group Inc.
Brooks Creative Marketing Strategies
CCI Studios Inc.
eSolutions Group Limited
Governing Concepts Inc.
Intrafinity Inc.

The following is the Proposal Evaluation Criteria used for this RFP:

PROPOSAL EVALUATION CRITERIA FORM	
EVALUATION CRITERIA	AVAILABLE POINTS
<u>Project Deliverables/Technical Response</u> Demonstrated Understanding of the Requirements Quality & Completeness of Approach/Work Plan/Methodology Project Management Structure Functional Requirements Ability to Meet Time Estimates/Deadlines	35
<u>Qualifications & Experience</u> Demonstrated Experience of Firm Demonstrated Experience of Key Personnel References	15
<u>Submission/Quality of Proposal</u> Responsiveness/Completeness of Submission Demonstrated Willingness to Comply with Terms of the RFP	10
<u>Quality of Website Design Examples</u> Makes use of modern design aesthetic Adherence to current website design best practices Ease of use/navigation	15
<u>Approach and creativity of cost sharing agreement proposal</u>	15
<u>Pricing</u> Cost effectiveness of the Proposal	10
TOTAL POINTS	100
Interview (if applicable)	50
Grand Total Points	150

An Evaluation Committee comprised of staff from Communications, Business Development & Marketing, IT and Library Services reviewed all of the Proposals received. Based on the evaluation criteria specified in the RFP document, *eSolutions Group* was the highest scoring Proponent and met all of the needs of the Town.

Staff also recommends the single source award of website hosting to eSolutions Group. This award is in the best interest of the Town as fees associated with the overall redesign of the Town's website have been discounted and added value features included as a result of this hosting agreement.

The current Purchasing By-Law allows for purchases through negotiations, under certain conditions, more specifically, "where, at the discretion of the Department Head, with the approval of the Chief Administrative Officer, it is deemed to be in the best interest of the municipality to negotiate with vendors.

This report and single source recommendation has been reviewed and approved by the Chief Administrative Officer.

eSolutions Group is an award-winning full service creative consulting and website development company. As municipal sector online services specialists, they've contributed to the online success of clients such as the Town of Newmarket (www.newmarket.ca), City of Elliot Lake (www.cityofelliotlake.com) and Kingston Tourism and Economic Development (www.kingstoncanada.com).

The redesign will include the following:

Content Management System (CMS)

i:Create is a web-based, password protected CMS. It features an easy to use WYSIWYG (what you see is what you get) editor to allow authorized administrators to efficiently make edits in the back-end of the website.

A-Z index listing

A-Z index listing will improve overall website navigation by giving web users a central location accessible site-wide to find an alphabetical listing of all website pages/content headings. This listing will also improve the aesthetic appeal of the website by removing unnecessary clutter from the homepage and subpages.

Accessibility

The new website will be designed in compliance with World Wide Web Consortium (WC3) accessibility standards. Accessible websites are generally more user-friendly as they emphasize consistent structure, ease of navigation, simpler coding, and smaller page sizes that load quickly on a variety of web browsers.

Blogs

The blogging feature will give the Town the ability to create blog micro-sites within our corporate look and feel. This will help define a more community-focused website quickly and cost-effectively.

Google Search

The redesigned site will utilize an advanced search feature that uses customized search parameters and interfaces. The Google search application can crawl both dynamic and static content such as databases or PDFs making them fully searchable online.

Business Directory with mapping

This easily managed directory system will assist website visitors in finding local services, information and companies. Website visitors then have the option of mapping their search using Google Maps. Managing the directory is made easy with a user self-service approach allowing businesses to update their own listings.

Agendas, Minutes & Bylaws

The Agenda, Minutes and Bylaws module allows for the easy upload, organization and maintenance of bylaw documentation, meeting minutes and agendas.

Content translation

Web content will be translated to various languages at the click of a button utilizing a statistically-based machine translation service provided by Google Inc.

Online polling / questionnaires

Provides the Town with an opportunity to capture survey and polling information through an easy to use online system. Surveys and polls can be implemented online or sent out via email.

RSS Feeds

Really Simple Syndication feeds are a format for syndicating and delivering regularly changing web content to a list of subscribers. Individuals have the ability to subscribe to RSS feeds and receive email notifications on content updates from the Town.

'Text Only' version (Mobify)

A text only version of the website will be created using the coding translation software Mobify. Mobify will allow for individual web pages that print cleanly to standard letter size paper and comply with accessibility standards to allow for easy translation of text to audio for screen readers. Text only websites also allow for worry-free browsing on mobile devices such as BlackBerry's, iPhones and PDAs.

Font size adjustments

Inclusion of a font adjustment feature allows users to increase or decrease font sizes site wide for easy viewing. This is important for website users with vision impairments or hardware restrictions such as limited screen resolutions. Including this feature will further add to the website's overall accessibility.

Social Media Integration

The integration of social media links allows users to post, link and tag website content back to their various social media networks including Facebook and Twitter. The inclusion of these features encourages information sharing.

Emergency Announcement

Emergency Announcement feature allows for important messages to be the first items viewed when the website loads. The length of time the message is displayed on screen can be adjusted. This is an important feature when dealing with facility closures, program cancellations or in emergency management situations.

Council pages

The redesign will also include Council specific profile pages, thereby giving councillors the opportunity to display personal messages or special announcements to residents. Council profile pages will also act as landing pages to individual councillor websites or social media networks.

Quick Links

Quick Links give web users easy access to some of the more commonly visited pages of a website. Each page/heading topic is listed as a link that takes you directly to that page. The inclusion of quick links will create a more user-friendly web experience.

Integrated Events Calendar

The event calendar will simplify and streamline event management. Allowing content managers to post, edit and schedule events for posting on the online calendar throughout the entire organization.

Online payments solution /e-government services

The inclusion of an encrypted real-time payment processing solution would allow for 24/7 online payments of multiple bills such as licensing fees and parking tickets through a centralized point of sales solution and would be implemented as part of the customer service portal.

As part of the redesign, the Town will be investigating the following pilots:

Webcasting and Live Chat

In an effort to increase public engagement, the Website Redesign Committee will review applications to provide live to web video streaming and live chat functionality. Streaming Council meetings would provide an additional avenue for public engagement. Live Chat is beneficial from a customer service or public relations point of view, allowing Town representatives to answer questions or provide feedback to residents online in real-time.

BrowseAloud

BrowseAloud provides an enhanced online experience to visitors by reading content aloud and/or highlighting text. Adding such a feature will ensure the redesigned website satisfies the stringent standards set by the World Wide Web Consortium (W3C) in regards to web accessibility.

It is expected that the website redesign will be completed in the fall of 2011.

FINANCIAL IMPLICATIONS:

Approved Capital Account No. 907411 – Website Redesign

Approved Capital Budget		\$100,000.00
Contract (net of HST rebate)	\$98,961.60	
Contingency	\$9,896.16	<u>\$108,857.76</u>

Over Budget \$8,857.76

Contingency will be used to accommodate any additional requirements deemed necessary as part of the consultation process.

Additional funding, not to exceed \$8857.76, will be allocated from Capital Projects Fund Reserve.

Funds for website hosting are included in the Office of the CAO operating budget.

The Capital Detail Sheet is attached for information.

COMMUNICATION ISSUES:

eSolutions Group will oversee a consultation process, including facilitating a number of focus groups, both internal and external. This will include meeting with the Project Lead, Website Redesign Committee, staff and council, key stakeholders and potentially residents.

Throughout the website redesign process eSolutions Group will keep the Town updated through presentations to the Website Redesign Committee, Senior Management and Town Council.

CONCLUSION:

It is the recommendation of staff that eSolutions Group be awarded the contract for Website Redesign, being the highest scoring Proponent.

It is the recommendation of staff that eSolutions Group be awarded the contract for hosting the Town's website, as a single source purchase.

Kevin Gaynor
Web & Social Media Coordinator

Christie McLardie
Manager of Communications

Brian Skinner
Chief Administrative Officer

**TOWN OF AJAX
2010 CAPITAL BUDGET / 2011-2014 LONG RANGE CAPITAL FORECAST
DETAIL SHEET**

DEPARTMENT/SECTION:	Office of the CAO		
DEPT/SECTION NUMBER:	620	BUSINESS UNIT NO:	1100
PROJECT NAME:	Web Site Redesign		
START YEAR:	2010	CAPITAL COST:	\$ 100,000
SUBMITTED BY:	Christie McLardie, Manager of Communications		

PROJECT DESCRIPTION/JUSTIFICATION:

The Town's current Web Site was built in 2004 using a basic content management system. It receives approximately 75,000 visits (individual sessions) per month / 1 million annually and close to 3 million hits or page views yearly. In 2009, the site recorded visitors from more than 180 different countries, with the top three countries being Canada, United States and the United Kingdom.

The Web Site has been a valuable information source and marketing and communications tool. However, with any communications tool, it is important to review its effectiveness on a regular basis, and update appropriately. Web Sites require continuous improvement to remain current, relevant and efficient. The industry standard for a full site review and redesign is every two to three years. Since the Town's site was launched, the Town has spent a modest \$25,000 on minor design improvements to the site.

The redesign provides an opportunity to incorporate Web 2.0 technologies and features to facilitate interactive information sharing, user-centered design and collaboration. Examples of Web 2.0 include social-networking applications, RSS feeds, video-sharing and blogging. The new generation of Web Sites encourage interaction which is key to engagement and sharing of information. Many organizations with traditional non-interactive Web Sites where users are limited to the passive viewing of information are making the shift.

Through the redesign, more than 1,000 pages will be edited to assign key words to pages to increase the volume or quality of traffic to our Web Site from search engines. This is important for Economic Development who use the Web to market the Town to potential businesses, and to Recreation & Culture Services who use the Web as a marketing tool to promote their many programs and services.

The redesign also provides an opportunity to incorporate e-services (online transactional services). To do this a payment engine will be required. This payment engine will increase citizen service by offering easy one-stop payment access for not only services via the Town's Web site but could be expanded to payments via self service kiosks, touch tone (IVR) payments or traditional over the counter payments. Through a common payment engine, citizens could securely process multiple payments (i.e.: Recreation registration, licences, parking tickets, etc.) through a single real time transaction. Payments through a single payment engine will provide more accurate audit trails and could also be integrated with the Town's current back end systems (Class, JJ Mackay, JD Edwards) to simplify reconciliation.

New portals will also be launched through the redesign, including an interactive environment section, an online history room, a customer service section, an accessibility page and a tourism site. The Town's current portals and sections will be redesigned to fit the new design.

TOWN OF AJAX
2010 CAPITAL BUDGET / 2011-2014 LONG RANGE CAPITAL FORECAST
DETAIL SHEET

	2010	2011	2012	2013	2014
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EXPENDITURE DETAILS:

4108 CONSULTING FEES	50,000				
5810 BUILDINGS AND BUILDING IMPROVEMENTS					
5820 FURNITURE, FIXTURES & GENERAL EQUIPMENT					
5830 COMPUTER SOFTWARE/HARDWARE	50,000				
5840 VEHICLES AND ROLLING EQUIPMENT					
5850 LAND IMPROVEMENTS					
5870 ROAD SYSTEMS					
5880 STORM SEWER SYSTEMS					
OTHER:					
TOTAL EXPENDITURES	100,000	0	0	0	0

FUNDING SOURCES:

GENERAL LEVY					
DEVELOPMENT CHARGES - 2003					
DEVELOPMENT CHARGES - 2008					
VEHICLE/EQUIPMENT RESERVE FUND					
CAPITAL PROJECTS RESERVE	100,000				
FEDERAL GAS TAX RESERVE FUND					
BUILDING REPAIR RESERVE					
INFRASTRUCTURE RESERVE (Slots at Ajax Downs)					
OTHER:					
TOTAL FUNDING	100,000	0	0	0	0
ASSOCIATED ANNUAL OPERATING COSTS					

TOWN OF AJAX REPORT



Report To: General Government Committee

Submitted By: Martin de Rond
Director of Legislative & Information Services/Town Clerk

Prepared By: Lorraine Billings
Legislative Services Associate

Subject: **2010/2011 Meeting Schedule and Committee Chair and Vice Chair Appointments**

Ward(s): All

Date of Meeting: December 9, 2010

Reference: Procedure By-law

Recommendation:

That the 2010/2011 Meeting Schedule and Committee Chair and Vice-Chair appointments be approved.

Background:

Attached is a proposed 2010/2011 Meeting Schedule outlining dates and starting times for all regular meetings of Council, Community Affairs and Planning Committee and General Government Committee meetings.

Discussion:

The schedule is based on a continuation of the practice used by Town Council for many years. Changes to the schedule (to reschedule meetings, add special meetings, or cancel a meeting) may be made as the need arises.

Financial Implications:

n/a

Communication Issues:

Dates and start times of regular Council, Community Affairs and Planning Committee and General Government Committee meetings are published in the Weekly Community Page of the Ajax News Advertiser and noted on the Town website.

Conclusion:

This format allows Council members and staff an early opportunity to enter meetings in their calendars.

Lorraine Billings, Legislative Associate

Martin de Rond, Director of Legislative & Information Services/Town Clerk



TOWN OF AJAX 2011 MEETING SCHEDULE

NOTE:

All "regular" 2011 Council and CAP meetings will be held in the Council Chambers, Town Hall, 65 Harwood Avenue S. "Special" Council meetings that immediately follow regular GGC meetings will be held in the River Plate Room, 65 Harwood Ave.

COUNCIL

(2nd and 4th Mondays, 7 p.m.)

2010	
December	6 & 13
2011	
January	24
February	14 & 28
March	10 (Thurs/Special) & 28
*** No meetings March 14-18 due to School Break Week***	
April	11 & 26 (Tues)
May	9 & 24(Tues)
June	13 & 27
July	7 (Thurs/Special)
No Meetings in August - Council Recess	
September	12 & 26
October	11(Tues) & 24
November	14 & 28
December	8 (Thurs/Special)

**COMMUNITY AFFAIRS &
PLANNING COMMITTEE (CAP)**

(1st and 3rd Mondays, 7 p.m.)

CHAIR

2010		
December	13(special)	C. Jordan
2011		
January	17	S. Collier
February	22(Tues)	C. Jordan
March	7 & 21	S. Collier
*** No Meetings in August - Council Recess***		
April	4 & 18	C. Jordan
May	2 & 16	S. Collier
June	6 & 20	C. Jordan
July	4	S. Collier
No Meetings in August - Council Recess		
Sept.	6 (Tues) & 19	C. Jordan
October	3 & 17	S. Collier
November	7 & 21	C. Jordan
December	5	S. Collier

GENERAL GOVERNMENT COMMITTEE (GGC)

(Thursdays following the 1st and 3rd Mondays, 1 p.m. In-Camera, 2 p.m. Open Meeting)

		<u>CHAIR</u>	<u>VICE-CHAIR</u>
2010			
December	9	P. Brown	J. Dies
2011			
January	20	R. Ashby	M. Crawford
February	10 & 24	J. Dies	P. Brown
February	7 (7 p.m.) Budget	TBA	
March	10 & 24	M. Crawford	R. Ashby
April	7 & 21	P. Brown	J. Dies
May	5 & 19	R. Ashby	M. Crawford
June	9 & 23	J. Dies	P. Brown
July	7	M. Crawford	R. Ashby
No Meetings in August - Council Recess			
September	8 & 22	P. Brown	J. Dies
October	6 & 20	R. Ashby	M. Crawford
November	10 & 24	J. Dies	P. Brown
December	8	M. Crawford	R. Ashby

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: M. de Rond
Director – Legislative & Information Services/Town Clerk

PREPARED BY: Louise Soulliere
Administrative Co-ordinator

SUBJECT: **2011 Corporate and Legislative and Information Service Fees**

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE: *Municipal Act, 2001*
Review of User Fees/Charges Policy

RECOMMENDATION:

That the recommended Corporate and Legislative and Information Services fees, effective January 1, 2011, be approved and that the appropriate by-law be presented to Council.

BACKGROUND:

The *Municipal Act, 2001* requires that all fees and charges be set by by-law. The Town's Annual Review of User Fees/Charge Policy, approved in 2003, requires each department to review all user fees and charges on an annual basis.

Schedule "A" summarizes the present fee structure for certain corporate services that apply to all departments and specific services performed in the Legislative and Information Services Department. These tables provide comparisons with fees for similar services in neighbouring municipalities, identify new fees (if applicable), and recommend an appropriate fee schedule for implementation effective January 1, 2011.

DISCUSSION:

Fees are generally determined by considering the amount of staff time and other costs involved in order to reflect the true value of services rendered locally. Staff have also examined the rationale for the fees applied for similar services in other municipalities. Based on this analysis, no fee increases are being recommended for 2011.

By-law Services has included a new definition for "administration charge". This enables the Town to charge an administration fee of 10%, in addition to any invoice, for administration costs when the Town has had to do any work for property owners who are in default of doing such

work. This authority is granted to the Town by several Provincial Acts and is found within specific Town By-laws.

By-law Services are also adding a new \$500 fee for an "Appeal of Animal Services Committee Decision", with such fee being non-refundable to the appellant. Such appeals will be heard by the General Government Committee. This fee is based on similar, existing fees already approved by Council for Tree Cutting Appeals and Sign Variance Appeals. The actual provisions that would initiate this process will be addressed in a public meeting review of the Town's Dog and Cat By-law at the December 13, 2010 Community Affairs and Planning Committee meeting.

As a simple housekeeping item, By-law Services has removed "Sidewalk Snow/Ice Cleaning" for both residential and commercial properties from the Legislative and Information Services Department fees schedule as this item will be addressed within the Town's Public Safety and Nuisance By-law.

This analysis and the recommended fees have been reviewed and endorsed by Management Committee.

FINANCIAL IMPLICATIONS:

The analysis and proposed fees reflect an expectation that most 2011 activity will be similar to 2010 volumes, with three exceptions:

- An increase of about \$4,000 annually in burial fees revenues as the result of a change in business practice for a local funeral home service.
- An annual increase of \$5,000 (to \$45,000) for the issuance of Marriage Licences due to the fee increase introduced in 2010, which has been partially offset by a slight decrease in demand.
- An increase in Commissioner of Oaths fees from \$13,500 to \$15,000 annually to reflect the continuing strong demand for these services.

The only new fee is for the Animal Services Committee Appeal. Annual revenues from this fee are expected to be slight as few appeals, if any, may be filed.

COMMUNICATION ISSUES:

Upon passing of the by-law, staff will implement any new fees effective January 1, 2011. The fees by-law will be posted on the Town website and individual departments may publish or display applicable fees in the appropriate manner.

CONCLUSION:

Upon completion of an annual review of current fees charged by the Legislative and Information Services Department, and in comparison with other neighbouring municipalities, it is recommended that the proposed 2011 fee schedules appended to this report be incorporated into a by-law for Council approval.

L. Soulliere, Administrative Co-ordinator

M. de Rond, Director of Legislative & Information Services/Town Clerk

SCHEDULE "A"

HST will be added to all fees marked with an asterisk

CORPORATE FEES

	AJAX 2010	AJAX 2011 recommended	PICKERING 2010 (2011 fees not set)	WHITBY 2010 (2011 fees not set)	OSHAWA 2010 (2011 fees not set)	CLARINGTON 2010 (2011 fees not set)
Photocopy	\$0.50/page	\$0.50/page	\$0.50/page if total over 5 pages	\$0.50/page	\$0.50/page if total over 5 pages	\$0.55/page
Non-FOI Search	\$30.00/hour, one hour minimum	\$30.00/hour (one hour minimum)	\$5.00 + fee for time (variable)	\$5.00 + fee for time (variable)	\$5.00 + fee for time (variable)	\$5.00 + fee for time (variable)
Non-Negotiable Cheque	\$40.00	\$40.00 (see >note=)	\$40.00	\$30.00	\$30.00	\$35.00

Note:

The Town=s fee for receipt and processing of Non-Negotiable Cheques is based on the following survey of similar fees currently charged by major chartered banks:

CIBC	\$42.50
TD Canada Trust	\$42.50
Scotiabank	\$40.00
Royal Bank	\$40.00

LEGISLATIVE AND INFORMATON SERVICES FEES
For comparative purposes HST is excluded

	AJAX 2010 (2010 revenue - estimated)	AJAX 2011 recommended (2011 revenue estimated)	PICKERING 2010 (2011 fees not set)	WHITBY 2010 (2011 fees not set)	OSHAWA 2010 (2011 fees not set)	CLARINGTON 2010 (2011 fees not set)
Burial Permit	\$25.00 (\$0)	\$25.00 (\$4000.00)	\$25.00	\$25.00	\$25.00	\$25.00
Marriage Licence (Town pays Prov \$48.00 for each licence used)	\$125.00 (\$40,000)	\$125.00 (\$45,000)	\$100.00	\$100.00	\$125.00	\$125.00
Subdivision Compliance	\$100.00 (\$1,000)	\$100.00 (\$1,000)	\$125.00	\$100.00 150.00 (48 hrs)	\$100.00	N/A
Commissioner of Oath	\$15.00 (\$13,500)	\$15.00 (\$15,000)	\$12.00 for up to 3 signatures \$5.00 for each signature after 3	Free, if within daily set time frame \$25.00 if outside time frame	\$20.00	\$15.00
*** NEW *** Appeal of Animal Services Committee Decision	N/A	\$500.00 (\$1000.00)	N/A	N/A	N/A	N/A
Patio Licence, Municipal Property	\$500 (\$1,000)	\$500.00 (\$1,000)	N/A	N/A	N/A	N/A
Civil Marriage Solemnization Service	\$250.00 (\$18,000)	\$250.00 (\$18,000)	\$250.00	N/A	N/A	\$250.00

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Carol James, AMCT
Manager of Taxation

SUBJECT: **2011 Finance Department Fees**

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE: *Municipal Act, 2001*

RECOMMENDATION:

That the recommended Finance Department fees, effective, January 1, 2011 be approved and that the appropriate by-law be presented to Council.

BACKGROUND:

In accordance with the requirements of the *Municipal Act, 2001* and the Town's policy for the Annual Review of User Fees/Charges, the Finance Department has completed the review of the user fee/charges. Schedule "A" provides a comparison to neighbouring municipalities based on 2010 fees charged.

DISCUSSION:

The current fee schedule is consistent with the other municipalities within Durham Region, both in terms of the types of fees being charged as well as the amount of fees. As a result, no fee increases are recommended for 2011. A new fee is a \$25.00 charge for the addition of Provincial Offences Act (POA) revenues added to the tax roll, when requested by the Region of Durham.

A ruling on the applicability of HST on all of the Tax Section fees was requested from the Canada Revenue Agency (CRA) back on June 24, 2010. The results of the CRA ruling, which has not yet been received, will supersede the GST status reflected in the report and the general fees by-law.

The following chart summarizes the current fee schedule which will remain in place for 2011:

Tax Section

NOTE: HST will be added to all fees marked with an asterisk (*)

Service	Fee
Tax Certificate	\$65.00
Tax Receipt/Letter	\$10.00
Statement of Account	\$10.00
Refund of incorrect payment by Lawyers, Mortgage Companies and Non-Residents	\$40.00
Refund of incorrect electronic payment by Ajax resident	Initial - N/C Subsequent - \$40.00
Reprint or duplication of items that have been previously provided (e.g. tax bill, PAP letter, etc.)	\$10.00
Change of Ownership Fee	\$25.00
New Tax Account Set-Up Fee	\$50.00
Research/Archival Fee	\$30.00/hr (1 hour min.)
Post Dated Cheque Removal or Date Change	\$25.00
Mortgage Company Information	\$10.00
Addition of Water/Sewer Lien or Provincial Offences Act (POA) to Roll	\$25.00

Purchasing Section

NOTE: HST will be added to all fees marked with an asterisk (*)

Service	Fee
Construction Bid Document	\$25.00 to \$400.00*

FINANCIAL IMPLICATIONS:

The various fees charged by the Tax Section generate \$252,600 in annual revenue, while the Purchasing Section revenues total \$12,000 per year.

COMMUNICATION ISSUES:

Taxpayers, mortgage companies and lawyers are advised of the fee for special services at the time of each request and all Finance User Fees are posted on the Town of Ajax website.

CONCLUSION:

The current fees being charged by the Finance Department are consistent with the other municipalities within the Durham Region and no fee increases are recommended for 2011.

Carol James, AMCT
Manager of Taxation

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

Schedule "A" – FINANCE DEPARTMENT – FEE COMPARISON
For comparative purposes HST is excluded
N/C = No Charge

Tax Section						
Service	Ajax	(2011)	Whitby	Pickering	Oshawa	Clarington
			(2010)	(2010)	(2010)	(2010)
Tax Certificates		\$65.00	\$65.00	\$65.00 (no verbal) or \$85 (for rush and verbal)	\$60.00	\$60.00
Tax Receipt/Letter		\$10.00	\$10.00	\$10.00	\$10.00	\$7.00
Statement of Account		\$10.00	\$10.00	N/C	\$10.00	\$7.00
Refund of incorrect payment by Lawyers, Mortgage Companies and Non-Residents		\$40.00	\$30.00	\$40.00	N/C	\$35.00
Refund of incorrect electronic payment by Ajax Resident	Initial - N/C Subsequent - \$40.00		\$30.00	\$40.00	N/C	N/C
Reprint or duplication of items that have been previously provided (e.g. tax bill, PAP letter, etc.)		\$10.00	\$10.00	N/C	\$10.00	\$7.00
Change of Ownership Fee		\$25.00	\$25.00	\$30.00	\$10.00	\$25.00
New Tax Account Set-up Fee		\$50.00	N/C	\$50.00	\$50.00	\$25.00
Research/Archival Fee		\$30.00/hr (1 hour minimum)	N/C	\$35.00/hr (1 hour minimum)	\$30.00/hr	\$35.00/hr
Post Dated Cheque Removal Or Date Change		\$25.00	\$20.00	\$40.00	N/C	N/C
Mortgage Company Information		\$10.00	\$10.00	\$10.00	\$7.00	\$10.00
Addition of Water, Sewer Lien to Roll		\$25.00	8% of lien	\$25.00	\$25.00	N/C
Addition of Provincial Offences Act to Roll		\$25.00	N/C	N/C	N/C	N/C
Collection Letter		N/C	N/C	\$30.00	N/C	N/C
Section 357/358 Applications		N/C	N/C	\$25.00 (if adjustment is higher than \$100)	N/C	N/C
Apportionments		N/C	N/C	Residential - \$50 Commercial - \$250	N/C	N/C

Schedule "A" – FINANCE DEPARTMENT – FEE COMPARISON
For comparative purposes HST is excluded
N/C = No Charge

Purchasing Section

Service	Ajax (2010)	Whitby (2010)	Pickering (2010)	Oshawa (2010)	Clarington (2010)
Construction Bid Document	\$25.00 - \$400.00		(See Note Below)		

Note: All municipalities charge a fee for construction bid documents, but the actual amount charged varies by municipality. Where applicable, Ajax charges a minimum fee of \$25.00 and a higher fee is charged for larger bid documents or where there are a number of technical drawings that must be reproduced.

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Paul Allore, MCIP, RPP
Director of Planning and Development Services

PREPARED BY: Deborah Meade
Administrative Coordinator

SUBJECT: **2011 Planning and Development Services
Annual Fee Review**

WARDS: All

DATE OF MEETING: December 9, 2010

REFERENCE: N/A

RECOMMENDATIONS:

- 1. That Building Permit fees, and Economic Development fees for 2011 remain at the 2010 rates;**
- 2. That the fees for Planning applications be increased by 5% for 2011, with the exception of minor variances for residential dwellings, and site plan applications for single detached dwellings as identified in Appendix 'B' to this report.**
- 3. That Engineering and Design Services fees for 2011 remain at the 2010 rates, with the exception of fees to cover third party review and inspection of municipal street lighting design, and landscape review of sales trailers and model homes as identified in Appendix 'C' to this report;**

BACKGROUND:

The Town's "Annual Review of User Fees/Charges Policy" approved in 2003 requires each department to review all user fees and charges on an annual basis. This policy requires these departmental annual reviews to include a summary of the fees being charged for similar services in Durham's other lakeshore municipalities. The tables appended to this report summarize the present fee structure for applications and services performed by Planning and Development Services.

Appendix 'A' to this report contains the summary for building permit fees. Appendix 'B' provides a summary of planning application and approval fees. Appendix 'C' contains the table for engineering and landscape design services. Appendix 'D' contains an overview for Economic Development fees.

DISCUSSION:

In 2007, Planning and Development Services undertook a comprehensive review of its fee model based on the actual costs of service for the review, administration, approval and enforcement services provided by the Town with respect to development applications. This user fee review of the Development Application Approval Process (DAAP) determined fees by considering the amount of staff time and other costs to reflect the true value of the services rendered. This culminated in the passage of By-law 133-2007 which implemented broad increases to the Town's development application fees. A DAAP analysis update to recalibrate the model was carried out for the building permit and inspection process in 2009. This resulted in building permit fee increases to fund the cost of administration and enforcement as required under the Building Code Act, and a sustainable reserve fund position for the future. The next DAAP analysis of the building permit inspection process is proposed for 2011.

The authority for a municipality to charge fees for planning applications is found under Section 69 of the Planning Act, which states that Councils may establish a tariff of fees designed to meet only the anticipated cost to the municipality for processing each type of application.

Staff have undergone a thorough review of the Department's current fee structure and have recommended the following changes:

1. The current fee structure for Building and Economic Development remains appropriate and no increases are recommended for 2011.
2. Engineering Fees, for the most part, are self-adjusting whereby the rate charged is based on the cost of the Engineering work being carried out.

New subdivision street light design review and inspection is no longer being completed by Veridian Connections Inc., and is now a service that the Town covers. Staff are proposing a new fee that will allow the Town to recover the actual cost for retaining a third party consultant to review and provide inspection for new subdivision street light design and installation.

A new landscape fee is being recommended to cover staff time for the review and inspection of site plan applications by the Landscape Architect for Model Homes and Sales Trailers. A new fee of \$500.00 is recommended, which is comparable with the existing engineering fee for Model Homes and Sales Trailers for review and inspection.

3. Planning application fees have remained constant since the DAAP Review was completed in 2007. Since that time, actual costs have increased by approximately 1.5% per year. In order to recover this shortfall, staff recommend that an increase to all planning fees (with the exception of residential minor variances, and Pickering Beach Site Plan applications) be increased by 5%.
4. There are also situations whereby development applications have remained dormant for years, and are then re-activated triggering the need for an additional review. In these situations, staff are recommending a reactivation fee for files that have been dormant for 3 years or more, and where significant changes have been made to the proposal.

The recommended fees have been reviewed and endorsed by Management Committee.

FINANCIAL IMPLICATIONS:

Fees are determined by considering the amount of staff time and other costs involved in order to reflect the true value of services rendered locally. As a result of the proposed changes, It is expected that the additional revenues in the Planning Section would be in the order of approximately \$27,000.

It is anticipated that the new fees proposed in the Engineering Section will result in approximately \$4,500.00 in additional revenues for 2011.

COMMUNICATION ISSUES:

The fees by-law will be posted on the Town website which will provide a listing of all planning and development fees noting the increases identified in this report, effective January 1, 2011.

CONCLUSION:

Upon completion of an annual review of current fees charged by Planning and Development Services, and in comparison with other neighbouring Durham municipalities, it is recommended that the Building and Economic Development fees remain at the existing rates for the services currently being provided.

The increase in fees associated with planning applications of an average of 5% will still allow the Town to remain competitive in the GTA marketplace while approaching cost recovery associated with providing these services.

An update analysis to recalibrate the DAAP model is planned for 2011. Any recommended changes to the building permit fee structure will be reported to Council.

Deborah Meade
Administrative Coordinator

Paul Allore, MCIP, RPP
Director of Planning and Development Services

APPENDIX A
BUILDING PERMIT FEE COMPARISON FOR 201
HST does not apply to Building Permit fees

ITEM	CLASS OF PERMIT	DURHAM REGION					GTA
		AJAX	PICKERING	WHITBY	OSHAWA	CLARINGTON	TORONTO
1	Demolition Permit and Building Relocation Permit	\$20/100m2 – Min. \$80	\$10/100m2 – Min. \$50	\$0.11/m2 – Min. \$100 OR \$50 for Residential accessory structures	\$21.22/100m2	\$71/SFD \$0.18/m2	\$0.13/m2
2	Change of Use Permit	\$200	\$200	\$50	\$106	\$70/100m2	\$245.77/permit
3	Occupancy Permit for an Unfinished Building	\$200	\$100	\$100	\$530	\$141	Min. \$368.66/permit
4	Minimum Permit Fee	\$80	\$100	\$50	\$106	\$70	\$98.31
5	Alternative Solution Examination Fee (in addition to base fee)	\$100/hour– Min 4 hrs.	\$100	\$100	\$106/hour – Min 4 hrs	\$100	
6. a)	Re-examination Fee of permit application for house previously reviewed	\$400 + addn'l area	\$300+ addn'l area	\$300+ addn'l area	\$478 Flat	\$423+ addn'l area	
6. b)	Re-examination Fee of permit application for all other Building Types	10% of fee Max \$1000	10% of fee Max \$1000	10% of fee Max \$1000	10% of fee Max \$1061	10% of fee Max \$1000	
7	Revision to permit including Alternate Solution proposal	\$100 or \$60/hr	\$100	\$50	\$106/hr Min 4 hrs	\$70	The greater of \$98.31/permit or \$73.73/hr
8	Transfer of permit	\$100	\$100	\$150	\$106 Flat	\$106	\$98.31/permit
9	Building Permit Surcharge	Surcharge if Order issued for building without a permit shall be min. of \$100 or greater of: a) Surcharge of 50% of permit fee when construction has begun and a building permit application has been received b) Surcharge of 25% of permit fee when construction has begun prior to building permit issuance					25% of permit fee 50% of permit fee 50% of permit or \$117.03 whichever is greater – max \$23,406.83/permit 50% of fee for the stage of construction begun without a permit – max \$23,406.83/permit

APPENDIX A
BUILDING PERMIT FEE COMPARISON FOR 201
HST does not apply to Building Permit fees

ITEM	CLASS OF PERMIT	DURHAM REGION					GTA
		AJAX	PICKERING	WHITBY	OSHAWA	CLARINGTON	TORONTO
Major Occupancy Classifications							
Group A Major Occupancy(Assembly)							
10	All Types (Including Recreation Facility, School, Library, Place of Worship, Restaurant, Theatre, Pool Area, Gymnasium)	\$16.00/m2	\$12.00/m2	\$14.10/m2 \$11.63/m2 (Transit station, subway bus terminal)	\$17.51/m2	\$16.71/m2	\$24.58/m2
Group B Major Occupancy (Care and Detention)							
11	All Types (Including Hospital, Nursing Home, Home for the Aged, Detention Quarters)	\$17.60/m2	\$14.00/m2	\$15.18/m2	\$18.88/m2	\$18.23/m2	\$26.16/m2
Group C Major Occupancy (Residential)							
12	Apartment	\$9.00/m2	\$10.00/m2	\$8.18/m2	\$9.55/m2	\$9.72/m2	\$23.35/m2
13	Detached Dwelling, Semi-detached Dwelling, Duplex, Townhouse	\$9.00/m2	\$10.00/m2	\$8.50/m2 \$6.78/m2 (towns)	\$10.29/m2	\$9.12/m2	\$14.75/m2
14	Motel, Hotel	\$9.00/m2	\$10.00/m2	\$9.69/m2	\$15.70/m2	\$13.91/m2	\$23.35/m2
Group D Major Occupancy Service (Business & Personal Service)							
15	Shell – Office, Bank, Medical Clinic	\$10.80/m2	\$8.00/m2 Single storey	\$9.37/m2	\$10.40/m2	\$11.09/m2	15.45/m2
		\$12.60/m2	\$10.00/m2 Multi-storey				
16	Complete/Finished – Office, Bank, Medical Clinic, Other	\$13.50/m2	\$8.00 /m2 Single Storey	\$11.73/m2	\$13.00/m2	\$13.83/m2	\$19.43/m2
			\$10.00/m2 Multi-storey				
Group E Major Occupancy (Mercantile)							
17	Shell – Retail Store, Department Store, Supermarket, Convenience Store	\$7.80/m2	\$8.00/m2 Single storey	\$7.54/m2	\$9.45/m2	\$8.96/m2	\$12.52/m2
		\$10.20/m2	\$10.00/m2 Multi-storey				
18	Complete - Retail Store, Department Store, Supermarket, Convenience Store, Kiosk	\$11.00/m2	\$8.00/m2 Single storey	\$10.01/m2	\$11.89/m2	\$11.85/m2	\$16.50/m2
			\$10.00/m2 Multi-storey				

**APPENDIX A
BUILDING PERMIT FEE COMPARISON FOR 2011**

HST does not apply to Building Permit fees

ITEM	CLASS OF PERMIT	DURHAM REGION					GTA
		AJAX	PICKERING	WHITBY	OSHAWA	CLARINGTON	TORONTO
Group F Major Occupancy (Industrial)							
19	Industrial – Warehouse, Manufacturing	\$6.60/m2	\$6.00/m2	\$5.81/m2	\$9.97/m2	6.99/m2	\$9.83/m2
20	Industrial – Finished & Office Space	\$6.60/m2	\$6.00/m2	\$8.18/m2		\$9.72/m2	\$13.52/m2
21	Parking Garage, including roof area used for parking	\$4.00/m2	\$6.00/m2	\$3.66/m2	\$4.99/m2	\$4.25/m2	\$6.44/m2
Other Occupancies							
22	Farm Building	\$4.00/m2	\$3.50/m2	\$2.15/m2	\$3.19/m2	\$2.27/m2	\$8.60/m2
23. a)	Minor Non-residential – Tent or Other Temporary Structure – not including farm building	\$200	\$200 Flat	\$100 Flat	\$185 Flat – \$5.47/m2 on site	\$85/tent – \$141/trailer – \$7.75/m2 on site	\$1.23/m2 up to 225m2 \$12.29/m2 trailer, temp buildings
23. b)	Portable Classroom (new)	\$200	\$200 Flat	\$200 Flat	\$106 Flat	\$282 Flat	\$122.89/Unit
Alteration of existing Buildings							
24	Group A, B and D	\$5.00/m2	\$2.00/m2 or	\$4.74/m2 - Restaurant	\$8.76/m2 (A)	\$3.18/m2	\$3.98/m2
			\$10/\$1000	\$2.80/m2 – All others	\$9.45/m2 (B) \$6.47/m2 (D)		
25	Group C, E and F	\$5.00/M2	\$2.00/m2 or \$10/\$1000	\$5.49/m2 (AA)	\$5.15/m2 (C)	\$2.82/m2	\$3.69/m2
				\$2.58/m2 (E)	\$5.95/m2 (E)		
				\$2.15/m2 (F)	\$4.99/m2 (F)		
				\$2.80/m2 (all others)			
Miscellaneous Categories – The permit fee for construction not provided for in this Schedule shall be calculated at \$15 per \$1000 of estimated construction value.							
26	Accessory Structure – Residential (e.g. garage, carport, shed, etc.)	\$80 Flat	\$100	\$2.15/m2	\$3.19/m2	\$3.03/m2	\$98.31/Structure
27	Relocated Building – Foundation or Unfinished Basement	\$4.00/m2	\$3.50/2	\$3.66/m2	\$4.25/m2	\$4.23/m2	\$4.92/m2
28	Retaining Wall	\$10/lm – Min. \$800			\$10.41/lm	\$7.00/lm	\$9.83/lm
29	Sign (Regulated by the Ontario Building Code)	\$150/Sign	\$150/\$250/Sign	\$50.00/Sign	\$212/ Sign	\$141/ Sign	\$29.94/m2 Min. \$209.47
30	Site Services	2.5% of const. value	1% of const. value	\$1.64/lm	\$12.73/\$1000	\$2.31/lm	

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
Local Official Plan Amendment Application	simple - \$15,000 complex - \$34,809	\$8,000 Recirculation: \$500 Oak Ridges Moraine premium: \$500	\$8,000 + \$1,500 for additional adopting by-law	\$8,487 (\$10,609 if associated with a Zoning By-law Amendment)	Major: \$12,390 Minor: \$5,163 Pit/Quarry: \$25,813 Adoption: \$2,127	simple: \$15,750 complex: \$36,550
Regional OPA Review Fee	\$5,000	\$5,000 if not part of a local OPA	n/a	n/a	\$1,276 \$2,127 if not part of local OPA review	\$5,250
Zoning By-law Amendment and Application for a Temporary Use By-law	simple: \$9,000 complex: \$19,104	Application: \$5,000 Recirculation: \$500 Oak Ridges Moraine Premium: \$500	\$5,500	\$5,305	Major: \$5,317 Minor: \$2,127	simple: \$9,450 complex: \$20,060
Zoning Clearance (Compliance Letter)	Two-week response: \$100 Two-day response: \$150	License Letter \$53.50	n/a	n/a	\$112	\$105 \$155
Subdivision Application	Residential: \$13,438 plus per unit fee as follows: First 200: \$337 per unit (\$100 - apts) Over 200: \$165 per unit (\$50 - apts) Non-residential: \$13,489	Residential: \$10,000 + \$135 per unit	Residential: \$10,000 + \$325 per unit Non-Residential: \$15,000	Residential: \$10,609 + \$0.27 per sq. m. of land area	Residential: \$10,635 + \$266 per unit (\$54 per apt) Non-Residential: \$5,317 Extension of Draft approval: \$2,127	Residential: \$14,110 plus per unit fee as follows: First 200: \$355 per unit (\$105 apts) Over 200: \$175 per units (\$55 apts) Non-residential: \$14,165

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
Revisions to a Subdivision Application (i.e. not draft approved, but requiring full recirculation)	\$6,719	\$1,356 for major revisions \$452 for minor revisions \$525 for recirculation Oak Ridges Moraine Premium \$500	n/a	n/a	Applications filed prior to July 1, 2000: \$10,635 + \$266 per unit (\$54 per apt) Applications filed between July 1, 2000 to Dec. 31, 2006: \$5,317 + \$266 per unit (\$54 per apt) Applications filed after Dec. 31, 2006: \$5,317	\$7,055
Revisions to a Draft Approved Plan of Subdivision (i.e. red-line revision)	Major: \$6,745 (where substantial changes are proposed and recirculation is required) Minor: \$1,349 (change to a condition and /or minor plan change)	\$1,260	Major: \$5000 + 325 per unit Minor: \$5,000 (change to condition and/or minor plan change)	Residential: \$10,609 + \$0.27 per sq. m. of land area	Major: \$7,976 + \$266 per unit (\$54 per apt) Minor: \$2,127 + \$266 per unit (\$54 per apt)	Major: \$7,085 (where substantial changes are proposed and recirculation is required) Minor: \$1,420 (change to a condition and /or minor plan change)
Preparation of a Subdivision, Condominium, Site Plan or Development Agreement	The Applicant is required to reimburse the Town for its legal costs associated with preparing the agreement.	\$3,390 Site Plan: Standard \$1,017 Custom: \$1,695 Amendment: \$452	Subdivision: \$5,000 + legal expenses Other: \$2,000 + legal expenses	Condo Agreement \$2,971 Amendment to Condo Agreement: \$1,804 Amendment to Condo Description or Declaration: \$1,804 Base Fee \$1,591	Subdivision and Condo: \$3,098 Amendments: \$638 Site Plan Agreement and Amendment: \$372	no change

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
Final Approval, Subdivision Clearance Fee	\$2,000	\$1,000	\$3,000	\$1,485	\$2,127	\$2,100
Condominium Application	\$8,925	\$6,500 Recirculation: \$500 Conversion: \$1,000 Redline Revisions: \$1,000	\$7500 plus \$325 per unit Conversion: \$7,500 plus \$325 per unit	\$5,305 Amendment to a Condominium Description or Declaration: \$1,804	\$5,317 + \$27 per unit	\$9,370
Final Approval, Condominium Clearance Fee	\$1,673	Clearance Release Fee: \$1,000	n/a	\$1,485	\$1,595	\$1,760
Reactivation of Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision or Condominium, Site Plan or Site Plan Amendment	n/a	n/a	n/a	Subdivision: Reactivation fee of \$1,422 applies after 3 years Condo: Reactivation fee of \$1,061 applies after 3 years	n/a	\$1,500 applies after 3 years and where plans have changes significantly
Lift Part-Lot Control	\$1,779 plus \$222 per unit (max \$5,000)	\$565 + \$25 per unit Recirculation: \$113	\$175 per unit	\$1,273 plus cost of registration of by-law. (Includes extensions)	\$774 + \$52 per unit to a maximum of \$8,260	\$1,870 plus \$235 per unit (max. \$5,250)
Extension of Part Lot Control Exemption	\$1,779	n/a	n/a	n/a	n/a	\$1,870

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
Site Plan Approval	<p>\$6,735 plus a per unit fee as follows:</p> <p>First 25: \$674 per unit 26-100: \$500 per unit 100-200: \$250 per unit Over 200: \$125 per unit</p> <p>Non-residential: \$6,735 plus \$67 per 100m² of gfa</p>	<p>Residential: \$2,500 + \$175 per unit</p> <p>Commercial: \$2,500 + \$850 for each 2,000 sq. m.</p> <p>Industrial: \$2,500 + \$500 for each 2,000 sq. m.</p> <p>Major Revision: \$2,500 Minor Revision: \$750</p> <p>Clearance: \$250</p>	<p>Residential: \$3,000 + \$275 per unit</p> <p>Non-Residential: \$3,000 + \$500 for each 2,000 sq. m gfa or portion thereof</p> <p>Institutional: \$3,000</p>	<p>\$2,652 plus \$0.27 per sq. m of site area plus \$1,061 for the agreement</p> <p>Site Inspection - \$212 for 3rd inspection or more</p>	<p>Residential: \$3,190 + \$207 per unit</p> <p>Commercial: \$3,190 + \$27 per 100 sq. m. gfa</p> <p>Mixed Uses: \$3,190 + \$27 per 100 sq. m commercial gfa + \$54 per residential unit to a max of \$15,952</p> <p>All other non-residential: \$1,291 plus \$10 per 100 sq. m. gfa to a max of \$7,976</p> <p>Plans for approval only (no agreement) \$957</p>	<p>\$7,075 plus a per unit fee as follows:</p> <p>First 25: \$710 per unit 26-100: \$525 per unit 101-200: \$265 per unit Over 200: \$130 per unit</p> <p>Non-residential: \$7,075 plus \$70 per 100m² of gfa</p>
Site Plan Amendment	<p>Minor: Where there is no expansion to the building or where the expansion is less than 50% of total floor space: \$6,528</p> <p>Major: Where the expansion to the building is greater than 50% or 5,000 sq.m (whichever is less): \$15,127</p>	<p>Minor: \$750</p> <p>Major: \$2,500</p>	<p>\$3,000 for expansions greater than 50% of the total floor area</p> <p>\$2,000 for expansions less than 50% of the total floor area</p> <p>\$1,000 for a minor modification to a site plan by the Planning Director</p>	<p>\$2,652 plus \$0.27 per sq. m of site are plus \$530 for an amending agreement</p>	<p>Residential: \$638 + \$27 per unit to a maximum of \$5,317</p> <p>Commercial: \$1,595 + \$27 per 100 sq. m. commercial gfa to a maximum of \$15,952</p> <p>Mixed Uses: \$1,595 + \$27 per residential unit to a maximum of \$15,952</p> <p>Industrial/Other: \$638 + \$11 per 100 sq. m. gfa to a maximum of \$6,381</p>	<p>Minor A: Where there is no expansion to the building (includes Model Homes and Sales Trailers, patios, outdoor play areas, and/or changes to building facades): \$2,000</p> <p>Minor B: Where the expansion is less than 50% of total floor space: \$6,855</p> <p>Major: Where the expansion to the building is greater than 50% or 5,000 m² (whichever is less): \$15,585</p>

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
Minor Variance	Residential: \$750 Non-residential: \$2,141 Tabling Fee: \$100 Special Hearing: \$3,500	Accessory Structure: \$200 Existing Building: \$350 Vacant Land: \$1,500 Tabling Fee: \$200 Special Meeting: \$750	\$500 Special Hearing: \$1000 Tabling Fee: \$200	Residential: Detached, semi-detached, duplex, street townhouse, or converted dwelling \$530 per lot All other Residential: \$1,273 per lot Non-Residential: \$1,273 Special Meeting: \$1,061 Tabling Fee: \$212	\$452 Recirculation: \$106 Tabling Fee: \$106	Residential: no change Non-residential: \$2,250 Tabling Fee: \$105 Special Hearing: \$3,675
Land Division Administration Fee	\$1,964	\$700 Clearance Fee: \$300	\$750	\$424 per application \$160 per clearance	Land Division Development Agreement \$367.50 Clearance Fee: \$300	\$2,065
Sign By-law Variance	Amendment: \$2,000 Variance: \$1,000	n/a	Amendment: \$2,000 Variance: \$550	Residential: \$464 All others: \$773	Amendment: \$1,033 Variance: \$516	Amendment: \$2,100 Variance: \$1,050
Removal of a Holding Symbol	\$2,500	\$2,225	\$3,250	\$2,228	\$2,127	\$2,625
By-law to Extend the time limit for a Temporary Use	\$2,000	\$2,225	\$2,000	n/a	n/a	\$2,100

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
Request to Extend Draft Approval	\$1,000	n/a	n/a	n/a	\$2,127	\$1,050
Site Plan for a Sales Trailer	\$1,000	n/a	\$700	n/a	\$1,063	n/a – Site Plan for a Sales Trailer to be treated as Minor Site Plan Application
Site Plan for the Pickering Beach Planning Area	\$450	n/a	n/a	n/a	n/a	no change
Site Plan for a Model Home/ Model Home Agreement	\$1,000	\$847.50	\$700	n/a	\$1,063	n/a – Site Plan for a Model Home to be treated as Minor Site Plan Application
Tree Cutting Permit	\$500	n/a	\$500	n/a	n/a	\$525
Additional Public Meeting	Where more than one public open house, And Community Affairs and Planning Committee meeting \$500 per meeting	n/a	\$750	All other Residential: \$1,273 per lot Non-Residential: \$1,273 Special Meeting: \$1,061 Tabling Fee: \$212	\$1,063 + Facility Rental Where notice is published in a local newspaper: \$1,595 + Facility Rental	Where more than one public open house, And Community Affairs and Planning Committee meeting \$525 per meeting
Advertising*	Where it is not possible for notice to be placed in the Ajax News-Advertiser's Community Page, the applicant shall pay the Town's advertising costs in respect of the matter.	n/a	n/a	n/a	n/a	no change

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
Peer Reviews	The applicant shall be responsible for the Town's full costs of undertaking the peer review.	n/a	n/a	n/a	n/a	no change
Ontario Municipal Board Appeals	Where the Town becomes involved in an appeal to the Ontario Municipal Board, and where the Town is in support of the application, the applicant shall pay Town staff costs in terms of time and expenses and attendance at hearings, mediation or arbitration.	n/a	n/a	n/a	n/a	no change
Refund Policy	Where an application is withdrawn after a file has been opened, but before it has been circulated: 90% Where an application is withdrawn after a file has been circulated, but before it has been considered at a public meeting: 50% Where an application is withdrawn after the file has been considered at a public meeting: 0%	n/a	n/a	n/a	n/a	no change
	Street Naming Requests: \$300 Release of Agreements: \$150 Application for Telecommunication Tower/Antenna: \$6,735	Street naming Process: \$339 Release of Agreement: Development related: \$339 Previous Agreement: \$113	Street name change: \$750 + \$50 per municipal address	n/a	Street Name Change: Request: \$1,575 Telecommunication Towers: \$5,160 Landscape Inspection Fee: 0.5% of landscape cost estimate (Min. \$1,000)	no change no change Application for Telecommunication Tower/Antenna: \$7,075

APPENDIX B

Comparison of Fees for Planning Applications

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Application	Ajax 2010	Pickering	Whitby	Oshawa	Clarington	Ajax 2011 (Recommended)
		Transfer of Land and Easements: \$157.50 Transfers of Land/Easements: \$197.75 Release & Abandonment of Easement: \$423.75				

Appendix C

Comparison of Fees for Engineering and Landscape Design Services

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Service	Ajax 2010	Pickering 2010	Whitby 2010	Oshawa 2010	Clarington 2010	Ajax 2011 (Recommended)
Engineering Review, Inspection and Administration of Subdivisions Agreements	<p>Where the value of works is less than \$500,000: 4.5%</p> <p>Where the value of works is \$500,000 to \$1 million: 4.0%</p> <p>Where the value of works is greater than \$1 million: 3.5%</p>	<p>Based on total cost of works <\$500,000 = 4.5%</p> <p>\$500,000 - \$1 mil = 4%</p> <p>> \$1 million = 3.5%</p> <p>Inspection Fee Only</p> <p>Letter of Credit Draw Down Fee \$262.00</p> <p>No changes</p>	<p>1.25% review, inspection <\$200,000=4.0%</p> <p>\$200,000-\$500,000=3.5%</p> <p>\$500,000- \$1 mil =3.0%</p> <p>\$1 mil - \$2 mil =2.5%</p> <p>\$2 mil - \$3 mil =2.25%</p> <p>\$3 mil =2.0%</p> <p>No changes</p>	<p>Base Fee: \$2,060 plus \$150/lot where servicing cost are less than \$45,000.00</p> <p>Less than \$500,000 5.5% \$500,000 - \$1 million 4.5% Over \$1 million 4.0%</p> <p>Base Fee: \$150 per lot payable with first submission of Engineering drawings. Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$2,122 otherwise:</p> <p>Less than \$500,000 – 3%</p> <p>\$500,000 - \$1 million – greater of \$15,000 or 2.5%</p> <p>Over \$1 million – greater of \$25,000 or 2.25%</p>		no change
Review of Subdivision and Land Division Engineering Drawings (After 3 rd Submission)	Engineering costs are invoiced on an actual cost basis.	Engineering costs are invoiced on an actual cost basis. No changes	Engineering costs are invoiced on an actual cost basis. \$500 per additional after 3 subdivisions	Engineering costs are invoiced on an actual cost basis. No changes	\$300.00 Land Division Review Fee No changes	no change

Appendix C

Comparison of Fees for Engineering and Landscape Design Services

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Service	Ajax 2010	Pickering 2010	Whitby 2010	Oshawa 2010	Clarington 2010	Ajax 2011 (Recommended)
<p>Application for Land Division</p> <p>Processing Engineering Drawings and Preparation of Agreement and Inspection of Services (Fixed cost payable with execution of Agreement)</p>	<p>Where the value of works is less than \$500,000: 4.5%</p> <p>Where the value of works is \$500,000 to \$1 million: 4.0%</p> <p>Where the value of works is greater than \$1 million: 3.5%</p>	<p>Based on total cost of works <\$500,000 = 4.5% Inspection Fee Only</p> <p>Letter of Credit Draw Down Fee \$262.00</p> <p>No changes</p>	<p>1.25% review, inspection <\$200,000=4.0%</p> <p>No changes</p>	<p>\$400.00 per application</p> <p>Where no services are provided or servicing costs are <\$45,000 the min. Fee shall be \$2,060</p> <p><500,000: 3% \$500,000-\$1 mil: \$15,000 or 2.5%</p> <p>>\$1 mil: \$25,000 or 2.25%</p> <p>\$412 per application</p> <p>Where no services are provided or servicing costs are less than \$45,000 the minimum fee shall be \$2,122 otherwise:</p> <p>Less than \$500,000 – 3%</p> <p>\$500,000 - \$1 million – greater of \$15,000 or 2.5%</p> <p>Over \$1 million – greater of \$25,000 or 2.25%</p>	<p>\$367.50 Land Division Development Agreement</p> <p>No changes</p>	<p>no change</p>

Appendix C

Comparison of Fees for Engineering and Landscape Design Services

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Service	Ajax 2010	Pickering 2010	Whitby 2010	Oshawa 2010	Clarington 2010	Ajax 2011 (Recommended)
Landscape Architectural and Environmental Services Review and Inspection for Draft Plan of Subdivision and Site Plan Applications	4.5% of the value of landscape works	incorporated with subdivision fee No changes	incorporated with subdivision fee No changes	incorporated with subdivision fee No changes	For Projects greater than 2500 sq.m. floor area, or 25 units or greater (0.5% of landscape cost estimate with a minimum of \$1,000.) Plus GST. No change	Model Homes: \$500 per application Sales Trailer: \$500 per application Single Family: \$500 per application
Peer reviews	Actual costs	Actual costs No changes	Actual costs No changes	Actual costs No changes	100% of the Municipality=s costs of retaining a consultant. No changes	no change
Pre-servicing Agreements	\$1,500 per application	no charge No changes	no charge Ensure securities are in place	\$1,000 plus \$100 per lot (the money collected is actually credited to towards the Engineering fees payed prior to registration of the agreement) . No changes	\$367.50 No changes	no change
Benchmarks	\$750 per 200 lots, minimum \$750	no fee	no fee No changes	no fee No changes	no fee No changes	no change

Appendix C

Comparison of Fees for Engineering and Landscape Design Services

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Service	Ajax 2010	Pickering 2010	Whitby 2010	Oshawa 2010	Clarington 2010	Ajax 2011 (Recommended)
Digital Drawing Management Fee	Where the value of works is less than \$100,000: \$300 Where the value of works is \$100,000 to \$500,000: \$500 Where the value of works is greater than \$500,000: \$1,000	no fee No changes	no fee No changes	\$250.00 per electronic copy No changes	no fee No changes	no change
Storm Water Maintenance	\$2,000 per hectare	\$1600.00 per hectare No changes	no fee \$20,000 per pond for future maintenance thru subdivision agreement	no fee No changes	no fee No changes	no change
Municipal Consent	\$350 each application	\$300.00 No changes	Per street, up to 250m in length \$300.00 No changes	\$515.00/consent \$530.00/consent	\$300 each application No changes	no change
Design Criteria*	\$80 (book and cd) \$25 (cd only)	\$50.00 No changes	\$82.40/book \$83.25/book	\$25.00 (cd only) No changes	no fee No changes	no change
Benchmark Data	\$10	no fee No changes	no fee No changes	no fee No changes	no fee No changes	no change
Engineering Review, Inspection and Administration of	Value of Works for Multi Family Residential/ Commercial/ Industrial/ Institutional (excludes	Engineering related site plan fees are included in application to Planning	Engineering related site plan fees are included in application to Planning Department.	Engineering related site plan fees are included in application to Planning Department	no fee No changes	no change

Appendix C

Comparison of Fees for Engineering and Landscape Design Services

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Service	Ajax 2010	Pickering 2010	Whitby 2010	Oshawa 2010	Clarington 2010	Ajax 2011 (Recommended)
Site Plan Agreements	site servicing permit construction value) <\$500,000 - 4.5% \$500,000 - \$1 million - 4.0% >\$1 million - 3.5% Model Homes \$500 per application Sales Trailer \$500 per application Single Family \$500 per application	Department. Based on total cost of works <\$500,000 = 4.5% \$500,000 - \$1 mil = 4% > \$1 million = 3.5% Inspection Fee Only Letter of Credit Draw Down Fee \$262.00	No changes	No changes		
Site Inspections for Site Plan Applications	\$200 per inspection for 3 rd inspection or more	Inspection Fee Only No changes	1.25% review, inspection <\$200,000=4.0% No changes	\$200 per inspection for 3 rd inspection or more No changes	no fee No changes	no change
Driveway Widening	\$100 per application	no fee No changes	\$35.00 per application No changes	no fee No changes	\$50.00 inspection fee to be credited once application has been approved No changes	no change
Curb Cuts	\$175 for up to 4 metres plus \$40 for each additional metre	Min. Charge \$217.35/5.3m or less \$40.95/m for 5.3m plus	First 2.0m \$70.00/l.s. Each additional meter \$25/m Additional cost when cutting both sides \$0/order. Rush Order: \$100/order. Admin Fee \$35.00	\$165.00 up to 2.0m \$83.00/m over 2.0m Second cut same location \$83.00 back cut up to 2.4m \$203.00 back cut /m over 2.4m \$83.00	\$50 for inspection \$85 min and \$10 per foot No changes	no change

Appendix C

Comparison of Fees for Engineering and Landscape Design Services

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Service	Ajax 2010	Pickering 2010	Whitby 2010	Oshawa 2010	Clarington 2010	Ajax 2011 (Recommended)
		Min. Charge \$207/ 5.3m or less \$39/m (5.3m plus) \$40.95/m for 5.3m plus	First 2.0m \$72.10/l.s. Each additional meter \$25.75/m Additional cost when cutting both sides \$0/order. Rush Order: \$103/order. Admin Fee \$77.50	No changes		
Sedimentation and Erosion Control Permit Fee	\$500 plus \$100 per hectare plus \$500 per renewal	\$500.00 + \$1000/hectare to a max of \$4500.00 \$500.00 for one yr No changes	no fee No changes	\$500.00 + \$25.00/hectare \$250.00 for renewal No changes	no fee No changes	no change
Road Occupancy Permit	\$50	\$25.00 No changes	\$50 per permit Yearly oversized road Occupancy permit \$125/year. Charge for work completing the restoration work Asphalt Pavement - Brock & Dundas Street \$100/sq.m Asphalt Pavement - Other Roads \$90/sq.m Concrete Sidewalk or Boulevard \$100/sq.m Concrete Curb & Gutter \$120/sq.m Asphalt Boulevard \$50/sq.m	Simple \$50.00 Complex \$100.00 No changes	No charge for permit \$250.00 for Road Closure No changes	no change
Hourly Rates	Engineer \$85 per hour Engineering Technician \$55 per hr Landscape Architect: \$85 per hour	actual costs No changes	actual costs No changes	Time and 2 of individual pay rate. No changes	actual costs No changes	no change

Appendix C

Comparison of Fees for Engineering and Landscape Design Services

HST will be added to all fees marked with an asterisk (*) - For comparative purposes HST is excluded

Service	Ajax 2010	Pickering 2010	Whitby 2010	Oshawa 2010	Clarington 2010	Ajax 2011 (Recommended)
Review and inspection of street lighting for new subdivisions	Not applicable. Veridian Connections provided review and inspecting for new subdivisions for the installation of street lights at no charge to the developer. Veridian Connections no longer reviews and inspect new subdivision street lighting.	Veridian supplied the review service prior to 2009 No changes	Whitby Hydro reviews plans. No changes	Oshawa Hydro reviews plans. No changes	Actual costs. Third party consultant. No changes	Actual costs. Third party consultant.

APPENDIX D
Comparison of Economic Development Fees

HST will be added to all fees marked with an asterisk(*) - For comparative purposes HST is excluded

Item	Ajax 2010 Fee	Ajax 2011 Fee (Proposed)	Pickering	Whitby	Oshawa	Clarington
Business Directory - <i>Print Version*</i>	\$20	\$20*	\$20	N/A	N/A	N/A
Film Permit*	\$0 - 500/ day	\$0 - \$500/ Day*	see note below	see note below	see note below	see note below

- Whitby: Fees for municipal facilities are determined according to the productions usage, loss of revenue and the impact on other users.
- Pickering: Although there is not a formal policy, in consultation with City Departments and or community venues, donations are solicited from the film company. Monies are paid to the agreed community group or venue.
- Oshawa: Fees for municipal facilities are charged through facility bookings according to the appropriate fee schedule.
- Clarington: Film companies pay for any necessary removal and reinstallation of street signage or other municipal property. Fees for municipal facilities are charged through facility bookings according to the appropriate fee schedule.

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Howie Dayton
Director, Recreation & Culture

PREPARED BY: Debbie Nickerson Donna Gibson
Manager, Administration Financial Analyst

SUBJECT: **2011 RECREATION & CULTURE FEES**

WARD(S): All

DATE OF MEETING: December 6, 2010

REFERENCE: Municipal Act, 2001
Corporate Strategic Plan - 2.6 Provide effective and sustainable levels of service

RECOMMENDATION:

That the recommended Recreation & Culture fees be approved, effective January 1, 2011, unless otherwise noted, and that the appropriate by-law be presented to Council.

BACKGROUND:

The *Municipal Act, 2001* requires that all fees and charges be set by by-law. The Town's "Annual Review of User Fees/Charges" Policy, approved in 2003, requires each department to review all user fees and charges on an annual basis. The table appended to this report summarizes the present fee structure for programs/services performed in Recreation & Culture, provides comparisons with fees for similar services in neighbouring municipalities, and recommends an appropriate fee schedule for implementation effective January 1, 2011, unless otherwise noted.

DISCUSSION:

Recreation & Culture continues to strive for fiscal accountability while ensuring the delivery of quality services to all residents. As our role within the community evolves and services expand to meet growth and need, it is important to ensure our fee schedule allows for the recovery of the costs associated with the delivery of services and the maintenance and repair of the facilities and equipment.

In most cases user fees are calculated on a cost recovery basis and assist in the reduction of department operational costs. Recreation & Culture offers basic tax subsidized recreation opportunities at a nominal cost (public swimming/skating, youth basketball) or in some limited cases, at no cost (Playground program, Playday Mondays, Grade 5 Action Pass, Community Festivals and Events). These opportunities are deemed as essential services for any healthy community and should be maintained at low or no cost where possible.

While setting fees for 2011, staff considered increased operational costs as well as the impact of current economic conditions that have affected affordability for families in Ajax. In 2008 Council approved the Affordable Access to Recreation Policy which year to date has assisted 330 families with financial assistance. This policy will continue to be an important tool of engaging lower income families. Additional demand for and funding received from the Canadian Tire Jumpstart program is also demonstrating a need for financial assistance for Ajax families.

The fee schedule proposed for 2011 includes the following:

- Rentals fees for the use of St. Francis Centre, Carruthers Marsh and Greenwood Discovery Pavilions
- Aquatic Leadership program fees have been adjusted to reflect the additional certifications obtained by participants
- Neighbourhood Programs and Active Living fees are now listed as a “per class rate”. The Department will determine the number of classes in a programming session and then apply the rate on a pro-rated basis. This administrative change allows staff greater flexibility in year to adjust the length of programs in response to customer feedback and participation trends
- The impact of the Harmonized Sales tax has increased the cost of participation for adults and youth, and the rental of facility space

Any new fee has been developed using a market comparison analysis, a review of industry standards and are aligned with our existing fee structure. That said, every effort was made to maintain modest increases where ever feasible to do so.

Appendix “A” identifies all services provided by Recreation & Culture including the existing 2010 rates and the recommended rates for 2011. This schedule of fees has been reviewed and endorsed by Management Committee

FINANCIAL IMPLICATIONS:

As part of the annual service fee review, a comparative list of fees charged by other local municipalities has been included in this report as Appendix “B”. In deciding our fees, we not only consider this comparison but also consider the uniqueness of Ajax and the rationality of any increase. The following chart is a summary of the proposed changes to our current fees and the budget impact in 2011.

AREA	EFFECTIVE DATE	2011 Budget	AVERAGE INCREASE	BUDGET IMPACT (based on a 12 month period)
Brochure Advertising	Jan. 1, 2011	\$39,000	5%	\$5,000
Ice: Village Arena ACC - all pads	Spr/Sum: March 31, 2011 Regular Season: Sept. 12, 2011	\$245,000 1,218,300 \$1,463,300	3%	\$43,300
Floor: Village Arena ACC	Jan. 1, 2011	\$48,300	n/c	n/c
Hall Rentals	Apr. 1, 2011	\$250,000	5%	\$14,000
Recreational Swim/Skate	Jan. 1, 2011	\$192,800	n/c	n/c
Group Fitness Classes	Jan. 1, 2011	\$246,100	4%	\$18,800
Health & Fitness Centre Membership Fees (all types)	Jan. 1, 2011	\$1,086,800	4%	\$36,900
Aquatics	Jan. 1, 2011	\$1,057,600	4%	\$40,700
Pool Rentals	Jan. 1, 2011	\$69,000	3%	\$3,000
General Programs & Summer Camps	Jan. 1, 2011	\$759,900	4%	\$21,000
Total Budget Impact				\$182,700

COMMUNICATION ISSUES:

Fee increases will be communicated through the Community Recreation & Parks Guide. A list of Recreation & Culture Fees and Charges will be available for public interest at the customer service counters at both the Ajax and McLean Community Centres. Additional communication will be sent to existing community groups and regular facility users advising them of the revised fee structure.

CONCLUSION:

Recreation & Culture continues to focus on efforts to maintain a wide range of high quality programs and services delivered in a manner which is affordable and fiscally responsible. This report and supporting documentation reflects the cost of providing these services.

Howie Dayton, Director, Recreation & Culture

Debbie Nickerson, Manager Administration,
Recreation & Culture

Donna Gibson, Financial Analyst, Recreation & Culture

TOWN OF AJAX REPORT



REPORT TO: General Governmental Committee

SUBMITTED BY: Dave Meredith
Director, Operations and Environmental Services

PREPARED BY: Jeff Stewart
Manager, Environmental Services

SUBJECT: **2011 Operations and Environmental Services User Fees**

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE: Municipal Act, 2001

Recommendation:

That the recommended Operations and Environmental Services fees, effective January 1, 2011 be approved.

Background:

The *Municipal Act, 2001* requires that all fees and charges be set by by-law. The Town's "Annual Review of User Fees/Charges" Policy, approved in 2003, requires each department to review all user fees and charges on an annual basis. The table appended to this report as Schedule "A" summarizes the present fee structure for certain services performed in the Operations and Environmental Services Department, provides comparisons with fees for similar services in neighboring municipalities, and recommends an appropriate fee schedule for implementation effective January 1, 2011.

Discussion:

Operations and Environmental Services offer a broad range of services that require the payment of user fees. Staff have completed a review of the current fees, and are only recommending increases in sportsfield user fees and changes to the operation of the showmobile.

Sports Fields

A 10% fee increase is being recommended for permitted sports fields. This increase is being recommended based on Councils' past directive to seek a full cost recovery from adult users and a 70% recovery of costs for children and youth groups.

Currently the Town's recovery rate for baseball and soccer is 49% and 46% respectively.

Picnic Tables

The Town provides the loan and delivery of picnic tables. This service includes the rental and delivery of 8 tables per load with supporting waste recycles. Service groups and groups and organizations that are recognized under the Town's Affiliation Policy are not charged for this service. Staff are recommending that community events and service clubs not be charged for this service. Residents and school councils are charged a minimum charge of \$100.00 for each load of 8 tables. This service is based on availability of tables with Town functions taking priority.

Current Fees and Recommended Changes (effective January 1, 2011) HST will be added to all fees marked with an asterisk (*)

Services	Ajax (current)	Ajax (recommended)
Soccer Pitches *	Type One: Youth - \$16.50 Adult - \$26.50	Type One: Youth - \$18.00 Adult - \$29.00
	Type Two: Youth - \$13.70 Adult - \$20.00	Type Two: Youth - \$15.00 Adult - \$22.00
	Type Three: Youth - \$8.50 Adult - \$13.75	Type Three: Youth - \$9.25 Adult - \$15.00
Ball Diamonds *	Type One: Youth - \$19.25 Adult - \$30.00	Type One: Youth - \$21.00 Adult - \$33.00
	Type Two: Youth - \$15.50 Adult - \$24.25	Type Two: Youth - \$16.50 Adult - \$26.50
	Type Three: Youth - \$10.50 Adult - \$16.50	Type Three: Youth - \$11.50 Adult - \$18.00
Culverts	7m installation - \$1,500 (plus HST)	No changes are being recommended
Newspaper pads * and Hitching Posts	Application pre inspection - \$25.00 Installation - \$400.00 Annual inspection - \$25.00	No changes are being recommended.

Services	Ajax (current)	Ajax (recommended)
Paulynn Park	<p>General admission – free Education (student rate) - \$1.00 per person <u>Group Fees With Picnic Shelter *</u> 0-30 people = \$125.00 (with one picnic shelter) 30-60 people = \$225.00 (with two picnic shelters) (30 people maximum per shelter and two shelters maximum per group) <u>Group Fees Without Picnic Shelter *</u> 0-30 = \$60.00 (with 4 picnic tables) 31-60= \$120.00 (with 8 picnic tables) Groups exceeding 60 people or requiring a fire permit are re-directed to Greenwood Conservation Area.</p>	No changes are being recommended
Greenwood Conservation Area	<p>General admission - free Education (student rate) - \$1.00 per person <u>Group Rates With Picnic Shelter *</u> 0-30 people = \$125.00 (with one picnic shelter) 31-99 people = \$225.00 (with one picnic shelter) 100-500 people = \$450.00 (with two picnic shelters) <u>Group Rates Without Picnic Shelter *</u> 0-30 = \$60.00 (with 4 picnic tables) 31-99= \$120.00 (with 8 picnic tables) Camping rates - \$3.50 per person, per night, minimum of \$50.00 Fire permit - free Firewood - \$8.00/bundle</p>	No changes are being recommended

Services	Ajax (current)	Ajax (recommended)
Waterfront	<p>General admission - free Education (student rate) - \$1.00 per person</p> <p><u>Group Fees With Picnic Shelter *</u> 0-30 people = \$125.00 (with one picnic shelter) (30 people maximum per shelter - only one shelter exists at Lions Point)</p> <p><u>Group Fees Without Picnic Shelter *</u> 0-30 = \$60.00 (with 4 picnic tables)</p> <p>It is recommended that groups exceeding 30 people, or requiring a fire permit be directed to Greenwood Conservation Area or may require a special event permit.</p>	No changes are being recommended
Showmobile *	Rental fee - \$68.00 per hour plus a three hour set up time @ \$204.00	No changes are being recommended
Picnic Tables *	\$100 per load (8 tables)	Community events and service clubs will not be charged
Tree/Bench/ Picnic Table Dedication *	Tree dedication - \$300.00 Bench dedication - \$400.00 Picnic table dedication - \$500.00	No changes are being recommended
Portable washrooms and hand wash stations *	Washroom - \$200.00 Hand wash - \$100.00	Hand wash stations be increased to \$150.00
Special Events *	Groups 15-99 - \$100.00 Groups >99 - \$200.00 *Plus any other direct costs included by the Town based on the nature of the event.	No changes are being recommended
Snow Removal Program *	All service - \$120.00	No changes are being recommended

Financial Implications:

Based on the recommended schedule of fees, and the existing usage for sports fields, staff anticipate approximately \$21,500.00 in additional revenue in 2011.

Communication Issues:

Upon approval of this report and the attached Schedule of Fees for 2011, sports field user groups will be formally notified of the permit fees during the upcoming annual field user meetings.

Conclusion:

The proposed fees have been reviewed by staff. These modest increase relating to sports fields will help to offset operating costs and to continue to move towards aligning our fees with the previously approved recovery rates as directed by Council.

Jeff Stewart, Manager of Environmental Services

Dave Meredith, Director of Operations and Environmental Services

SCHEDULE "A"

Services	Ajax	Pickering	Whitby	Oshawa
Soccer Pitches	Type One: Typically includes lights and accommodates senior pitch, (Includes Senior Sportsplex Fields) Youth - \$16.50 Adult - \$26.50	Field use is free. \$250.00 per day for a tournament and \$500.00 for a weekend.	Youth \$10.85/hour Adults - \$30.76/hour	Class A - lit fields - \$31.83/hour for adult
	Type Two: Typically has no lights, but can accommodate a senior pitch. Youth - \$13.70 Adult - \$20.00	Same as above.	Adults - \$19.91/hour Youth - no charge	Class B - unlit fields - \$20.16/hour for adult
	Type Three: Junior pitch or mini pitch Sportsplex surcharge is waived if only one mini is required. Youth - \$8.50 Adult - \$13.75	Same as above.	Only provide Type 1 and 2 fields.	Class C 12.73/hour for adult

Services	Ajax	Pickering	Whitby	Oshawa
Ball Diamonds	Type One: typically includes lights and accommodates senior play (includes Sportsplex fields) Youth - \$19.25 Adult - \$30.00	Same as soccer.	Adults - \$33.34/hour Youth - no charge	Class A - \$24.40/hour, Adult
	Type Two: no lights, allows senior play. Youth - \$19.25 Adult - \$30.00	Same as soccer.	Adults - \$24.05.00/hour Youth - no charge	Class B – \$15.91 /hour, Adult
	Type Three: no lights, may/may not restrict senior play. Youth - \$10.50 Adult - \$16.50	Same as soccer.	Only provide Type 1 and 2 fields.	Class C - \$12.73/hour, Adult
Culverts	7 m installation - \$1,500 Plus GST	up to 9 metres \$1405.00. plus 155.00 per metre for larger than 9 metres	- \$1,375. for 6 m installation - \$225.00 each additional m.- \$435 minimum extension fee for 1.5 m. - \$290. for each additional m. Plus GST	\$1,200. standard installation Includes GST

Services	Ajax	Pickering	Whitby	Oshawa
Newspaper Pads and Hitching Posts	<ul style="list-style-type: none"> - Application pre-inspection - \$25. - Installation of concrete pad and hitching post - \$400. - Annual inspection - \$25. Plus GST	<ul style="list-style-type: none"> - Pad and hitching post - \$250.00 to 500.00 - Admin. fee - \$50. Includes GST	\$310.00 /year, per newspaper company approval fee Recovery of newspaper boxes \$105.00	Application pre-inspection - \$15. Includes GST
Greenwood Conservation Authority	General Admission = free Group rates with shelter : 0-30 people =\$125 31-99 people = \$225 100-500 = \$450 Group rates without shelter: 0-30 people= \$60 (with 4 tables) 31-99 people= \$120 (with 8 picnic tables) Fire Permit = free Firewood = \$8.00 / bundle	\$25.00 for park permit	General Permit = \$40.00 Gazebo rental - residents - \$80.00 Includes GST	- 50 to 249 people - \$397.84 - 250 - 500 people - \$440.94 Picnic Shelter rental - \$179.29/day

Services	Ajax	Pickering	Whitby	Oshawa
Paulynn Park	General Admission = free Group rates with shelter : 0-30 people = \$50 31-99 people = \$100 Group rates without shelter: 0-30 people= \$25 (with 5 tables) 31-60 people= \$50 (with 10 picnic tables)	Same as above	Same as above.	Same as above.
Showmobile	Rental fee - \$68.00 per hour - plus a three hour set up time - \$204.00 - plus 25% administration fee Plus GST	Does not offer this service.	Does not offer this service.	Does not offer this service.
Picnic Tables	Up to 8 tables - free - subject to availability. For every additional 8 tables - \$100.00. Plus GST	\$100.00 for 6 tables \$25.00 for 6 garbage cans	No charge.	\$100. deposit for Admin. fee. Individuals have to pick up and return tables.

Services	Ajax	Pickering	Whitby	Oshawa
Tree/Bench/Picnic Table Dedication	Tree dedication - \$300.00 Bench dedication - \$400.00 Picnic tables dedication - \$500.00 Plus GST	tree \$500.00 Bench \$1000.00	Tree dedication - \$214.00 Bench dedication - \$1,565.00 Plus GST	Tree in parkland \$500.00 Commemorative bench program Bronze \$1,700.00 Silver \$2,200.00 Gold \$2,500.00
Snow Removal Program	All Service - \$120	Free - there is a limit of 200 people. Will shovel a 9 to 12 ft. apron at bottom of driveway and one shovel width to front door and full sidewalk.	Free - clear snow from driveway, windrow and parking for one vehicle. Walkway access to the home is also provided.	Free - clear sidewalk and windrow, do not clear the driveway.

**TOWN OF AJAX
REPORT**



REPORT TO: General Government Committee

SUBMITTED BY: M. Diotte
Fire Chief

PREPARED BY: K. Doucette
Chief Fire Prevention Officer

SUBJECT: **2011 Fire & Emergency Services Fees**

WARD(S): All

DATE OF MEETING: 2010 12 09

REFERENCE: *Municipal Act, 2001*

Recommendation:

“That the recommended Fire & Emergency Services fees, effective January 1, 2011 be approved and that the appropriate by-law be presented to Council.”

Background:

In accordance with the *Municipal Act, 2001* and the Town's Policy for Annual Review of User Fees/Charges, Fire & Emergency Services has completed a review of its user fees/charges. Schedule "A" provides a comparison to neighboring municipalities based on 2010 fees charged.

Fees for service are calculated on a cost recovery basis and assist in the reduction of operational costs of Ajax Fire and Emergency Services (AFES). It is important to note that these fees for services, and cost recovery, are intended only to offset some or all of the costs in delivering services and do not in any way compromise access by the public to fire protection services. Additionally, these fees do not, in any manner, jeopardize public fire safety.

Discussion:

Fees are generally determined by considering the amount of staff time and other costs involved in order to reflect the true value of services rendered. Currently, a number of services performed by AFES including fire prevention inspections, requests for letters/reports, issuance of permits relative to fire inspection and code compliance, etc. are invoiced based on an established fee schedule. Staff have also examined the rationale for the fees applied for similar services in other municipalities.

Based on this analysis, it is recommended that the following changes be made to the 2011 fee schedule;

- Fee for vehicle responses to be raised to match new proposed 2011 MTO rate from \$350.00 to \$410.00 per vehicle/hour
- Fee for two-unit residential inspections to be raised from \$170.00 to \$195.00 to match cost of other similar inspections conducted by the Fire Prevention and Public Safety Division
- Fee for fire extinguisher training to be added when AFES facilitates over 20 persons to include a \$10.00 per person charge

The following chart summarizes the recommended fee schedule for 2011:

AJAX FIRE & EMERGENCY SERVICES Council Approved Fee Schedule - Effective January 1, 2011		
HST will be added to all fees marked with an asterisk (*)		Fee
Information / Documents		
101	Copy of Emergency Response Report - within past 2 years	\$ 75.00
102	Copy of Emergency Response Report - over 2 years - Archival	\$ 150.00
103	File Search	\$ 55.00
104	Fire Regulation Compliance Letter	\$ 55.00*
Inspections		
201	Boarding / Lodging / Rooming House - upon request	\$ 195.00*
202	Educational Institutions - upon request	\$ 195.00*
203	Foster Care - upon request	\$ 195.00*
204	Group Home - upon request	\$ 195.00*
205	Institutional - upon request	\$ 195.00*
206	Licensed Day Care - upon request	\$ 195.00*
207	Private Home Day Care - upon request	\$ 195.00*
208	Liquor Licensing - upon request - includes occupant load calculations	\$ 195.00*
209	Liquor Licensing for outdoor patios - includes full inspection	\$ 195.00*
210A	Non-Residential Inspection - 1000m ² or less - upon request	\$ 195.00*
210B	Non-Residential Inspection - each additional 1000m ² or each additional floor	\$ 25.00*
211	Non-Residential Inspection - multiple unit occupancy - per tenant (strip mall)	\$ 195.00*

212A	Residential Inspection - upon request - (includes apartment complex / hotel / motel)	\$ 195.00*
212B	Residential Inspection - each additional storey - above or below grade	\$ 25.00*
213	Two Unit Residential Inspection -Retrofit - upon request or complaint	\$ 195.00*
214	Wood Burning Appliance - upon request	n/c
Permits		
301	Open Air Burning Permit	\$ 70.00
302	Fire Extinguisher Training Permit AFES facilitates (per 20 participants) - Additional persons \$10.00* per person	\$ 70.00
303	Open Air Burning - farm waste	n/c
Emergency Services		
401A	Standby Requests - MTO Rates - per vehicle for the first hour or part thereof	\$ 410.00*
401B	Standby Requests - MTO Rates - per vehicle for each additional one-half hour	\$ 205.00*
402A	Motor Vehicle Collisions on Hwy 401 - (cost recovery through MTO) – per vehicle for the first hour or part thereof	\$ 410.00
402B	Motor Vehicle Collisions on Hwy 401 - cost recovery through MTO - per vehicle for each additional one-half hour	\$ 205.00
403A	Response to Hazardous Material Incident - per vehicle for first hour or part thereof - plus any additional clean-up costs	\$ 410.00*
403B	Response to Hazardous Material Incident - per vehicle for each additional one-half hour or thereof	\$ 205.00*
404A	Response to Dangerous Goods Incident - per vehicle for first hour or part thereof, plus any additional clean-up costs	\$ 410.00*
404B	Response to Dangerous Goods Incident - per vehicle for each additional one-half hour or thereof	\$ 205.00*
405	Additional Expenses – to retain a private contractor, rent special equipment, preserve property or evidence, or in order to eliminate an emergency or risk of an emergency situation	Actual Costs*
406A	Attending Natural Gas Incident - per vehicle for first hour or part thereof	\$ 410.00*
406B	Attending Natural Gas Incident - per vehicle for each additional one-half hour or thereof	\$ 205.00*
407A	Attending a Non-Emergency Elevator Incident - per vehicle for first hour or part thereof	\$ 410.00*

407B	Attending a Non-Emergency Elevator Incident - per vehicle for each additional one-half hour or thereof	\$ 205.00*
Preventable Fires and Alarm Services		
501	Response to Unapproved Open Air Burning - following one warning - per vehicle for first hour or part thereof	\$ 410.00*
501B	Response to Unapproved Open Air Burning - per vehicle for each additional one-half hour or thereof	\$ 205.00*
502	Response to fires on or beside rail lines caused by railway company	Actual Costs*
503A	Response to Malicious and Nuisance Alarms - following second response per calendar year - per vehicle for the first hour or part thereof	\$ 410.00*
504B	Response to Malicious and Nuisance Alarms - per vehicle for each additional one-half hour or thereof	\$ 205.00*
505A	Response to false alarm as a result of work being performed on a fire alarm system or emergency system following one false alarm in a calendar year - per vehicle for the first hour or part thereof	\$ 410.00*
505B	Response to false alarm as a result of work being performed on a fire alarm system or emergency system following one false alarm in a calendar year - per vehicle for each additional one-half hour or thereof	\$ 205.00*

Financial Implications:

During 2009, a total of \$31,617.23 was invoiced, which includes \$25,725.00 for emergency responses onto Highway 401. The remaining balance of the \$5,892.23 was collected from residential inspections, file searches and requests for emergency response reports.

Communication Issues:

Residents, taxpayers, lawyers, mortgage and insurance companies, are advised of the fee for services at the time of each request and all Fire & Emergency Services fees are posted on the Town of Ajax website.

Conclusion:

The 2011 recommended fees to be charged by Fire & Emergency Services are consistent with other municipalities in the Durham Region.

K. Doucette – Chief Fire Prevention Officer

M. Diotte – Fire Chief

Schedule "A" – FIRE & EMERGENCY SERVICES – 2010 FEE COMPARISON
For comparative purposes HST is excluded

SERVICE	Ajax	Whitby	Pickering	Oshawa	Clarington	Cobourg	Scugog
INFORMATION							
Copy of Emergency Response Report - within past 2 years	75.00	65.00	125.00	65.00	78.00	25.00	60.00
Copy of Emergency Response Report - over 2 years - Archival	150.00	65.00	125.00	65.00	78.00	45.00	60.00
File Search	55.00	<4 units- 65.00 >4 units 195.00+ 20.00/unit	125.00	65.00	78.00	45.00	60.00
Fire Regulation Compliance Letter	55.00	65.00	125.00	65.00	78.00	45.00	60.00
INSPECTIONS							
Boarding / Lodging / Rooming House upon request	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	N/C
Educational Institutions upon request	195.00	65.00/hr	125.00	65. Min. 2hrs 00/hr	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	N/C
Foster Care - upon request	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	N/C
Group Home - upon request	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	N/C
Institutional - upon request	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00/hr
Licensed Day Care - upon request	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00
Private Home Day Care - upon request	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00
Liquor Licensing - upon request - includes occupant load calculations	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00/hr
Liquor Licensing for outdoor patios - includes full inspection	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00/hr
Non-Residential Inspection - 1000m ² or less - upon request	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00/hr
Non-Residential Inspection - each additional 1000m ² or each additional floor	25.00	N/A	N/A	N/A	N/A	N/A	N/A

	Ajax	Whitby	Pickering	Oshawa	Clarington	Cobourg	Scugog
Non-Residential Inspection - multiple unit occupancy - per tenant (strip mall)	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00/hr
Residential Inspection - upon request - (includes apartment complex/ hotel / motel)	195.00	65.00/hr	125.00	65.00/hr	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00/hr
Residential Inspection - each additional storey - above or below grade	25.00	N/A	N/A	N/A	N/A	N/A	N/A
Two Unit Residential Inspection - Retrofit - upon request or complaint	170.00	65.00/hr	N/C-500.00 for registration	65.00/hr	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	115.00
Re-inspections	N/C	65.00/hr	N/C	65.00/hr Min. 2hrs	N/C	after 1 70.00	N/C
Wood Burning Appliance - upon request	N/C	N/A	N/C	N/A	78.00 for insurance companies	N/A	N/C
Fireworks	200.00 By-law collects	N/A	125.00	N/C	78.00 for sales trailer	N/A	N/C
Fire Safety Presentations/training	N/C	65.00/hr	N/C	N/C	N/C	N/C	N/C
Requests of SFD inspection by homeowner	N/C	N/C	N/C	N/C	N/C	N/C	N/C
Fire Route Applications	N/C	N/C	N/C	N/C	N/C	N/C	N/C
Inspection initiated by F.D.	N/C	N/C	N/C	N/C	N/C	N/C	N/C
Security key- box	N/C	N/C	80.00	Actual cost	N/C	N/C	N/C
Fire Safety Plan Development	N/C	N/C	N/C	65.00/hr	N/C	N/C	N/C
Misc. Inspections	195.00	65.00/hr	125.00	65.00/hr Min. 2hrs	<600m ² - 234.00 >600m ² - 468.00	70.00/hr	100.00/hr
PERMITS							
Open Air Burning	70.00	50.00	N/C	65.00	25.00	35.00 Contractor 200.00	25.00
Open Air Burning /extinguisher training	70.00	10-15.00 per person	N/C	130.00/hr	N/C	N/C	N/C
Open Air Burning –Farm	N/C	50.00	N/C	N/C	25.00/yr	N/C	25.00

	Ajax	Whitby	Pickering	Oshawa	Clarington	Cobourg	Scugog
EMERGENCY SERVICES							
Standby Requests - MTO Rates - per vehicle for the first hour or part thereof/ per vehicle & crew to standby for filming, social functions etc.	350.00	350.00	350.00	350.00	350.00	350.00	5hrs -500+ 125/hr over 5hrs 10hrs- 800+125/hr over 10hrs 5 F/F @ \$30/hr
Standby Requests - MTO Rates - per vehicle for each additional one-half hour or part thereof	175.00	175.00	N/A	175.00	N/A	N/A	N/A
Motor Vehicle Collisions on Hwy 401 - (cost recovery through MTO) -per vehicle for the first hour or part thereof	350.00	350.00	350.00	350.00	350.00	350.00	MTO rates/ or 400/hr – 200/per 1/2hr plus manpower
Motor Vehicle Collisions on Hwy 401 - cost recovery through MTO -per vehicle for each additional one-half hour or part thereof	175.00	175.00	N/A	175.00	N/A	N/A	N/A
Response to Hazardous Material Incident - per vehicle for first hour or part thereof - plus any additional clean-up costs	350.00 + Costs	Costs	Costs	350.00 + Costs	Costs	Costs	N/C
Response to Hazardous Material Incident - per vehicle for each additional one-half hour or part thereof	175.00	N/A	N/A	175.00	N/A	N/A	N/A
Response to Dangerous Goods Incident - per vehicle for first hour or part thereof, plus any additional clean-up costs	350.00	Costs	Costs	350.00	Costs	Costs	N/C
Additional Expenses - in order to eliminate an emergency	Actual Costs	Actual Costs	Actual Costs	Actual Costs	Actual Costs	Actual Costs	Actual Costs
Response to Dangerous Goods Incident - per vehicle for each additional one-half hour or part thereof	175.00	175.00	N/A	175.00	N/A	N/A	N/C
Attending Natural Gas Incident - per vehicle for first hour or part thereof	350.00	N/C	N/C	350.00	N/C	N/C	N/C
Attending Natural Gas Incident - per vehicle for each additional one- half hour or part thereof	175.00	N/A	N/A	175.00	N/A	N/A	N/C

	Ajax	Whitby	Pickering	Oshawa	Clarington	Cobourg	Scugog
Attending a Non-Emergency Elevator Incident - per vehicle for first hour or part thereof	350.00	N/C	N/C	350.00	N/C	N/C	N/C
Attending a Non-Emergency Elevator Incident - per vehicle for each additional one-half hour or part thereof	175.00	N/A	N/A	175.00	N/A	N/A	N/C
PREVENTABLE FIRES & ALARM SERVICES							
Response to Unapproved Open Air Burning -per vehicle for first hour or part thereof	350.00 following one warning	100.00	N/C	350.00 following one warning	350.00	N/C	500/hr+ manpower
Response to Unapproved Open Air Burning - per vehicle for each additional one-half hour or part thereof	175.00	N/A	N/C	175.00	N/A	N/A	250+ manpower
Response to fires on or beside rail lines caused by railway company	Actual Costs	Actual Costs	Actual Costs	Actual Costs	N/A	N/C	N/C
Response to Malicious and Nuisance Alarms - per vehicle for the first hour or part thereof	350.00	350.00 More than 2 per year	350.00	350.00	350.00	N/C	500/hr+ manpower 30.06 person/hr after 3 in 6mths
Response to Malicious and Nuisance Alarms - per vehicle for each additional one-half hour or part thereof	175.00	65.00/hr	N/A	175.00	N/A	N/A	250+ manpower
Response to false alarm as a result of work being performed on a fire alarm system or emergency system following one false alarm in a calendar year - per vehicle for the first hour or part thereof	350.00	350.00	350.00	350.00	350.00	300.00	500/hr+ manpower 30.06 person/hr
Response to false alarm as a result of work being performed on a fire alarm system or emergency system following one false alarm in a calendar year - per vehicle for each additional one-half hour or part thereof	175.00	N/A	N/A	175.00	N/A	300.00	250+ manpower

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

PREPARED BY: Rob Ford, CMA, AMCT
Director of Finance/Treasurer

SUBJECT: 2011-2014 General Levy Forecast

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE: June 24, 2010 GGC Report - 2011 Budget & Forecast Timetable

RECOMMENDATION:

- 1. That the report on the 2011-2014 General Levy Forecast be received for information.**
- 2. That Council establish the target 2011 tax rate increase.**

BACKGROUND:

As identified in the June 24, 2010 GGC report, the 2011-2014 General Levy Forecast is being presented in December rather than October, due to the 2010 municipal election. However, the final approval date for the 2011 Capital and Operating Budgets and the 2012-2015 Long Range Capital Forecast remains unchanged, with approval by Council scheduled for Monday, February 14, 2011.

Last year's General Levy Forecast was prepared in the midst of the global economic recession. While economies have improved both in Canada and throughout the world, there remain many widely varying opinions on the timing and pace of a complete economic recovery. The 2011-2014 General Levy Forecast reflects a conservative approach to predicting future events, a strategy that has served the Town well in the past and will continue to do so in the future.

DISCUSSION:

2011-2014 General Levy Forecast (Attachment #1)

This chart provides a summary of expenditures and revenues by major category, along with estimated potential tax rate increases for the next four years, based on the assumptions detailed in Attachment #3. The tax increases are not recommendations, but rather high level estimates based on current service levels, providing existing services to the larger population (i.e. growth), the current long range capital forecast and a projection of future economic conditions and other events.

Subject to the many varied assumptions being made today about future events, the current outlook for 2011-2014 is a period of fluctuating tax rate increases on a year over year basis. The higher tax rate increase in 2013 is due primarily to the net budget impact for the first full year of costs for the Audley Recreation Centre Phase 1.

New Programs, Initiatives, Services

The General Levy Forecast does not include new services, increases to existing service levels or new/expanded corporate programs and initiatives that have been identified through various master plans, studies and strategies. The capacity to implement and fund any new services, programs and initiatives is evaluated from both a financial and staff resource perspective, during the preparation of the operating budget.

General Levy Funded Capital

The General Levy provides funding for the following capital projects:

- maintenance of existing infrastructure (i.e. roads, sidewalks, trails, playgrounds, streetlights, sports fields, etc.)
- park redevelopment (e.g. St. Andrews, Paradise, Waterfront, etc.)
- other capital expenditures such as equipment replacement, traffic calming, studies, etc.

The general levy funded capital for the 2011-2014 General Levy Forecast is based on the current Long Range Capital Forecast (LRCF). While the funding does increase slightly each year, the current level of funding in the LRCF is insufficient to maintain the Town's aging infrastructure.

Estimated Assessment Growth

Forecasting estimated assessment growth is extremely challenging, as the factors that determine assessment growth are generally beyond the Town's control. They include:

- volume and type of building permit activity
- number of appeals filed by taxpayers and the Town
- decisions on appeals made by the Municipal Property Assessment Corporation (MPAC) and the Assessment Review Board (ARB)
- timing of decisions on appeals; both MPAC and the ARB are currently clearing a backlog from prior years
- timing of new properties/businesses added to the tax roll by MPAC (i.e. supplementary assessments)
- Provincial or court decisions that affect assessment methodology

A shift in one or more of these factors, can and will significantly change the actual assessment growth achieved in any given year.

FINANCIAL IMPLICATIONS:

The following information from the 2010 budget has been provided to assist Council in their decision making:

\$427,000 - approximate amount of general levy funding required to increase or decrease the Town's tax rate by 1%

\$11.07 - annual impact of a 1% Town tax rate increase on the average residential taxpayer

2011 is the third year of the Province's four year reassessment cycle, with assessment increases phased in equally over the four year period. Individual taxpayers whose assessment related increase is above the Town and Region average, will see their taxes increase solely due to reassessment, while those below the average will see their taxes decrease due to reassessment. The Town does not receive any additional revenue as a result of reassessment (i.e. it is revenue/budget neutral).

COMMUNICATION ISSUES:

All current and prior years' budget/forecast information and the information package "Understanding The Town's Budget Process" are posted on the Town's website.

CONCLUSION:

The setting of the 2011 target tax rate increase by Council will allow staff to complete the 2011 Operating and Capital Budgets and the 2012-2015 Long Range Capital Forecast.

Rob Ford, CMA, AMCT
Director of Finance/Treasurer

**TOWN OF AJAX
2011-2014 GENERAL LEVY FORECAST**

Attachment #1

	2011 Forecast	2012 Forecast	2013 Forecast	2014 Forecast
Current Base Operating Budget				
Full Time Salaries & Benefits	32,379,900	33,489,200	34,788,300	35,728,500
Part Time Wages & Benefits	5,485,300	5,595,000	5,706,900	5,821,000
Annualization of New Staff		805,100	1,793,100	2,770,600
Other Operating Expenditures	14,621,100	15,059,700	15,511,500	15,976,800
Operating Revenues/Recoveries	(13,868,300)	(14,284,300)	(14,712,800)	(15,154,200)
Total Current Base Operating Budget	38,618,000	40,664,700	43,087,000	45,142,700
Long Term Debt Charges				
Existing Debenture Debt	1,106,900	1,107,600	1,107,200	1,107,800
Transfer To Debt Repayment Reserve	214,400	214,400	0	0
Future Debenture Debt	280,300	280,300	1,363,200	1,363,200
Total Long Term Debt Charges	1,601,600	1,602,300	2,470,400	2,471,000
Reserve/Reserve Fund Allocations (Attachment #2)				
To Reserves/Reserve Funds	1,847,000	1,922,000	2,193,100	2,072,000
From Reserves/Reserve Fund	(311,500)	(154,000)	0	(358,700)
Net Reserve/Reserve Fund Allocations	1,535,500	1,768,000	2,193,100	1,713,300
Capital Projects Funded From General Levy	2,457,800	2,575,700	2,808,900	3,049,400
Staffing Forecast				
Full Time	254,300	352,800	421,000	807,200
Part Time	242,700	143,900	44,400	54,100
Departmental Items	550,000	679,700	650,100	1,300,800
Library - Operating Grant	3,521,800	3,660,800	3,814,200	3,953,200
Total General Levy Before Non-Tax Revenues	48,781,700	51,447,900	55,489,100	58,491,700
Less: Other Taxation Revenue	(1,810,200)	(1,815,300)	(1,821,500)	(1,828,700)
Amount to Be Raised By Taxation	46,971,500	49,632,600	53,667,600	56,663,000

Percentage Increase	7.09	5.67	8.13	5.58
Less: Estimated Assessment Growth	<u>(2.50)</u>	<u>(2.50)</u>	<u>(2.50)</u>	<u>(2.50)</u>
Estimated Tax Rate Increase	4.59	3.17	5.63	3.08

TOWN OF AJAX
2011-2014 GENERAL LEVY FORECAST
RESERVE/RESERVE FUND ALLOCATIONS

Attachment #2

	2011 Forecast \$	2012 Forecast \$	2013 Forecast \$	2014 Forecast \$
To Reserves/Reserve Funds				
Capital Projects Reserve	200,000	225,000	250,000	275,000
Building Repair Reserve	350,000	400,000	450,000	500,000
Post Build Out Capital Reserve	109,500	109,500	109,500	109,500
Vehicle/Equipment Replacement Reserve Fund	1,050,000	1,050,000	1,050,000	1,050,000
Public Art Reserve	75,000	75,000	75,000	75,000
Election Reserve	62,500	62,500	62,500	62,500
Building Approvals Reserve (see Note below)	0	0	196,100	0
Total To Reserves/Reserve Funds	1,847,000	1,922,000	2,193,100	2,072,000
From Reserves/Reserve Funds				
Building Approvals Reserve (see Note below)	(111,500)	(54,000)	0	(108,700)
Election Reserve	0	0	0	(250,000)
Tax Rate Stabilization Reserve	(200,000)	(100,000)	0	0
Total From Reserves/Reserve Funds	(311,500)	(154,000)	0	(358,700)
Net Transfer To Reserve/Reserve Funds	1,535,500	1,768,000	2,193,100	1,713,300

Note: Provincial legislation requires that net surplus revenues from building permit activity be transferred to a designated reserve, while deficits can be funded by a transfer from the reserve.

**TOWN OF AJAX
2011-2014 GENERAL LEVY FORECAST
SUMMARY OF ASSUMPTIONS**

FORECAST ITEM	ASSUMPTION/CALCULATION METHODOLOGY
Current Base Operating Budget	Based on existing service levels and projected growth
Full Time Salaries & Benefits	Current staff complement and estimated salary/benefit increases for 2011 to 2014
Part Time Wages & Benefits	Current staff complement and estimated increase of 2% per year for 2011 to 2014 for wages/statutory payroll costs
Annualization of New Staff	Annualized budget impact of new Full and Part Time staff identified in Staffing Forecast
Other Operating Expenditures	Estimated increase of 3% per year for 2011 to 2014
Operating Revenues/Recoveries	Estimated increase of 3% per year for 2011 to 2014
Long Term Debt Charges	Excludes debt payments not funded by the General Levy
Existing Debenture Debt	Principal and interest payments on existing debentures
Transfer To Debt Repayment Reserve	Continuation of short term debt reduction program approved by Council in 2007 budget; fully funded by repayment of existing debt
Future Debenture Debt	Estimated payments for the New Operations Centre (2011) and Audley Recreation Centre (2013) debt
Reserve/Reserve Fund Allocations	
To Reserve/Reserve Funds	As identified in current 2011-2014 Long Range Capital Forecast
From Reserve/Reserve Funds	Adjusted for estimated changes in forecasted Building Permit revenues and Investment Income
Capital Projects Funded From General Levy	As identified in current 2011-2014 Long Range Capital Forecast
Staffing Forecast - Full and Part Time	Operating departments forecast of additional staff required to maintain existing service levels due to growth
Departmental Items	Significant operating expenditure and revenue changes that will impact future departmental operating budgets
Library	Library estimate of funding required from Town, including additional Full Time and Part Time staff resources
Other Taxation Revenue	Payments In Lieu of Taxation (PIL's), Linear Properties (Railways & Hydro Rights of Way), Taxable (Shared PIL) Properties

TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: John Fleck
Director HR Services
Brian Skinner
Chief Administrative Officer

PREPARED BY: John Fleck
Director HR Services

SUBJECT: General Levy Forecast - Staffing 2011

WARD(S): All

DATE OF MEETING: December 9, 2010

REFERENCE: Guiding Principle: Responsive Leader in Local Governance

RECOMMENDATION

That the Staffing General Levy Forecast Report 2011 be received for information.

BACKGROUND

Over the course of the last 5 years, a strategy was implemented to strengthen our front line and strategic corporate positions with increased levels of staffing. The Town added 42 new positions to help reduce the demands of a growing and evolving community.

DISCUSSION

As we move forward, the Town needs to meet the short-term and long-term challenges of growth and continue to develop a staffing plan to respond. Over the course of the next two years, the Town will open the Audley Recreation Centre (ARC), construct new roads, trails, parks and undertake many capital improvements, all of which have an impact on staff requirements. In addition, the need to provide existing services to the larger population base requires additional front line staff.

It is important to note that as we approach build out, we will need to evaluate positions as they become vacant and realignment of some positions may be necessary. A balancing of staff will need to occur to ensure new needs are being met. When positions become vacant, careful scrutiny is paid to determine if the position should be filled, in what capacity, be left vacant or be deployed to another department. The Town will continue to do this into the future.

The General Levy Forecast for staff sets out the staffing requirements for 2011 to 2014. Based on current growth projections, it is estimated that the Town needs to hire an additional 39 staff over the course of the next 4 years. The largest single impact will be in the opening of the Town's Audley Recreation complex with the addition of approximately 8 – 10 new staff in 2012. The additional staff requested in this forecast are required to continue to maintain service levels, allow for a redistribution of work load and create capacity to implement new initiatives.

The following draft titled positions have been reviewed and endorsed by Management Committee and are currently included in the 2011 budget at this time;

Administrative Co-ordinator Mayor/Council (conversion from PT; effective Jan 1 2011)
Manager of Diversity & Community Relations
Accounting Clerk
Infrastructure Coordinator
Plant Health Care Technician
Active Transportation Coordinator
Planning and Design Technician

Our capacity to add additional staff will be subject to the tax rate increase that Council approves and our ability to meet that target in concert with capital projects and new initiatives identified by Council.

FINANCIAL IMPLICATIONS

The specific year to year financial implications will be captured in the annual operating budget.

CONCLUSION

Our capacity to take on new initiatives and to advance new key priorities is directly related to additional human resources. Our success in the past has been in our ability to hire key strategic staff resources to champion numerous Council initiatives.

Brian Skinner
Office of the CAO

John Fleck
Human Resources

**TOWN OF AJAX
REPORT**



REPORT TO: General Government Committee

SUBMITTED BY: Martin de Rond
Director of Legislative and Information Services/Town Clerk

SUBJECT: Various Appointments and Nominations

WARD(S): n/a

DATE OF MEETING: December 9, 2010

REFERENCE:

RECOMMENDATION:

That the following appointments and nominations be approved:

1. **ACTING MAYOR**

That a By-law designating Regional Councillors Collier and Jordan as Acting Mayors be recommended to Council.

2. **2011 - 2014 ANNUAL BUDGET CHAIRS**

2011 - Councillor _____.
2012 - Councillor _____.
2013 - Councillor _____.
2014 - Councillor _____.

3. **TORONTO REGION CONSERVATION AUTHORITY (TRCA)**

That Regional Councillor _____ be nominated for appointment by the Council of the Region of Durham to the Toronto and Region Conservation Authority.

4. **CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY (CLOCA)**

That Regional Councillor _____ be nominated for appointment by the Council of the Region of Durham to the Central Lake Ontario Conservation Authority.

5. **REGION OF DURHAM LAND DIVISION COMMITTEE**

That _____ be nominated for appointment by the Council of the Region of Durham to the Region Land Division Committee.

6. AJAX PUBLIC LIBRARY BOARD

Councillor _____
Citizen Members (up to 8):

7. PICKERING VILLAGE BUSINESS IMPROVEMENT AREA (BIA) BOARD OF MANAGEMENT (Council Member appointments only)

That By-law 155-90, being the By-law that established the Pickering Village Business Improvement Area, be amended to permit up to two members of council to be appointed as Directors of the BIA Board of Management; and,

That Councillors _____ and _____ be appointed.

8. DOWNTOWN AJAX BUSINESS IMPROVEMENT AREA (BIA) BOARD OF MANAGEMENT (Council Member appointment only)

Councillor _____.

9. AJAX MUNICIPAL HOUSING CORPORATION (AMHC) BOARD

Mayor’s Designate for the 2010 - 2014 Term of Council: Councillor _____.
Councillor Brown appointment through May, 2012 re-affirmed.

10. VERIDIAN CORPORATION BOARD

WHEREAS the Town is a shareholder of VERIDAN CORPORATION (the “Corporation”) and pursuant to the shareholders’ agreement relating to the Corporation dated September 28, 2001, is entitled to nominate 4 persons for election to the board of directors of the Corporation;

AND WHEREAS the terms of the present 4 directors nominated by the Town terminate on December 31, 2010;

RESOLVED that the following persons are nominated for the election of directors to the board of the Corporation for the term set opposite their respective names, provided, that any nominee who is the Mayor or a Councillor of the Municipality, his/her term shall terminate on the earlier of the date set out below and the date he/she ceases to hold such office:

<u>Nominee</u>	<u>Date of Term</u>
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11. VERIDIAN CONNECTIONS INC. (appointment made by Corporation Board)

<u>Nominee</u>	<u>Date of Term</u>
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TOWN OF AJAX REPORT



REPORT TO: General Government Committee

SUBMITTED BY: Brian Skinner
CAO

PREPARED BY: Marilou Murray
Assistant to the CAO

SUBJECT: Corporate Strategic Plan (2011-2014) Development & Process

WARD(S): All

DATE OF MEETING: Thursday, December 9, 2010

REFERENCE: GGC Report – June 28, 2010

RECOMMENDATION:

- 1. That a Special Meeting of Council be held to conduct a Strategic Planning Session, including the development of new priorities for the new term of Council (2011-2014);**
- 2. That this Special Meeting of Council be held on Thursday & Friday, January 27 & 28, 2011, from 8:30 a.m. – 4:30 p.m and 8:30 – 11:30 a.m. respectively, at Greenwood Discovery Pavilion located at 2290 Greenwood Road, Ajax;**
- 3. That the draft agenda, attached as Appendix A, be approved and posted on the Town's website by December 10, 2010;**
- 4. That the Mayor and the Chief Administrative Officer have authorization to finalize the Agenda by January 14, 2011;**
- 5. That the meeting be open to the public but that no delegations and/or presentations be permitted;**
- 6. That Council provide direction to staff on the community consultation framework for the strategic plan process, as outlined in the report.**

BACKGROUND:

At the beginning of each term of Council, elected officials historically gather to identify a list of draft priorities and/or strategic goals which form the basis of the Town's Corporate Strategic Plan. The list of identified priorities are based on feedback from constituents through the

election campaign process and/or items of significance carried forward from the previous term of office.

The last Strategic Plan process was undertaken for the 2007-2010 term of council. The 2007-2010 Strategic Plan process was initiated in January 2007 with a Council Strategic Plan meeting, followed by a two-month consultation process, and culminated with a final strategic plan document approved in June 2007. The plan identified a number of community priorities, goals and strategies, of which 102 initiatives were completed during the council term. As this was the Town's first public strategic plan, Council and staff were encouraged by the participation and positive feedback of the process and believe this contributed significantly to the overall success of the Town's plan.

DISCUSSION:

With the beginning of a new Council term, it is timely to embark on a new strategic planning process that will identify priorities for the next four year term – 2011-2014.

This process will be initiated with a two day Council Strategic Planning Session, to be held on January 27 & 28, 2010 at Greenwood Discovery Pavilion. A copy of the proposed agenda is attached as Appendix A. This session provides Council an opportunity to be briefed on key corporate matters, share citizen feedback from the election, and discuss and identify draft strategic objectives/priorities for the 2011-2014 term.

Staff are proposing a process to develop the new plan that includes the two day Council Planning Session as noted above and we further seek your input on the approach for community consultation and the finalization of the plan. The proposed timing of this process will be from late January to late April.

FINANCIAL IMPLICATIONS:

Funds required to host the two-day Strategic Planning Session have been included in the 2011 budget process.

COMMUNICATION ISSUES:

The 2007-2010 Strategic Plan was truly a community plan. The community was involved from the outset of the plan until its completion. The public helped shape the document through an initial community consultative process, and continued to provide input and feedback through annual updates.

As community consultation proved very important to the overall success of the 2007-2010 Strategic Plan, which involved over 275 residents and stakeholders, staff is recommending that Council implement a similar process for the 2011-2014 plan. On the surface, community consultation is important to inform, to gather information, and to engage. However, as we learned and found with the 2007-2010 plan, it also builds community buy-in, and fosters new community partnerships; both important factors in a growing community such as Ajax.

Staff has developed four different community consultation scenarios for the "Development Phase" of the new plan for Council's consideration. The intent would be to integrate the

approved consultation process within a four-week promotional campaign to be developed and led by the Manager of Communications in February. The campaign would include a formal launch, an interactive website, targeted promotional and marketing initiatives, and a social media aspect. The four-week timeframe is important to build momentum, and provide significant notice of public meeting dates. The draft plan is expected to be released in late March for final public comment, with the final plan being presented to Council in April.

Below is an outline of the four possible community consultation scenarios. Council is being asked to provide final direction on which process staff should initiate.

Community Consultation Process # 1

This process would include various priority-focussed public meetings at Ajax Town Hall. Each meeting would be tailored to a specific identified Council priority. This format would allow residents and stakeholders with a vested interest in a priority to share their insight and thoughts on the matter. The number of meetings will be based on the number of identified Council priorities. The public meetings would be held in mid February and conclude by the end of the month. The public would also be able to provide input through an interactive website which will include an online questionnaire. The questionnaire will also be made available through our Town facilities.

Community Consultation Process # 2

This process would include four ward public meetings held in various community facilities and two community stakeholder meetings (business and community partners). The meeting would be used not only as an opportunity to engage residents on Council's draft priorities but allow residents to meet their local councillors and discuss matters that directly effect issues in their wards. The meetings would commence in mid February and conclude by the end of the month. As with the first scenario, the public would also have an opportunity to provide input through an interactive website which will include an online questionnaire. The questionnaire would also be made available through our Town facilities.

Community Consultation Process # 3

This process would include one public meeting at Ajax Town Hall in mid February. The format of the meeting would provide for general overview, followed by specific priority-based breakout sessions. In this process the public would also have an opportunity to provide input through an interactive website which will include an online questionnaire. The questionnaire would also be made available through our Town facilities.

Community Consultation Process # 4

This scenario is an aggressive four-week online campaign. The main component of the campaign would be an interactive website that encourages online dialogue through a variety of web and social media tools such as quick polls, questionnaires, Facebook and Twitter. The promotional campaign would include both print and online advertising to market the site. The online questionnaire would be reformatted and available through Town facilities for those not online and wish to participate.

It is important to note that any consultation efforts or communications cannot begin until after the Council Strategic Session is complete and priorities are identified.

CONCLUSION:

There are several compelling reasons why developing a strategic plan for the Town is critical to our success as a municipality. As a valuable management tool, the strategic plan and clearly articulated “community” vision will enable Council to make well informed decisions that address a number of priorities and challenges; it will allow the Town to continue to build on its existing strengths while maximizing appropriate resources as required; it encourages partnerships and fosters opportunities for stakeholder engagement and participation; and it sets out a framework for future direction and subsequent strategic efforts.

Marilou Murray, Assistant to the CAO

Brian Skinner, CAO

The Corporation of the Town of Ajax

SPECIAL COUNCIL



Thursday, January 27, 2011

8:30 a.m. – 4:30 p.m.

Friday, January 28, 2011

8:30 a.m. – 12:00 p.m.

Greenwood Discovery Pavilion

2290 Greenwood Road, Ajax

(Greenwood Conservation Area)

Confirmed by: _____

AGENDA

1. **Call To Order**
2. **Disclosure of Pecuniary Interest**
3. **Council / Management Strategic Information Session**

DATE	AGENDA ITEM	LEAD
Thursday January 27, 2011	DAY ONE	
8:30 - 8:45 am	Welcome, Introductions and Opening Remarks	Mayor Parish & Brian Skinner
8:45 - 9:15 am	Workshop Objectives and Approach <ul style="list-style-type: none">• Agenda Review• Guidelines for Discussion• Results of Advance Questionnaire• Framework for Planning	Susan Wright
9:15 - 10:30 am	Understanding our Current Situation/ Challenges <ul style="list-style-type: none">• Financial Information Review• Planning & Development Outlook	Rob Ford Paul Allore
10:30 - 10:45 am	BREAK	
10:45- 12:15 pm	Understanding our Current Situation/ Challenges (cont'd) <ul style="list-style-type: none">• Other Information/Considerations• Perspectives from our citizens gained through election process• Summarizing key strategic challenges	Directors Council All
12:15 - 1:00 pm	LUNCH	
1:00 - 1:30 pm	Clarifying our Vision <ul style="list-style-type: none">• Describing the community of Ajax in 2014<ul style="list-style-type: none">- How should it be the same/different?	Council

DATE	AGENDA ITEM	LEAD
1:30 - 2:45 pm	Defining Strategic Objectives for 2011-2014 <ul style="list-style-type: none"> • Reviewing the 2007-2010 Guiding Principles and Corporate Goals • Defining Strategic Objectives for 2011-2014 <ul style="list-style-type: none"> - What should be the Town's key strategic objectives over the next 4 years? 	Council
2:45 -3:00 pm	BREAK	
3:00 - 4:00 pm	Defining Specific Outcomes for 2014 <ul style="list-style-type: none"> • For each strategic objective, what specific outcomes should we aim to achieve? <ul style="list-style-type: none"> - i.e. How will we know when we get there? 	All
4:00 - 4:15 pm	Summing UP and Agenda for Day Two	Susan Wright
4:15 pm	ADJOURN	
Friday, January 28, 2011	DAY TWO	
8:30 - 8:45 am	Review of Results of Day One - Vision, Objectives and Outcomes	Susan Wright
8:45 - 9:15 am	Identifying Priorities for Year 1 and 2	Council
9:15 - 10:00 am	Supporting Success <ul style="list-style-type: none"> • Clarifying Council-Staff Roles • Ensuring Effective Council-Staff Communications and Information Sharing 	Susan Wright
10:00 -10:15 pm	BREAK	
10:15 - 10:30 am	Communicating with the Public <ul style="list-style-type: none"> • Key messages emanating from this planning session and how they will be communicated to the public 	Christie McLardie/ Acting Manager of Communication
10:30 - 10:45 am	Public Consultation Process/Time Lines	Marilou Murray
10:45 - 11:00 am	Next Steps	Brian Skinner
11:00 - 11:10 am	Session Evaluation	All
11:10 - 11:20 am	Closing Remarks	Mayor Parish & Brian Skinner
11:20 am	Adjourn	