



TOWNSHIP OF WILMOT

Council Meeting Agenda

Monday, November 18, 2019

Closed Council Meeting

Swartzentruber Room

6:30 P.M.

Regular Council Meeting

Council Chambers

7:00 P.M.

1. MOTION TO CONVENE INTO CLOSED SESSION

THAT a Closed Meeting of Council be held on Monday, November 18, 2019 at 6:30 p.m. in accordance with Section 239(3), (c) for the purposes of:

c) a proposed or pending acquisition or disposition of land by the municipality.

2. MOTION TO RECONVENE IN OPEN SESSION

3. MOMENT OF SILENCE

4. LAND ACKNOWLEDGEMENT

5. ADDITIONS TO THE AGENDA

6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

7. MINUTES OF PREVIOUS MEETINGS

7.1 Council Meeting Minutes October 28, 2019

Recommendation

THAT the minutes of the following meeting be adopted as presented:

Council Meeting October 28, 2019.

8. PUBLIC MEETINGS**9. PRESENTATIONS/DELEGATIONS**

**9.1 Len Kuehner, Vice-Chair
Castle Kilbride Committee**

10. CONSENT AGENDA

**10.1 REPORT ILS 2019-55
Quarterly Activity Report
July 1 to September 30, 2019**

Recommendation

THAT Report ILS 2019-55 be approved.

11. REPORTS**11.1 FACILITIES AND RECREATION SERVICES****11.1.1 REPORT NO. FRS 2019-10**

Township of Wilmot Municipal Alcohol Policy

Recommendation

That the Township of Wilmot Municipal Alcohol Policy (MAP) be repealed and that Governance Policy GP-004 (Municipal Alcohol Policy) be approved effective January 1, 2020.

11.2 DEVELOPMENT SERVICES**11.2.1 REPORT DS 2019-28**

Ontario Building Code Regulations Changes

Recommendation

That Report DS 2019-28 be received for information.

11.2.2 REPORT DS 2019-29**Transforming and Modernizing the Delivery of Ontario's
Building Code Services****Recommendation**

THAT Report DS 2019-29 be received for information; and,

THAT Report DS 2019-29 be forwarded to the Ministry of Municipal Affairs and Housing as the Township of Wilmot's comments on Transforming and Modernizing the Delivery of Ontario's Building Code Services.

12. CORRESPONDENCE**13. BY-LAWS****14. NOTICE OF MOTIONS****15. ANNOUNCEMENTS****16. BUSINESS ARISING FROM CLOSED SESSION****17. CONFIRMATORY BY-LAW****17.1 By-law No. 2019-51****Recommendation**

THAT By-law No. 2019-51 to Confirm the Proceedings of Council at its Meeting held on November 18, 2019 be introduced, read a first, second, and third time and finally passed in Open Council.

18. ADJOURNMENT**Recommendation**

THAT we do now adjourn to meet again at the call of the Mayor.



TOWNSHIP OF WILMOT

Council Meeting Minutes

Monday, October 28, 2019

Closed Council Meeting

Wilmot Community Room

6:30 P.M.

Regular Council Meeting

Council Chambers

7:00 P.M.

Members Present: Mayor L. Armstrong, Councillors A. Hallman, C. Gordijk, B. Fisher, J. Gerber and J. Pfenning

Staff Present: Director of Information and Legislative Services D. Mittelholtz, Director of Public Works and Engineering J. Molenhuis, Director of Facilities and Recreation Services S. Nancekivell, Director of Development Services H. O'Kafka, Fire Chief R. Leeson, Director of Finance / Treasurer P. Kelly, Manager of Planning / EDO A. Martin, Manager of Finance / Deputy Treasure A. Romany

1. MOTION TO CONVENE INTO CLOSED SESSION

Resolution No. 2019-218

Moved by: Councillor J. Pfenning Seconded by: Councillor B. Fisher

THAT a Closed Meeting of Council be held on Monday, October 28, 2019 at 6:30 p.m. in accordance with Section 239(2) (c) of the Municipal Act, 2001, for the purposes of:

- c) a proposed or pending acquisition or disposition of land by the municipality.

CARRIED.

2. MOTION TO RECONVENE IN OPEN SESSION

Resolution No. 2019-219

Moved By: Councillor C. Gordijk Seconded By: Councillor J. Pfenning

THAT Council reconvene in Open Session.

CARRIED.

3. MOMENT OF SILENCE

4. LAND ACKNOWLEDGEMENT – Councillor C. Gordijk

5. ADDITIONS TO THE AGENDA

**6. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL
CONFLICT OF INTEREST ACT**

None disclosed

7. MINUTES OF PREVIOUS MEETINGS

7.1 Council Meeting Minutes September 23, 2019 and October 15, 2019

Resolution No. 2019-220

Moved By: Councillor B. Fisher Seconded By: Councillor C. Gordijk

THAT the minutes of the following meetings be adopted as presented:

Council Meeting September 23, 2019 and October 15, 2019.

CARRIED, AS AMENDED

Councillor A. Hallman noted that on page 18, should have her name as the mover and on page 20 it is missing her as the seconder.

Mayor L. Armstrong noted that on page 6, it should read 'were anticipated.'

8. PUBLIC MEETINGS**9. PRESENTATIONS/DELEGATIONS****9.1 District Chief Otterbien – Long Term Service Award**

Mayor L. Armstrong and the Fire Chief joined District Chief Otterbien to present his long term service plaque and service medal. Mayor L. Armstrong noted this was in recognition of 40 years of service with the Township of Wilmot Fire Services. Mayor L. Armstrong thanked him and his family for their dedication. Mayor L. Armstrong and the Fire Chief also thanked Mrs. Otterbein for her years of support.

District Chief Otterbein read his prepared statement, giving credit to his wife and family for their support, family decision to take on the District Chief position, and thanked the Township for opportunity to serve the community.

The Fire Chief echoed the importance of the volunteer Firefighters in this community and the importance of the family members walking that journey together. The Fire Chief thanked him for his many years of service.

9.2 Fauzia Mazhar, Executive Director**Coalition of Muslim Women of KW**

Ms. Mazhar thanked Council for the opportunity to appear as a delegation on the rights of religious minorities. Ms. Mazhar provided a brief background on the Coalition of Muslim Women of KW and that it was created in response to the introduction of the Bill denying the right to public services by people with facial coverings. She expressed that the future of daughters and granddaughters as well as all Canadians have the rights they are entitled to. Ms. Mazhar provided some background on the Bill, noting that it has been introduced 4 times and it is currently on hold. She advised of the regulations that Bill 21 would introduce and that the Quebec government has invoked a non-withstanding clause in regards to the Charter of Rights and Freedom. She suggested that this Bill will legislate choice and it is setting a legal precedent in Canada and other democratic countries. She provided an overview of the other Municipalities that have voiced their concerns for Bill 21.

Councillor C. Gordijk thanked Ms. Mazhar for attending and her presentation and congratulated her on her win of Oktoberfest Women of the Year.

Councillor A. Hallman also thanked her for her presentation.

In response to a request to have the Notice of Motion moved up on the Agenda, the Director of Information and Legislative Services advised that Council would need to have consensus to move the discussion of the Notice of Motion. Mayor L. Armstrong asked for consensus and Council agreed.

Councillor C. Gordijk advised of her reasons for bringing forward the Notice of Motion and noted that the proposed Bill stops all religions from any symbol identification.

Resolution No. 2019-221

Moved by: Councillor C. Gordijk

Seconded by: Councillor J. Pfenning

WHEREAS hate crimes against religious minorities are growing in Canada; and,

WHEREAS the Township of Wilmot fully supports every citizen's right to choose what they wear and condemns the Province of Quebec's legislation to limit that choice; and,

WHEREAS the Township values religious freedom for Sikhs, Jews, Muslims, Christians and people of all faiths, and acknowledges the harm the Province of Quebec's Bill 21 can inflict upon those who sincerely seek to follow the practices of their faith and dictates of their conscience;

THEREFORE BE IT RESOLVED that the Township of Wilmot denounces the Province of Quebec's Bill 21; and

THEREFORE BE IT FINALLY RESOLVED that the Township of Wilmot council affirms our commitment to be the principles of equity, diversity and inclusion for all of our residents, which includes support for religious freedom and the preservation of the rights of minorities; and,

BE IT FINALLY RESOLVED that this resolution be forwarded to the Prime Minister, Honourable Premier of Quebec; the Honourable Premier of Ontario, the Local Members of Provincial Parliament; Local Members of Parliament; the Region of Waterloo; local municipalities; and the Association of Municipalities of Ontario.

CARRIED, AS AMENDED, UNANIMOUSLY

Councillor J. Gerber noted that there has been one other discussion of religious expression at Council when Councillor C. Gordijk brought forward the discussion of stripping the faith expression during the Inaugural Council Meeting. Councillor J. Gerber noted this was encouraging to see the sentiment behind the Notice of Motion and is hopeful to see Council's spirited defence of the expression of faith in the public spirit.

Mayor L. Armstrong noted that the Motion should also be forwarded to the Prime Minister and the Members of Parliament. Councillor C. Gordijk and Councillor J. Pfenning agreed to the amendment.

10. CONSENT AGENDA

10.1 REPORT NO. PW 2019-17

**3rd Quarter Operations Activity Report
July – September 2019**

10.2 REPORT NO. CK 2019-04

Quarterly Activity Report – July, August & September 2019

10.3 REPORT NO. FRS 2019-08

Facilities & Recreation Services Quarter Activity Reports

10.4 REPORT NO. DS 2019-26

3rd Quarter Building Stats 2019

10.5 REPORT NO. FD 2019-09

3rd Quarter Activity Report

10.6 REPORT NO. ILS 2019-53

Appointment of Drainage Engineer for Patrick George Petition

Resolution No. 2019-222

Moved by: Councillor J. Gerber

Seconded By: Councillor J. Pfenning

THAT Report Nos. PW 2019-17, CK 2019-04, FRS 2019-08 DS 2019-26, FD 2019-09 and ILS 2019-53 be approved.

CARRIED.

11. REPORTS

11.1 CAO

11.1.1 REPORT NO. CAO 2019-03

Consultant Selection - Joint Service Delivery Review

Resolution No. 2019-223

Moved by: Councillor C. Gordijk Seconded by: Councillor A. Hallman

THAT Report CAO 2019-03 regarding the Joint Service Delivery Review, be received for information purposes;

AND THAT RFP 2019-26 be awarded to KPMG LLP for the provision of consulting services for a Joint Service Delivery Review, as per their proposal submitted September 6, 2019, in the amount of \$96,150, plus HST;

AND THAT \$24,460 in funding be allocated from the Provincial Service Modernization Funding to cover the Township's proportion of the overall project costs.

CARRIED

The CAO highlighted the report.

11.2 FINANCE

11.2.1 REPORT NO. FIN 2019-34

Wilmot Water Financial Plan

Resolution No. 2019-224

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning

THAT report FIN 2019-34 regarding the Wilmot Township Water and Wastewater Financial Plan, prepared by the Manager of Accounting, be approved.

CARRIED.

The Manager of Accounting / Deputy Treasurer highlighted the report.

Councillor B. Fisher asked for clarification in terms of revenues, referenced on page 66. The Manager of Accounting / Deputy Treasurer advised that is tied to the Development Charges and those numbers will fluctuate from year to year and advised that numbers come from the 10-Year Capital Forecast.

11.2.2 REPORT NO. FIN 2019-35

Statement of Operations as of September 30, 2019 (un-audited)

Resolution No. 2019-225

Moved by: Councillor A. Hallman Seconded by: Councillor B. Fisher

THAT Report FIN 2019-35, Statement of Operations (un-audited) as of September 30, 2019, as prepared by the Manager of Finance / Deputy Treasurer, be received for information purposes.

CARRIED

The Manager of Accounting / Deputy Treasurer highlighted the report.

Councillor A. Hallman asked if the winter maintenance costs will be reviewed during the Budget process. The Director of Finance / Treasurer advised that staff do take historical figures into consideration and advised that additional costs are tied to ice / mid-range weather issues and the salt / sand renewals are anticipated to increase costs.

Councillor C. Gordijk asked if there can be an amendment to page 77 and if staff can separate out the grant portion to specifically identify that. Mayor L. Armstrong asked for Council's consensus to make that amendment and Council agreed.

11.2.3 REPORT NO. FIN 2019-36

Capital Program Review as of September 30, 2019 (un-audited)

Resolution No. 2019-226

Moved by: Councillor C. Gordijk Seconded by: Councillor A. Hallman

THAT Report FIN 2019-36, Capital Program Review as of September 30, 2019 (un-audited), as prepared by the Manager of Finance / Deputy Treasurer, be received for information purposes.

CARRIED.

The Manager of Accounting / Deputy Treasurer highlighted the report.

Councillor A. Hallman asked for clarification on page 89 and if the emergency repairs identified include lighting repairs along the Nith River in Kirkpatrick Park. The Director of Facilities and Recreation Services advised that some of the repairs have been completed; however, there are underground repairs that are needed and therefore some are not yet complete.

11.3 PUBLIC WORKS AND ENGINEERING

11.3.1 REPORT NO. PW 2019-16

Sanitary System Inflow & Infiltration Study – Award of Contract

Resolution No. 2019-227

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning

THAT RFP 2019-27 be awarded to GM Blue Plan for the Sanitary System Inflow and Infiltration Study as per their proposal submission submitted September 20, 2019, in the amount of \$76,612.00, plus HST.

AND THAT staff be directed to execute the engineering agreement documents required for GM Blue Plan to proceed with the scope of services in the bid document.

CARRIED.

The Director of Public Works and Engineering outlined the report.

11.4 DEVELOPMENT SERVICES

11.4.1 REPORT NO. DS 2019-24

Proposed Amendments to the Provincial Policy Statement

Resolution No. 2019-228

Moved by: Councillor C. Gordijk Seconded by: Councillor A. Hallman

THAT Report DS 2019-24 be received for information.

CARRIED.

The Director of Development Services outlined the report.

Councillor J. Pfenning thanked the Director of Development Services for the thorough report and asked for clarification on vertical zoning and if there are other jurisdictions in the Province that have this in place or if there are others that have had theirs put on hold. The Director of Development Services advised that he did not have that information with him but would be able to provide further information.

Councillor A. Hallman also thanked staff for the report.

11.4.2 REPORT NO. DS 2019-25**Proposed Changes to the Aggregate Resources Act (ARA)****Resolution No. 2019-229**

Moved by: Councillor J. Pfenning Seconded by: Councillor C. Gordijk

THAT Report DS 2019-25 be received for information; and,

THAT Report DS 2019-25 be forwarded to the Ministry of Natural Resources and Forestry as the Township of Wilmot's comments on the proposed changes to the Aggregate Resources Act (ARA).

CARRIED.

The Director of Development Services outlined the report.

Councillor J. Pfenning noted that aggregate extraction has been an issue and she advised that she shares the concerns that the report lists.

Councillor J. Gerber asked when Council can see these implemented and The Director of Development Services advised that the comments are due to the Province on

November 4 and there has not been any indication on what the regulation will be moving forward.

Councillor A. Hallman thanked staff for their comments in regards to transparency and that she supports the document.

Mayor L. Armstrong advised that there delegations that wish to speak to this.

Mr. Richard Stevenson, Citizens for Safe Water, advised Council that they agree to what is in the report and advised that the Citizens for Safe Water group would like Council to consider including the following:

- Vertical Zoning and the changes discussed that the Township will treat every new pit as a pit that will go below the water table and that the responsibility should be that of the Township
- Township should retain rights to control haulage routes by usage and tonnage
- Road Allowance rights should be retained and controlled by the Township
- Include that there should be greater use of recyclable materials
- The Township should reserve the right to govern itself

Councillor A. Hallman asked if there were pits in the Township that are close to the road and Mr. Stevenson advised that the proposal would eliminate the need for a berm.

Mayor L. Armstrong thanked Mr. Stevenson for his comments.

Mr. Rory Farnan addressed Council advising that there are vital and broad impacting conversations taking place at all levels of government. The Province is reviewing two important aggregate legislation. The Region of Waterloo has communicated their concerns and the need to strengthen Regional resources. Mr. Farnan advised that statistics show only 20% of land used for aggregate has undergone rehabilitation. The Township is currently reviewing the Strategic Plan and including the impacts of gravel pit applications needs to be evaluated. Mr. Farnan also noted that there are concerns in terms of financial impacts and fast tracking and he suggested that a one-year Interim Control By-law be implemented.

11.5 FACILITIES AND RECREATION SERVICES

11.5.1 REPORT NO. FRS 2019-09

New Hamburg Arena Architectural/Engineering Re-commissioning Study

Resolution No. 2019-230

Moved By: Councillor C. Gordijk Seconded By: Councillor B. Fisher

THAT the New Hamburg Arena Architectural/Engineering Re-Commissioning Study reports be received, and further;

THAT staff proceed with the proposed funding application under the Investing in Canada Infrastructure Program (ICIP) Community, Culture and Recreation Stream to support reconstruction and renovations at the New Hamburg Arena that would result in a “hybrid facility” to accommodate both a seasonal ice surface, if warranted, and a warm floor multi-purpose space.

CARRIED.

The Director of Facilities and Recreation Services and the Director of Finance / Treasurer highlighted the report.

Councillor B. Fisher asked if the hybrid option was chosen, have any operating costs been projected. The Director of Facilities and Recreation Services advised that the last year the facility was operated full time was in 2007 at a cost of \$440,000. Councillor B. Fisher asked for costs on equipment needs and the Director of Facilities and Recreation Services advised that those particular costs would be identified through further studies.

Councillor J. Pfenning noted that and thanked staff for listening to the needs of the community groups. Councillor J. Pfenning noted that the previous renovations by TCP were not mentioned in the report and asked for staff comment on that, as well as when the expected funding would be released. The Director of Facilities and Recreation Services acknowledged the previous renovations and any further renovations identified would enhance the use and that there would be no impact to the operations of TCP. He advised that at the public engagement would commence following approval of any funding. The Director of Finance / Treasurer noted that there has been no notification on the release of funding at this time and echoed the comments of the Director of Facilities and Recreation Services that public consultation ahead of funding approval would be premature.

Councillor J. Gerber thanked staff for the much anticipated report, he noted that these projects do take time and they are beneficial to the community. He asked for clarification on having this hybrid facility and the costs identified in the report for accuracy. The

Director of Facilities and Recreation Services advised that generally that is correct; however, the costs are high level outlined at this point.

Councillor C. Gordijk asked what the next steps would be should the funding be denied and The Director of Facilities and Recreation Services advised that should funding be denied, the report does identify items that have been identified for maintenance or repair would be maintained until such time that funding could be secured.

Councillor A. Hallman thanked staff for the detailed report and advised that user groups have asked if the Township would be using the space for practice ice and the Director of Facilities and Recreation Services advised that the Ice Needs Study will include consultation with the user groups.

Councillor A. Hallman asked if letters of support from user groups would be beneficial in the funding process and the Director of Finance / Treasurer advised that would be beneficial and if the user groups could submit them before the November 12th deadline they will be included.

Councillor J. Pfenning asked what the estimated offset of user fees would have in the overall operating costs and the Director of Finance / Treasurer advised that a non-ice facility would offer less offsetting through user fees; however, advised that providing an exact percentage would be difficult to provide at this time.

Mr. Aaron Fewkes, President of The Community Players (TCP), provided an overview of the organization and advised that the leadership team has worked diligently to evaluate this report. He advised that TCP has assets spread out, which is a task to build. He advised that TCP is optimistic that the Township will work with them to identify and integrate changes to accommodate the overall operations of TCP. Mr. Fewkes advised that increased and upgraded space would be beneficial to the operations and that there are opportunities to improve space needs and facility options, he noted there are opportunities for partnership.

Mayor L. Armstrong thanked him for his presentation.

Ms. Sherri Robinson, advised that her concerns include insulating the roof and reinstating the egress doors.

Mayor L. Armstrong reinforced that these drawings are conceptual and future discussions will occur.

Mr. Fewkes asked if the conceptual drawings are being submitted with the application and the Director of Facilities and Recreation Services advised that they will be along with the business plan and if there was a schematic included it would enhance the application; however, we can have additions added to the concepts.

Mr. Fewkes advised that TCP is ready and will to with the Township on this project.

The CAO advised that adjusting the floorplan and having partnerships have done well in the past to secure funding, this particular type of funding is released approximately every 10 years and the next few days will allow for further discussions on the partnership.

Councillor A. Hallman asked for clarification on the weight a conceptual design has in the overall funding approval and the Director of Finance / Treasurer advised that the conceptual drawings are not an exact final engineered drawing, many changes can take place and the funding sources recognize the significance of these projects and the need for municipalities to secure funding prior to having a final design.

Councillor C. Gordijk advised that the funding change being proposed by TCP is significant and asked what impact that would have on the funding and the Director of Finance / Treasurer advised that staff would need to review the additional funds.

12. CORRESPONDENCE

12.1 Ministry of Municipal Affairs and Housing re: 2018 Financial Information Return (FIR) Award

THAT Correspondence Item No. 12.1 be received for information purposes only.

13. BY-LAWS

14. NOTICE OF MOTIONS

15. ANNOUNCEMENTS

15.1 Councillor A. Hallman advised of the ICC Mental Health Awareness Breakfast on November 20, 2019, tickets are still available.

15.2 Councillor A. Hallman thanked Councillor J. Pfenning and C. Gordijk for joining in the support for Big Brother and Big Sisters at the fundraiser held at Meadow Acres.

- 15.3** Councillor A. Hallman advised that the first week of November is Treaty Recognition Week.
- 15.4** Councillor C. Gordijk thanked Mr. Louise for also participating in support of the Big Brother and Big Sisters at the fundraiser held at Meadow Acres.
- 15.5** Councillor C. Gordijk advised that TCP's fall show, Calendar Girls runs from November 7 – 16, limited tickets still available and TCP is donating all proceeds from the 50/50 sales to the Terry Fox Run.
- 15.6** Councillor C. Gordijk thanked all the candidates who ran in the recent Federal election and the engaged members of the public.
- 15.7** Councillor B. Fisher advised of the dedication ceremony of the St. James Lutheran Church on Sunday at 2:00 pm.
- 15.8** Councillor B. Fisher noted he attended the Wellness Nature Walk and Fair and advised that it was well attended and it was a positive event for staff.
- 15.9** Councillor B. Fisher noted that the Wilmot Optimist Club celebrated their 30th anniversary.
- 15.10** Councillor J. Pfenning noted that the Wilmot Family Resources Centre free lunch and learn on November 7 on Climate Change from 11:30 to 2:00 at the Community Centre in St. Agatha.

16. BUSINESS ARISING FROM CLOSED SESSION

Resolution No. 2019-231

Moved by: Councillor C. Gordijk Seconded by: Councillor J. Pfenning

CARRIED.

17. CONFIRMATORY BY-LAW

17.1 By-law No. 2019-50

Resolution No. 2019-232

Moved by: Councillor C. Gordijk Seconded by: Councillor B. Fisher

THAT By-law No. 2019-50 to Confirm the Proceedings of Council at its Meeting held on October 28, 2019 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED

18. ADJOURNMENT

Resolution No. 2019-233

Moved By: Councillor B. Fisher Seconded By: Councillor J. Gerber

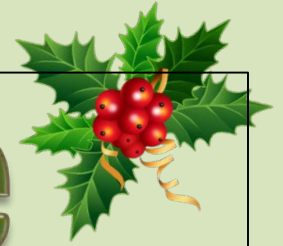
THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED

Mayor

Clerk

Christmas Update from the Castle Kilbride Advisory Committee



Presented by: Len Kuehner, Vice-Chair
Date: November 18, 2019



Christmas at Castle Kilbride



The museum is decorated from November 19th - January 5th, 2020

**Every room
sparkles with
Victorian splendour
throughout
the 1877 mansion.**



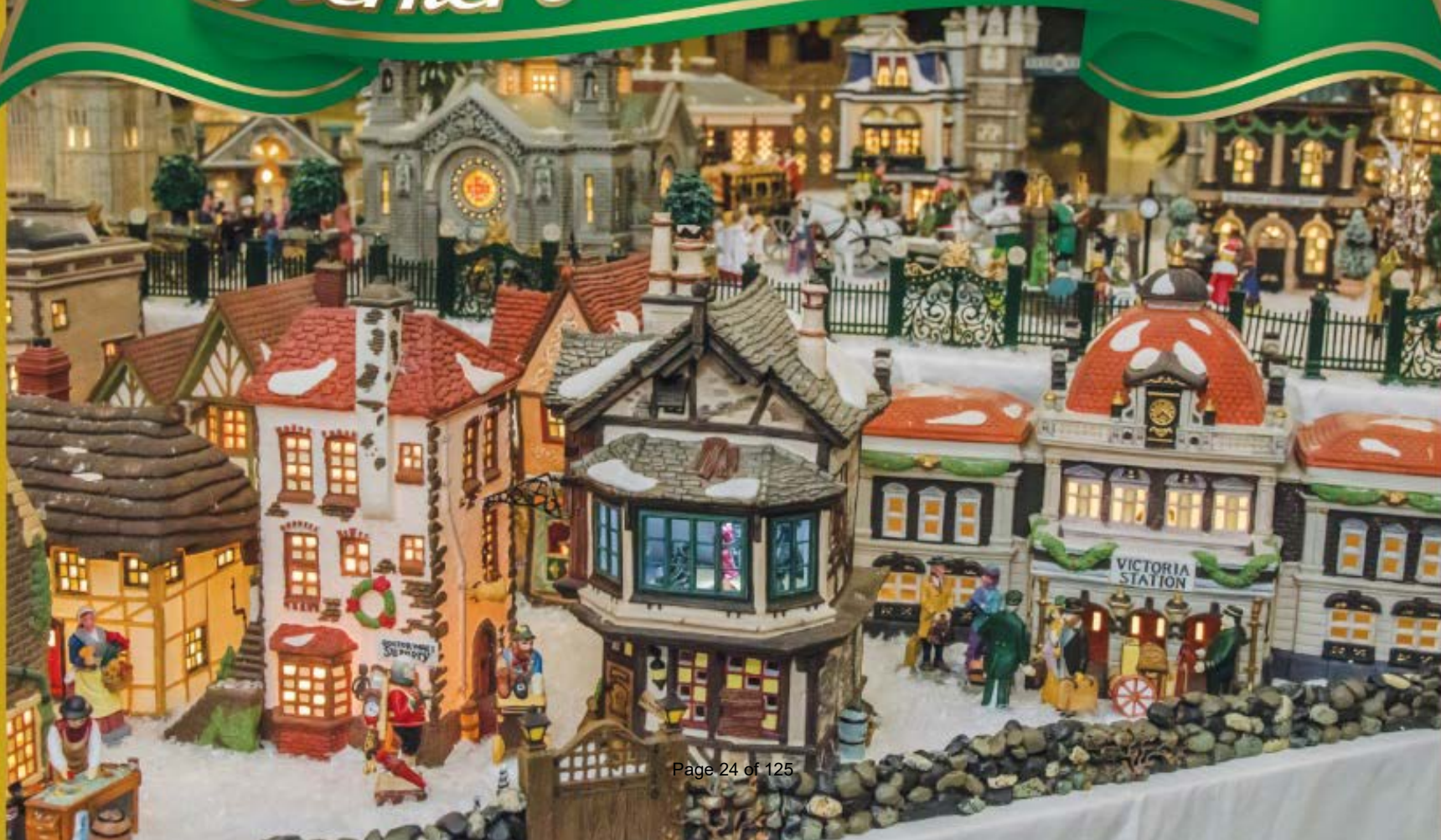


Victorians were famous for their holiday décor and their bountiful Christmas feasts.



The museum showcases a mixture of old and new decorating.

Herner's Victorian Village





Herner's Dickens Village display is *always* a favourite!



See over 130 tiny shops, figurines, famous London landmarks, and scenes from the novels of Charles Dickens stretching across the Belvedere Gallery.

This decades-long passion for Baden resident Dave Herner is once again on display for visitors to enjoy!



A Merry Victorian Christmas

Thursday November 28
6:00 – 8:30 p.m.





**For *one night only*, visitors can tour Wilmot Township's
National Historic Site aglow.**



Live entertainment with Celtic Crossing will be featured in the parlour.



The Livingston Christmas dinner c.1897.



Original German Feather Tree c. 1900 on display in the parlour.

Never a Christmas
morning,

Never the old year ends,

But somebody thinks
of somebody,

Old days, old times, old friends.

Laura Louise Barbara Livingston

Castle Kilbride
Baden, Ontario

Christmas
1924

With Christmas Greetings
and good wishes for your happiness

in the New Year

Mr. and Mrs. J. A. Livingston

"Castle Kilbride"

Baden, Ontario

*May this Christmas prove to be
the brightest that has dawned on-thee-*

Harris and Laura Louise Veitch
Castle Kilbride, Baden, C.W.



Merry Christmas

WITH EVERY GOOD WISH
FOR THE NEW YEAR

BARBARA AND JIMMIE VEITCH

CASTLE KILBRIDE

BADEN, ONT.

Original Christmas
cards from the
Livingston family.



Enjoy the holiday season at Castle Kilbride!

Photo: J.P. Livingston and daughter Laura Louise.



Christmas at the Castle



*Castle Kilbride Is Fully Decorated
November 19th to January 5th.*

The table is set, the trees are trimmed, and the warmth and charm will kindle your holiday spirit. Visiting Wilmot Township's National Historic site is truly a magical time. When we celebrate Christmas with family and friends, we have the Victorians to thank for many of the holiday's joyful festivities and delightful customs. Step back in time and visit historic Castle Kilbride.

Regular Touring Hours:

Tuesday through Sunday, Noon - 4:00 p.m.

Holidays Touring Hours:

December 21-23, 27-30, January 2-5, Noon - 4:00 p.m.

www.castlekilbride.ca

Castle Kilbride



CASTLE
KILBRIDE

*Thank
You for
Your Time!*



TOWNSHIP OF WILMOT

INFORMATION AND LEGISLATIVE SERVICES *Staff Report*

REPORT NO: ILS 2019-55

TO: Council

SUBMITTED BY: Dawn Mittelholtz, Director of Information and Legislative Services / Municipal Clerk

PREPARED BY: Erin Merritt, Manager of Municipal Law Enforcement
Kelly Baird, Communications Specialist (Part Time)

REVIEWED BY: Grant Whittington, CAO

DATE: November 18, 2019

SUBJECT: Quarterly Activity Report
July 1 to September 30, 2019

RECOMMENDATION:

THAT the Information and Legislative Services Quarterly Activity Report for July 1 to September 30, 2019 be received for information.

SUMMARY:

Attachments 1 and 2 are submitted by the Manager of Municipal Law Enforcement and the Communications Specialist (Part Time) of the Information and Legislative Services Department to summarize their activities from July 1 to September 30, 2019.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

By providing these quarterly updates to Council, the Township is communicating municipal matters.

FINANCIAL CONSIDERATIONS:

None.

ATTACHMENTS:

Attachment 1: Corporate Communications Quarterly Activity Report

Attachment 2: Municipal Law Enforcement Quarterly Activity Report



TOWNSHIP OF WILMOT

Corporate Communications
Activity Report – 2019 3rd Quarter (July-September)
Information and Legislative Services Department

Corporate Communications

- Drafted, reformatted and / or edited a variety of Corporate-wide media releases, announcements and documents. Including but not limited to:
 - 'Anne with and E',
 - Climate Emergency,
 - Special Event Application, and
 - PowerPoint Presentations and other Corporate Documents.
- Participated in discussions and provided advice on Corporate Wayfinding Signage.
- Preliminary phases of 2020 Branding overview initiated, including the recommendation for a Corporate Branding Review as part of the proposed 2020 Budget.
- Ongoing development of a Regional Media List, continue to develop relationships with select media outlets.
- Continue to liaise, assist and develop community engagement with the Strategic Plan Update.

Social Media

- Continue to attend and support through Social Media a variety of Township, Regional and Community run events, including but not limited to:
 - New Hamburg Mennonite Relief Sale,
 - St. Agatha Lions Strawberry Festival,
 - Castle Kilbride Concert Series,
 - New Hamburg Canada Day, and
 - Moparfest.
- Ongoing development of stronger, more consistent Twitter presence. Contents for tweets provided by departments from across the Township.
- Continue to work with Departments requesting information and / or receiving, drafting tweets, and/or sourcing accompanying tags, hashtags and images. Updated and reissued the Twitter Request form.
- Over a 28 day period, and in a part-time capacity, the number of tweets are up by 39%, as are profile visits and followers (+22). Currently have 2,952 followers.

- Comprehensive 2020 Departmental Social Media Content Programming underway to recognize and develop greater opportunities for growth and interaction.

Marketing

- Preliminary development of the 2020 Corporate Marketing and Communications Framework underway.
- Ongoing creation of an image gallery that represents all Township communities, various activities, events and seasons.
- Reviewing advertising opportunities for 2020.
- Designed simple flyers for departmental distribution,

Type of Call	July/Sept 2019	July/Sept 2018
Property Standards/Clean Yards	27	20
Parking/Traffic	77	61
Animal Control Complaints	53	40
Noise Complaints	24	16
Fire Complaints	7	17
Grass and Weeds	24	16
Signs	7	13
General Inquires	25	51
Dumping	3	1
Zoning	6	1
Livestock Valuation	2	0
Pools	5	1
Fences	7	2
Graffiti	0	1

Property Standards and Clean Yard:

- 27 properties were investigated by the Township
- 25 have been resolved, 2 working with owners to gain compliance

Parking/Traffic:

- 56 warnings were issued
- 25 parking tickets were issued

Animal Control:

- 4 dogs were impounded
- 15 warnings given for dogs running at large, no tickets issued

Noise Complaints:

- 24 complaints investigated ranging from loud stereos, barking dogs, noisy vehicles, construction noise
- all complaints have been investigated and appropriate warnings have been issued, no tickets issued

Fire Complaints:

- 7 complaints regarding open burning/burning without a permit, warnings were given

Grass and Weeds

- 24 complaints received, all were cut by the owners and are now in compliance

Signs:

- 7 complaints received, the complaints were investigated and the signs were removed by voluntary compliance by the property owners
- ongoing monitoring of illegal signage is occurring and removal carried out on a regular basis by By-law (145 signs removed this quarter by By-law Officers)

Dumping

- 3 illegal dumping calls investigated, Public Works removed debris from one area and the other two resulted in a stern warning but was unable to lay charges

Pool

- 5 pool complaints investigated, all now in compliance and proper permits were applicable



TOWNSHIP OF WILMOT

FACILITIES & RECREATION SERVICES *Staff Report*

REPORT NO: FRS 2019-10

TO: COUNCIL

SUBMITTED BY: Scott Nancekivell, Director of Facilities and Recreation Services
Patrick Kelly, Director of Finance/Treasurer

PREPARED BY: Manuela Jones, Manager of Customer Service and Community Development

REVIEWED BY: Grant Whittington, CAO

DATE: November 18, 2019

SUBJECT: Township of Wilmot Municipal Alcohol Policy

RECOMMENDATION:

That the Township of Wilmot Municipal Alcohol Policy (MAP) be repealed and that Governance Policy GP-004 (Municipal Alcohol Policy) be approved effective January 1, 2020.

SUMMARY:

The Region of Waterloo Public Health Department is mandated to work with municipalities regarding alcohol use in recreational settings. They have taken the initiative to work collaboratively with each of the four townships and three cities in Waterloo Region, along with the Alcohol and Gaming Commission of Ontario (AGCO), and the Municipal Insurance provider to develop a Regional Municipal Alcohol Policy template with the intention of having uniform alcohol policies within all municipalities across the Region. This template brings consistency in policies across the Region that have been developed and approved by experts in the field. Our neighbouring communities have successfully implemented the revised policy.

BACKGROUND:

The Township of Wilmot first approved a Municipal Alcohol Policy in 1994, with occasional updates made to the policy as required from time to time. The purpose of the Municipal Alcohol Policy is to protect both the municipality and the users of its facilities by reducing the risk of alcohol related injury and violence. The policy ensures the safety of participants by outlining clearly the responsibilities and controls in place for facility rentals. The responsibilities and controls are also in place to protect the Township from alcohol related liability issues.

As alcohol related incidents are on the rise, the risk exposure to the municipality has also increased. The revised policy addresses the increased risk, as well as recent legislative changes initiated by the AGCO.

REPORT:

The revised MAP as attached provides the following significant updates:

- Updated list of Township of Wilmot facilities designated as suitable locations for alcohol related functions
- Detailed definitions and information regarding roles and responsibilities of event organizers, event workers, Township staff, and a “guest to event worker ratios” table outlining supervision requirements
- Township bartender role is being modified to Municipal Representative (now responsible to oversee the event rather than serving beverages)
- Event organizer must sign a checklist indicating they understand the MAP and their role and responsibilities
- Outdoor events require an Operational Plan and licenced security if there are over 200 attendees
- The increase in mandatory insurance coverage to five million dollars for all alcohol related events, as recommended by the Municipal Insurer
- Updated list of mandatory on-site signage

Communication Plan:

The following steps will be taken to ensure the MAP has been communicated to the appropriate parties:

- A copy of the MAP has been emailed to Community Groups and Service clubs and a follow up information meeting was hosted by Township staff and a representative from the Municipal Insurance provider, for the interested groups
- The revised MAP will be posted to the Township website for public access
- Updated signage will be posted in applicable Township facilities

The Region of Waterloo Public Health staff will continue to work with representatives from all municipalities within the Region to ensure that their MAP is kept up-to-date as relevant legislative changes are made, or other pertinent issues arise.

Mr. Rob Clark, Risk & Claims Analyst with the Waterloo Region Municipalities Insurance Pool will be in attendance to answer questions from members of Council, and will jointly participate in a power point presentation with Township staff.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

The Municipal Alcohol Policy promotes the enjoyment of quality of life through ensuring people's safety.

FINANCIAL CONSIDERATIONS:

Financial considerations are minimal as most Facility Rental documents are distributed electronically. There will be a minimal cost associated with printing the required signage to be displayed at the facilities.

The shift from Municipal Bartenders to the new Monitor position may result in minor cost savings; however the cost savings will be offset by a reduction in fees charged to renters for the provision of bartending services. Aside from this, the direct financial impact to the municipality is negligible. The additional costs for Insurance Liability coverage limits and security will be the responsible of the renter.

ATTACHMENTS:

Township of Wilmot, Municipal Alcohol Policy


Common Municipal Alcohol Policy Template

This template was drafted by the following:

- Municipal Insurance Pool City of Kitchener
- Frank Cowan Company
- City of Waterloo
- Township of Woolwich
- Township of Wellesley
- Risk Management, Region of Waterloo
- Township of Wilmot
- Region of Waterloo Public Health
- Alcohol & Gaming Commission of Ontario
- City of Cambridge
- City of Kitchener
- Region of Waterloo Museum
- Township of North Dumfries
- Region of Waterloo

The policy template has been reviewed by Arlene Metz, Solicitor, Corporate, The Regional Municipality of Waterloo, Legal Services Division and Craig Smith, Manager Risk Management Services, The Regional Municipality of Waterloo.

This document has been compiled from various local and best-practice Municipal Alcohol Policies (MAPs). Policy examples included local MAPs, policy examples from Goderich, Grey-Highlands, and Hamilton, as well as policies reflecting best practice compiled by the Ontario Recreation Facilities Association and the Centre for Addictions and Mental Health.

	Governance Policy
	Section: Facilities and Recreation Services Municipal Alcohol Policy
	Policy #GP-004 Pg. 1 of 1
Revision Date:	Issue Date: November 18, 2019
Approved by: Council	Review Date:
Policy Owner: Facilities & Recreation Services	Policy Author: S. Nancekivell

PURPOSE

The Municipal Alcohol Policy is intended to promote a safe, enjoyable environment and ensure the health and safety of participants and staff. This policy is in place to reduce alcohol-related problems such as injury, violence and liability which arise from alcohol consumption on municipal property.

SCOPE

The Municipal Alcohol Policy (MAP) outlines various stipulations and controls on events involving alcohol, including: Special Occasion Permits, liquor licensed events under a caterer's endorsement, and/or events in a municipally licensed facility. The MAP was created as a joint policy with neighbouring municipalities, and applicable agencies as outlined in the attached policy.

EVALUATION

Staff will, as required, review and make adjustments to the policy to ensure compliance with all regulating bodies. Such revisions will not require Council approval.

LEGISLATIVE REPORTING REQUIREMENTS

The event organizer and/or designate are legally responsible for ensuring compliance with the Municipal Alcohol Policy, Liquor Licence Act of Ontario and Alcohol and Gaming Commission of Ontario policies and guidelines.

TOWNSHIP OF WILMOT
MUNICIPAL ALCOHOL POLICY

November 18, 2019

Table of Contents

Section 1: Introduction	5
1.1 Purpose	5
Policy Objectives.....	5
Scope	5
1.2 Designation of Roles and Responsibilities	5
Role of Municipal Representatives.....	5
Role Of Event Organizer and/or Designate	5
1.3 Definitions.....	6
Section 2: Designation of Properties and Events	9
2.1 Designation of Properties	9
2.2 Designation of Events	10
Section 3: Conditions for Events Involving Alcohol	10
3.1 Insurance.....	10
3.2 Advertising.....	11
3.3 Event Worker Training and Staffing Levels.....	10
Guest to Event Worker Ratios	13
3.4 Enforcement Procedures	14
3.5 Prevention Strategies.....	14
3.6 Safe Transportation	15
3.7 Signage	16
Section 4: Infractions and Violations.....	17
4.1 Duty to Report	17
4.2 Failure to Comply and Penalties	17
Section 5: Policy Review	18
Appendix A: Event Organizer Checklist for Liquor Licensed Events.....	19

Section 1: Introduction

1.1 Purpose

This Municipal Alcohol Policy is intended to promote a safe, enjoyable environment and ensure the health and safety of participants and staff. This policy is in place to reduce alcohol-related problems such as injury, violence and liability which arise from alcohol consumption on municipal property.

Policy Objectives

To provide procedures and education to individuals or groups wishing to hold events in and/or on municipally owned facilities/properties in order to ensure that all Liquor Licence Act of Ontario legislation that pertains to Special Occasion Permits or liquor licensing is properly understood and strictly complied with.

To ensure appropriate supervision and operation of Special Occasion Permits and liquor licensed events in order to protect the event organizers, the participating public, volunteers, the Township of Wilmot, and its staff from liability by providing education in prevention and intervention techniques and through effective management procedures.

To encourage and reinforce responsible drinking practices for consumers through the development of operational procedures, controls, training and education, and to honour the decision of abstainers not to drink alcohol and encourage their participation by providing alternative, non-alcoholic drinks.

Scope

The Municipal Alcohol Policy (MAP) outlines various stipulations and controls on events involving alcohol, including: Special Occasion Permits, liquor licensed events under a caterer's endorsement, and/or events in a municipally licensed facility.

The event organizer and/or designate are legally responsible for ensuring compliance with the Municipal Alcohol Policy, Liquor Licence Act of Ontario and Alcohol and Gaming Commission of Ontario policies and guidelines.

1.2 Designation of Roles and Responsibilities

Role of Municipal Representatives

Municipal representatives are responsible for ensuring the event organizer and/or designate are provided with written information outlining the conditions of the Municipal Alcohol Policy and ensuring that they comply with the Municipal Alcohol Policy, Liquor Licence Act of Ontario and its regulations at their event. The Township of Wilmot's representatives have the authority to demand correction and/or to shut down an event on behalf of the Township and will have ultimate authority regarding decision-making on the part of the event organizer. The Township of Wilmot representatives monitoring a liquor-licensed event shall be Smart Serve trained and competent in facility procedures.

Role of Event Organizer and/or Designate

The event organizer and/or designate is responsible for the conduct and management of the event, including, but not limited to:

- Compliance with the Municipal Alcohol Policy in addition to all applicable federal, provincial and municipal laws, policies, guidelines, regulations and by-laws, including, without limitation, the and Liquor Licence Act of Ontario and its regulations
- Organization, planning, operating, and controlling set up and clean up of the event
- Ensuring there are a sufficient number of event workers
- Training of their designate and other event workers (all of whom must be 19 years of age or older)
- Posting the Special Occasion Permit (with any updates) in plain sight on the premises to which the permit applies or keep it in a place where it is readily available for inspection. Liquor sales receipts must be kept with the permit.
- Alcohol sales and service including the choice of beverages and to avoid the supply of fortified or extra strength drinks
- Ensuring that no one consumes alcohol in unauthorized locations
- The safety and sobriety of people attending the event including those persons asked to leave to control the event
- Ensuring safe transportation options (e.g., designated drivers, taxis) are available
- Responding to emergencies

The event organizer **MUST** read and sign the Checklist for Liquor Licensed Event Organizers (Appendix A) to indicate that they understand their responsibilities.

The event organizer must provide a copy of the Special Occasion Permit or Caterer's Endorsement and any updates to the Township of Wilmot **at least 30 days** prior to the start of the event.

The event organizer and/or designate must attend the event for the entire duration including clean up after the event and be responsible for decisions regarding the actual operation of the event

Rationale: The event organizer is responsible for the behaviour of event participants and guests. The Liquor Licence Act of Ontario and its regulations and the Alcohol and Gaming Commission of Ontario's policies are established to ensure sensible and safe use of alcohol. The Township of Wilmot regulations are established to ensure safety of participants and responsible use of the facility.

The event organizer and the Township of Wilmot must ensure the physical setting is safe at all times.

1.3 Definitions

Alcohol and Gaming Commission of Ontario (AGCO)

For more information - www.agco.on.ca/en/about/index.aspx

Caterer's Endorsement

A liquor sales licence authorizing the applicant to sell and serve liquor for an event held on premises other than the premises to which the liquor sales licence applies.

Event

For the purposes of this policy, an event is any gathering held at a municipal facility at which alcohol will be served and/or sold. They may include weddings, showers, dances, barbeques, birthday parties and any other event where alcohol will be served. The duration of the event includes event setup, operation and cleanup. Events involving alcohol may be in a licensed municipal facility or under a Special Occasion Permit.

Public Events - A public event is one which is open to the public to attend and is conducted by a registered charity or not for profit entity or an event of municipal, provincial, national or international significance.

Private Event – A private event is one which is not open to the public.

Outdoor Event - An outdoor event is one at which any alcohol is consumed in an outdoor space (including pavilions or temporary structures).

Event Organizer

Any person, who is 19 years of age or over, seeking to hold an event that involves the sale and/or service of alcohol at municipal premises. The event organizer (which term shall include the SOP permit holder and any designate) are responsible for the safety and sobriety of people attending the event as well as compliance with this Municipal Alcohol Policy and the Liquor Licence Act of Ontario and its regulations at the event. They assume responsibility and liability for the entire operation of the event. The event organizer **MUST** read and sign the Event Organizer Checklist for Liquor Licensed Events (Appendix A) to indicate that they understand their responsibilities.

Event Worker

Any person, who serves or sells liquor, or is involved in an event where alcohol is served on municipal property. All event workers have a responsibility in the operation of the event and shall not consume or be under the influence of alcohol for the entire duration of the event. In addition to the event organizer and permit holder, event workers may include the following:

Floor supervisor - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he will act in accordance with the MAP. A floor supervisor talks with participants, monitors patron behavior, monitors for intoxication and underage drinkers, responds to problems and complaints, assists door monitors when necessary, removes intoxicated persons, arranges safe transportation.

Door monitor - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he will act in accordance with the MAP. A door monitor checks identification and for signs of intoxication, keeps out intoxicated and troublesome individuals, arranges for coat checking, monitors for those showing signs of intoxication when leaving the event, arranges safe transportation.

Server/bartender - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he has been trained by a recognized alcohol server training course to include Smart Serve and/or the Server Intervention Program. A server accepts tickets for the purchase of alcoholic drinks, serves drinks, monitors for intoxication and underage drinkers, refuses service when patron appears to be intoxicated or near intoxication, offers a non-alcoholic substitute and co-ordinates with event staff.

Ticket seller - A paid/volunteer person(s) appointed by the event organizer, who is over the age of 19 and who has satisfactorily proven to the event organizer that she/he will act in accordance with the Municipal Alcohol Policy. A ticket seller sells alcohol tickets to a maximum of four per person per purchase, monitors for intoxication and underage drinkers, refuses sale to patrons at or near intoxication, refunds tickets on request.

Licensed Security

Security personnel monitoring entrances and patrolling licensed areas must be licensed under the Private Security and Investigative Services Act, to ensure the safety and security of the establishment, its employees and patrons. For more information go to - www.agco.on.ca.

Liquor Licence Act

Each province or territory has a Liquor Licence Act which outlines the laws regarding the sale and service of alcohol. (<http://www.agco.on.ca/en/whatwedo/index.aspx>)

Municipal Alcohol Policy

A local policy for municipalities to manage events held at municipally-owned facilities and properties when alcohol is sold and/or served.

Municipal Properties

All municipally owned or leased lands, buildings and structures.

Municipal Representative

Township of Wilmot staff or a designate who attends and monitors the event on behalf of the Township of Wilmot and monitors compliance with the Municipal Alcohol Policy.

Religious Function

A religious occasion does not include events like a “stag and doe”, anniversaries or birthdays.

Smart Serve

The Smart Serve training program offered by Smart Serve Ontario (<https://www.smartserve.ca>) is designed to train staff and volunteers who work in areas where alcohol is sold and/or served, such as in bars, restaurants, banquet halls and other public facilities. The Smart Serve Program is the only server training program that is recognized by the Alcohol and Gaming Commission of Ontario and approved by this policy.

Special Occasion Permit (SOP)

A liquor licence issued by the Alcohol and Gaming Commission of Ontario for one-time social events where alcohol will be sold and/or served (http://www.agco.on.ca/en/services/permit_special_gpb.aspx).

SOP Holder (Permit Holder) – is the individual who signs the application for a Special Occasion Permit to sell and/or serve alcohol. A special occasion permit holder can assign a designate. A designate is a person(s) appointed by the special occasion permit holder, and acceptable to the Township of Wilmot who is over the age of 19 and who has satisfactorily proven to the special occasion permit holder that she/he will act in accordance with the Municipal Alcohol Policy. The event organizer, the special occasion permit holder and/or designate are responsible for the safety and sobriety of people attending the event as well as compliance with the Municipal Alcohol Policy and the Liquor Licence Act of Ontario and its regulations at the event. They assume responsibility and liability for the entire operation of the event.

Standard Drink

The minimum price for a standard drink must be two dollars. The Liquor Licence Act of Ontario defines a standard drink as a serving of liquor by volume and type, as follows:

- 12 oz. or 341 ml. of beer with 5% alcohol, OR
- 5 oz. or 142 ml. of wine with 12% alcohol, OR
- 3 oz. or 85 ml. of fortified wine with 14.9 or more % alcohol, OR
- 1 oz. or 29 ml. of spirits with 40% alcohol

Section 2: Designation of Properties and Events

2.1 Designation of Properties

The following municipal facilities and areas are either licensed or designated as **suitable** for events involving alcohol subject to the event organizer obtaining a Special Occasion Permit or a Liquor Licence through a caterer's endorsement issued by the Alcohol and Gaming Commission of Ontario and agreeing to conditions as set out by the Township of Wilmot:

- District Fire Halls**
- Haysville Community Centre
- Mannheim Community Centre
- Mannheim Park
- New Dundee Community Centre and Park
- New Dundee Park
- New Hamburg Arena Floor
- New Hamburg Community Centre
- Norm S. Hill Park, New Hamburg
- Petersburg Park
- St. Agatha Community Centre
- St. Agatha Lions Park
- Sir Adam Beck Park (Baden)
- Township of Wilmot Administration Office/Civic Centre/Castle Kilbride**
- Wilmot Recreation Complex: Arena Floor, Wilmot Community Centre and Upper Lobby **
- William Scott Park (New Hamburg)

** Some in-house policies and guidelines apply

The following municipal facilities and areas are not licensed or suitable for an event involving alcohol:

- Athletic and playing fields
- Kirkpatrick Park
- Parking lots
- Spectator areas of arenas and sportsfields
- Dressing rooms/change rooms
- Open park areas, trails and woodlots
- Naturalized Parkland/Open Space
- Neighbourhood Parks
- Playground areas
- Wilmot Arboretum

The Township of Wilmot has no legal obligation to allow licenced events to be held on its property. If the Township so chooses, it may impose on the event whatever restrictions it deems appropriate in the circumstances.

Rationale: Alcoholic beverages are only allowed in licensed municipal facilities or facilities designated as being suitable for conducting a Special Occasion Permit function. Many of the areas noted as not suitable are regarded as inappropriate to provide approval for a permit by the Alcohol and Gaming Commission of Ontario.

2.2 Designation of Events

The serving of alcohol shall not be permitted at any events where the focus of the event marketing is for youth under 19 years of age.

Rationale: The deciding factor for events involving alcohol will be determined by the focus of the events. Those events where the primary focus involves minors will not be allowed. Non-consumption by participating adults provides a positive example for young people.

Section 3: Conditions for Events Involving Alcohol

3.1 Insurance

The event organizer must provide proof of insurance by way of submitting an original Certificate of Liability Insurance to the Township of Wilmot a minimum of 30 days prior to occupying municipal premises for the event. The Certificate of Liability Insurance must be in effect for date(s) where municipal property is being used or occupied by the event organizer including, without limitation, set-up and take-down. Failure to provide proof of liability insurance will result in the rental being cancelled.

Rationale: Case law indicates that judges and juries are sympathetic toward the injured plaintiff. Special occasion permit holders, the Township of Wilmot, the event organizer and volunteers could be named in a lawsuit. Municipalities can be jointly liable and could end up paying the predominant share of an award to a plaintiff should the event sponsor be uninsured.

By requiring the renter to obtain insurance coverage, the municipality is clearly communicating to the event organizers that risks are involved in operating alcohol related events and that they require additional insurance coverage and risk management strategies to prevent problems from developing that could result in a lawsuit.

If an individual is injured and if the Township of Wilmot were to be found "jointly and severally" liable. The Township could end up paying the total judgement should the Special Occasion Permit Holder be inadequately insured. In addition to costing the municipality to settle the award, the municipality might have difficulty obtaining continued insurance coverage.

All Rentals:

The Certificate of Liability Insurance shall:

- Provide proof of a minimum of **five million dollars** general liability insurance issued by an insurance company satisfactory to the Township of Wilmot that is licensed to carry on business in Ontario and which must at a minimum include the following:
 - a) The Township of Wilmot shown as an additional insured on the policy
 - b) Coverage for bodily injury and property damage liability
 - c) A host liquor liability endorsement
 - d) Tenants liability endorsement
 - e) Products and completed operations liability
 - f) Cross Liability and Severability of Interest provision
 - g) Personal injury liability
 - h) Advertiser's liability
 - i) Thirty (30) day notice of cancellation provision
- Show that coverage is in effect on the date(s) of the event
- Be delivered to the supervisor having operational jurisdiction at the event location at least **30 days** prior to the start of the event. The following information must be provided:
 - Certificate of liability insurance
 - Policy number
 - Company name
 - Expiry date
 - Amount of Insurance coverage
 - An endorsement from the insurance company that they are aware of the Special Occasion Permit event and that coverage is in place including date and location of the event and name and address of the Special Occasion Permit holder

The Township of Wilmot reserves the right to amend the insurance and provisions required at any time.

3.2 Advertising

All advertising must comply with the Alcohol and Gaming Commission of Ontario advertising policies and guidelines. Alcohol and Gaming Commission of Ontario policy states that, a permit holder for a private event special occasion permit is not permitted to advertise or promote liquor or the availability of liquor.

At events where children and youth are allowed entry, the event organizer shall not allow promotional advertising of alcoholic beverages' names, brands or manufacturers.

Rationale: Alcohol advertising influences people of all ages (including youth) to consume alcohol.

3.3 Event Worker Training and Staffing Levels

The event organizer is responsible to:

- Ensure event workers are in attendance and as needed to monitor, manage and control the event
- Ensure event workers wear an identification (I.D.) name tag and/or clothing so that they can be easily identified. (Provision of this identification and clothing is the responsibility of the event organizer and/or designate. The type of identification worn by the event workers must be stated on the Checklist for Liquor Licensed Event Organizers form (Appendix A.)

It is mandatory that all bartenders are Smart Serve trained and recommended they have Safer Bars training or de-escalation of violence training.

The event organizer shall provide a list, at least 30 days prior to the event, of:

- A) All servers and proof of Smart Serve certification (including their certification numbers)
- B) Security staff and security licence numbers

The event organizer, door monitors, floor supervisors, and servers **shall not consume alcohol** during or after the event is concluded, nor shall they be under the influence of any alcohol or other substance during the event.

*Rationale: Event workers must be adequately trained, prepared, available, and monitoring for the duration of the event. Having clearly identifiable event workers ensures that participants can quickly contact an event worker should problems occur. Smart Serve training provides education on signs of intoxication and will assist in the important task of preventing problems before they occur. The law clearly states that the special occasion permit holder has a "duty to control" - that is, to protect participants from foreseeable harm to themselves or others. Event workers **must not consume alcohol** since, if an incident were to occur, it would be difficult to demonstrate control.*

It is the responsibility of the event organizer to ensure there are sufficient door monitors (monitoring all entrance and access points to ensure controls are properly managed) and floor supervisors (assisting in managing a person who is refused sale, crowd control and de-escalations of violence):

- The entrance to the event must be monitored by responsible person(s) meeting the age of majority requirements at all times. These persons shall further observe individuals that may be attempting to enter the premises that appear to be intoxicated or have a history of causing problems at events.
- The event organizer has the right to deny entry to any individual.
- When persons under the age of majority are found to have consumed or to be consuming alcohol at an event where alcohol is served, the authorities shall be called.

Rationale: Monitoring all access points to the licensed area is necessary to prevent underage, disruptive or intoxicated people from entering an event and considerably reduces the likelihood of problems occurring. It is best practice to have the entrance to the event monitored by responsible person(s) meeting the age of majority requirements at all times as this requires someone some one mature.

Security Staff and Security Licence Numbers

The Township of Wilmot requires the presence of paid duty police officer(s) or licensed private security, from 10:00 p.m. – 2:00 a.m. for licensed events organized by private individuals, at which the general public is admitted. All costs associated therewith shall be borne by the event organizer.

Rationale: The presence of security and/or paid duty police officers can act as a deterrent to potential disruptive behaviour.

A minimum of one Municipal Representative is required to attend events where alcohol will be served. If there are less than 50 guests in attendance, and the event is hosted by a community group or service club then staff may, at their discretion, waive the requirement for a municipal representative at the event.

Minimum event worker numbers are required on an event worker versus guest ratio basis as described in the table “Guest to Event Worker Ratios”. The Township of Wilmot reserves the right to increase the minimum number or types of event workers on an event-by-event basis. This includes the provision of both police and/or licensed security.

Guest to Event Worker Ratios

Number of Guests	Minimum Number of Event Workers				Minimum Number of Security
	Bartenders	Door Monitors*	Floor Supervisors**	Ticket Sellers	Licensed Security Workers
Up to and including 100	1	Monitor at each access point	1	0	
101 to 200	2	Monitor at each access point	2 (+1 for outdoor events)	1	
201 to 300	2	Monitor at each access point	3 (+1 for outdoor events)	2	(1 for outdoor events)
301 to 400	3	Monitor at each access point	3 (+1 for outdoor events)	2	(1 for outdoor events)
401 to 500	3	Monitor at each access point	4 (+1 for outdoor events)	2	1 (+1 for outdoor events)
501 to 600	4	Monitor at each access point	5 (+2 for outdoor events)	3	1 (+1 for outdoor events)
601 to 700	4	Monitor at each access point	6 (+2 for outdoor events)	3	2 *** (+1 for outdoor events)
701 to 800	5	Monitor at each access point	7 (+2 for outdoor events)	3	2 *** (+1 for outdoor events)
801 to 900	5	Monitor at each access point	7 (+2 for outdoor events)	4	3 *** (+1 for outdoor events)
901 to 1,000	6	Monitor at each access point	8 (+2 for outdoor events)	4	3 *** (+1 for outdoor events)

* All access points to the licensed area must be monitored. Each venue will require a varying number of door monitors depending on the layout of the venue.

** The event organizer or official designate can be a floor supervisor.

*** For events over 600 guests, at least 50% of the required licensed security workers shall be paid duty police officers.

For any event that allows admittance to minors, additional floor monitors may be required.

For every additional 150 guests over 1,000, an additional bartender and an additional floor monitor are required. For every additional 300 guests over 1,000, an additional ticket seller is required. For every additional 200 guests over 1,000, an additional licensed security worker is required.

For all outdoor events and all events with more than 1,000 guests, an operational plan must be developed with the Alcohol and Gaming Commission of Ontario and the Township of Wilmot in order to ensure that all aspects of public safety are addressed (including Emergency Medical Service [ambulance], fire, security, etc.). The operational plan must be submitted to the Township of Wilmot at least 30 days prior to the event. (e.g., Emergency Medical Service [ambulance], fire, security, etc.) All costs associated with preparing and complying with security and operational plans shall be borne by the event organizer and/or designate unless otherwise agreed upon in writing by the event organizer and the municipal representative.

Required licensed security or paid duty police officers for any events are the responsibility of the event organizer and all costs associated therewith shall be borne by the event organizer.

Rationale: The presence of security and/or paid duty police officers can act as a deterrent to potential disruptive behaviour.

3.4 Enforcement Procedures

If drunkenness, riotous, quarrelsome, violent, and aggressive and/or disorderly conduct or unlawful gaming is observed at the event, the organizer and their event workers shall:

- First ask the offending person to leave, and
- If the individual refuses to leave, call the Police
- Seek any necessary assistance to maintain control and management of the event and ensure the safety and protection of persons, including event workers.

The event organizer, event worker or municipal representative must notify the Police if they observe signs that a situation is getting out of control.

Rationale: The law clearly states that the event organizer has a "duty to control" - that is, to protect participants from foreseeable harm to themselves or others.

3.5 Prevention Strategies

The following controls and prevention strategies related to selling and serving alcohol shall be in place:

- Alcohol shall not be served to anyone under the age of 19 (minors). Minors are not allowed to consume alcohol on the premises. Outdoor public events which allow admittance to **minors** must implement a wrist band policy or have a fenced licensed area where alcohol is only served to and consumed by those 19 years of age and older. Additional floor monitors are recommended if alcohol is being served in the presence of minors.
- Alcohol shall not be served to anyone who may appear intoxicated.
- Closing time is 1:00 a.m. unless hours of operation for the facility are posted differently. Ticket sales and alcohol service shall cease at least 45 minutes prior to the end of the licensed period of the event. All alcohol and its containers (which include empty cups/glasses) shall be cleared away no more than 45 minutes after the end of the licensed event as listed on the Special Occasion Permit.
- Last call shall not be announced.
- Separate tickets for alcohol must be sold at all public events. Ticket sales for alcohol shall be limited to 4 tickets at one time per person. Unused tickets for alcoholic beverages can be redeemed at anytime during the event.
- Alcoholic service shall be limited to two drinks per person at one time. Alcohol cannot be left available for self-serving.
- Drinks **MUST** be served in re-usable, recyclable or compostable cups and a different colour of cup shall be used for non-alcoholic drinks. For formal dinner settings, glass vessels may be used for serving/consuming alcohol. Glass must be removed at the conclusion of the dinner.
- All outdoor licensed areas are required to have a barrier at least 0.9 metres high. Higher barriers and additional criteria may be required at the discretion of the Township of Wilmot.

Rationale: Last call usually results in high and rapid consumption and results in high blood alcohol levels which may peak after an event and lead to impaired driving. Selling tickets slows down the rate of consumption as people are required to make two stops before getting their drinks. Selling tickets provides ticket sellers and bartenders with the opportunity to look for signs of intoxication and to read the climate of the event. By limiting the number of tickets per purchase, event workers are provided with additional opportunities to verify the sobriety of patrons. Redeeming unused tickets could help avoid a confrontation with a patron who may be nearing intoxication but who wishes to purchase additional drinks in order to get his/her money's worth. Should a drink be dropped, plastic cups do not break. If a patron becomes belligerent, a broken beer bottle could be used as a weapon.

The following controls and prevention strategies related to types of available drinks shall be in place:

- Event workers are to encourage patrons to consume food, non-alcoholic and low alcohol beverages. Non-alcoholic drinks must be available at no charge or at a cost much lower than that of drinks containing alcohol.
- Identified designated drivers receive free non-alcoholic drinks (such as coffee, pop, juice).
- At least 30% of the available alcohol consists of low-alcohol beverages (e.g., 4% and 2.5% beer).
- No fortified drinks or extra-strength drinks shall be sold. Beer products with more than 5% alcohol, wine products with more than 12% alcohol and spirits with more than 40% alcohol, are considered “fortified” alcohol products. Beer and coolers are not to exceed 5% alcohol content (standard drink measure).
- Pre-made alcoholic drinks, such as jello shooters and punches, etc. are **NOT** allowed.
- No energy drinks (with or without alcohol in them) shall be sold.
- Homemade alcohol shall not be allowed at any Special Occasion Permit function, with the exception of homemade wine or beer at a religious function listed under a NO SALE reception permit, as defined by the Alcohol and Gaming Commission of Ontario. Where wine is provided with a meal, a non-alcoholic substitute (such as water, pop or juice) must be provided to ensure that children and abstainers are included in toasting the celebrants.
- No persons shall be allowed to bring in their own alcohol to the event or allowed to pour their own alcoholic drinks.
- Any raffles/prize draws must be licensed. Contact Clerk’s Services at 519-634-8444 ext 228 to inquire about eligibility.
- Marketing practices which encourage increased consumption of alcohol (e.g., oversized drinks, double shots, pitchers, drinking contests, jello shooters, volume discounts) are not permitted.

Rationale: The availability of non-alcoholic beverages supports designated driver initiatives and a safe transportation strategy. Low alcohol drinks can reduce the consumption of alcohol and reduce the likelihood of intoxication and impaired driving while permitting participants to socialize throughout the evening without becoming intoxicated. Consumption of energy drinks may mask signs of intoxication and should not be mixed with alcohol. Jello shooters may not be standard serving size and intoxication may occur at a faster rate.

3.6 Safe Transportation

Event organizers are responsible to take the necessary steps to reduce the possibility of impaired driving. As a condition of rental, the event organizer must have a Safe Transportation Strategy in effect. Elements of a Safe Transportation Strategy could potentially include:

- Providing non-alcoholic beverages either at no charge or at a cost much lower than that of drinks containing alcohol
- Providing alternate means of transportation for those who are suspected to be intoxicated (i.e., call a friend, relative, or taxi)
- Calling police if someone who is suspected to be impaired cannot be convinced to use alternate transportation.
- Providing a designated driver program which encourages and identifies designated driver.

The designated driver program and relevant local taxi phone numbers must be prominently posted. Alternate means of transportation shall be provided for all those suspected to be intoxicated. All advertising for the event should indicate that a designated driver program is in effect.

Rationale: A Safe Transportation Strategy helps to ensure that no one who is the driver of a motorized vehicle is impaired when leaving an event from a municipal facility. An impaired driver leaving an alcohol related event is one of the greatest risks of liability.

3.7 Signage

During events where alcohol is served, the following signage, which is approved by the Township of Wilmot shall be displayed in prominent locations:

Signage at one or more prominent places in the licensed/bar area:

Please drink responsibly.

- Bartenders reserve the right to refuse service. Bartenders cannot serve alcohol to anyone who is intoxicated or appears to be at the point of intoxication.
- Bartenders cannot serve alcohol to anyone under 19 years of age. Proper I.D. must be presented to event staff when requested.
- You can only be served a maximum of two alcoholic drinks at any one time.
- You may redeem unused tickets for cash anytime during the event.
- There will be no "LAST CALL".

Thank you for not drinking and driving.

Call a friend, relative or taxi. Local taxi phone numbers are: ____ Waterloo Taxi 888-7777
- New Hamburg Taxi 662-3240 _____
The R.I.D.E. program is in effect in our community.
Use a designated driver.

Signage at one or more prominent places in the licensed/bar area:

If there is an emergency call 9-1-1

For a non-emergency, please call Waterloo Regional Police at (519) 653-7700. *[Rural municipalities would use (519) 570-3000]*

You are at ____ [space for the name and address of facility for emergency response] _____

Signage to be posted at the boundaries of the licensed/bar area:

No alcohol beyond this point.

Thank you for not drinking and driving.

Call a friend, relative or taxi. Local taxi phone numbers are: ____ Waterloo Taxi 888-7777 -
New Hamburg Taxi 662-3240 _____
The R.I.D.E. program is in effect in our community.

Use a designated driver.

Other Signs to be posted in one or more prominent places in the licensed/bar area:

Sandy's Law sign (regarding alcohol and pregnancy)

"What is a standard drink?" sign

Low Risk Drinking Guidelines sign

Where applicable, the event organizer shall post the Special Occasion Permit (with any updates) in plain view on the premises to which the permit applies or shall keep it in a place where it is readily available for inspection.

Rationale: Signs provide direction to guests and provide support to servers and supervisors. Servers are required by law not to serve an intoxicated person, nor to serve anyone to the point of intoxication.

Section 4: Infractions and Violations

4.1 Duty to Report

The event organizer has the duty to report to the municipal representative issues with details of any incident that:

- The event organizer and/or designate are aware of or has been made aware of any Liquor License Act of Ontario or Municipal Alcohol Policy violations
- Where an Alcohol and Gaming Commission of Ontario Inspector under the Liquor License Act of Ontario has reported any incident or violation
- Involves bodily injury or property damage

Police shall be informed by the event organizer and/or designate as appropriate. Reports shall be made no later than two days after the conclusion of the event, but shall be made immediately when repairs or other action is required to make municipality property secure or safe for use. The Township of Wilmot representatives shall report any infraction of this policy to the police and/or Alcohol and Gaming Commission of Ontario whenever they believe such action is required.

Rationale: The law clearly states that the permit holder has a "duty to control" - that is, to protect participants from foreseeable harm to themselves or others. Although police will be called if a situation becomes risky, it is the responsibility of the event organizer to ensure proper management of an event.

4.2 Failure to Comply and Penalties

Where there has been a failure to comply with the Liquor License Act of Ontario, the police or the Alcohol and Gaming Commission of Ontario inspector may intervene for enforcement purposes and may, at their discretion or other authority, terminate the event. The Township of Wilmot may similarly cancel, intervene or terminate the event for violations of the MAP. It remains the responsibility of the event organizer and/or designate to manage the event and to take appropriate actions, including ending the event, vacating municipal property, maintaining insurance, any conditions of insurance, and providing safe transportation options.

Regardless of the reason for termination of the event, the Township of Wilmot will not be responsible for any compensation to the event organizer and/or designate or affected persons of their resulting financial, or other losses.

The Township of Wilmot shall subsequently inform the event organizer and/or designate and any organization they represent, via registered letter, that there has been a violation of the policy and any imposed consequences or penalties.

Additional short term and longer term penalties for failure to comply may include, but are not limited to:

- Loss of privilege to hold an event involving alcohol in a municipal property or facility
- Loss of any future use or rental of any or all municipal properties
- Individual ban or suspension of persons involved in the infractions from any or all municipal properties for any term

Rationale: The event organizer needs to be aware of the consequences of not following the Municipal Alcohol Policy or Liquor License Act of Ontario regulations.

Section 5: Policy Review

The Municipal Alcohol Policy shall undergo an annual review based on change within the industry standards and shall be updated as required. Region of Waterloo Public Health will facilitate an annual opportunity to review and discuss municipal alcohol policies in Waterloo Region.

Rationale: Reviewing this policy regularly permits policy changes to meet changing community needs, the addition of new facilities, new program demands, as well as any future changes to the Liquor Licence Act of Ontario and its regulations.

The Township of Wilmot reserves the right to make discretionary changes to this Municipal Alcohol Policy at any time, and will advise the event organizer of any such changes prior to the event.

On behalf of the Township of Wilmot, we wish you a successful and enjoyable event.

Appendix A: Event Organizer Checklist for Liquor Licensed Events

(This checklist must be signed and submitted to the Township of Wilmot with all supporting information, at least 30 days before the event. (See the Municipal Alcohol Policy for additional information).

1. Name of Event: _____
2. Location of Event: _____
3. Date and Time of Event: _____
4. Estimated Attendance: _____
5. Will persons under 19 years of age be attending this event? Yes ☐ No ☐
6. Name of event organizer (the person and/or group sponsoring/hosting this event): _____

7. Name of Special Occasion Permit holder (if applicable) and all official designates:

SOP Holder

Name: _____ Phone: _____ Cell: _____

Official Designates

Name: _____ Phone: _____ Cell: _____

Name: _____ Phone: _____ Cell: _____

8. Copy of the SOP permit has been provided? Yes ☐ Date Received: _____
9. Proof of liability insurance has been provided? Yes ☐ Date Received: _____
10. The safe transportation strategies that will be used at this licensed event are:
 - a) _____
 - b) _____
 - c) _____
11. Type of identification for event workers (please describe): _____

12. List the names and certification numbers of the Smart Serve trained event workers for this licensed event:

Name

Certification Number

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Proof of certification may be required.)

13. List the names and security licence numbers for security staff for this event:

Name	Security Licence Number

(Proof of certification must be available on request.)

14. The undersigned (event organizer) has received the Municipal Alcohol Policy and has read and understood the information and requirements contained therein. Yes ☐

Please note that if there is anything that you do not understand with respect to this Policy **it is your responsibility** to contact the Township of Wilmot staff (phone :519-634-9225) to obtain clarification and understanding prior to signing this Event Organizer Checklist.

By signing this Event Organizer Checklist, the undersigned hereby agrees, on behalf of itself/himself/herself and on behalf of its/his/her partners, employees, volunteers, agents, executors, administrators and assigns, as the case may be, to comply with all of the obligations, terms and conditions of the Municipal Alcohol Policy.

Signed at _____, Ontario this ____ day of _____, ____.

Name of Corporate Event Organizer

Per: _____

Name: _____

Title: _____

I have authority to bind the corporation.

OR

Name of Individual Event Organizer

Signature of Event Organizer

Name of Witness

Signature of Witness



TOWNSHIP
OF WILMOT



Municipal Alcohol Policy Review

November 2019

Wilmot is a cohesive, vibrant and welcoming countryside community.

Page 64 of 125

Why Update the Current Policy:

- To address increasing risk and liability of alcohol related events
- To protect facility rental groups, the Township and taxpayers against the increasing risks involving alcohol related events
- To reflect legislative changes
- To bring consistency in policies across Waterloo Region, that have been developed and approved by experts in the field

October, 2019

Municipal Alcohol Policy

Minimum Liability Insurance Limits



Rob Clark, FCIP, CRM

Risk & Claims Analyst

Waterloo Region Municipalities Insurance Pool

Joint and Several Liability

- Brought forward in the Negligence Act
- 1% Rule
- Effects of a sympathetic plaintiff on judgments
- Insurer of last resort
- Under provincial review

Occupiers Liability Act

- ▶ Occupier definition:
 - ▶ A person who is in physical possession of premises
 - ▶ A person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises
- ▶ Duty of Care
 - ▶ Condition of the premises
 - ▶ Activities carried out on the premises
- ▶ Duty not restricted or excluded by any contract

Host liquor coverages

- ▶ Liquor License Act duty imposed on host
- ▶ Exclusions under many liability insurance policies:
 - ▶ Caused or contributed to someone's intoxication
 - ▶ Furnished alcoholic beverages to someone under the legal drinking age or "under the influence;" or
 - ▶ Violated a statute, ordinance or regulation related to the sale, gift, distribution or use of alcoholic beverages
- ▶ Negligent supervision or training of others
- ▶ Negligent providing (or failure to provide) transportation
- ▶ Host Liquor Liability Endorsement availability

Drinking and driving statistics

- ▶ 4 alcohol related vehicular accident deaths per day in Canada (per MADD Canada)
- ▶ 175 injuries per day in Canada (per MADD Canada)
- ▶ 58.8% of collisions involving fatalities involve drivers with alcohol/drug presence in system
- ▶ Statistics Canada poll of Ontario Drivers
 - ▶ 4% self-reported drinking and driving in past 12 months
 - ▶ Of those 4%, 82% self-reported multiple events of drinking and driving in that span

Considerations regarding cost of liability

- ▶ Legal minimum amount of Auto Liability coverage in Ontario is \$200,000.00
- ▶ Most policies range between \$1 million and \$2 million
- ▶ Common to car pool to events at which alcohol is served (multiple potential claimants)
- ▶ Marcoccia v. Gill, Purba Furniture Ltd and Ford Credit Canada Ltd
 - ▶ \$16.9 million settlement (despite plaintiff going through red light at time of collision)
- ▶ Gordon & Morrison v. Greig
 - ▶ \$11.37 million to Gordon, \$12.33 million to Morrison
- ▶ MacNeil v. Bryan
 - ▶ \$18.4 million settlement
- ▶ Deering v. City of Oshawa
 - ▶ Two sisters (Deering) awarded combined \$30 million settlement

Keeping up with the Joneses

- ▶ Municipalities within the Region
 - ▶ 2 require \$5 million or more
 - ▶ 1 is currently in the process of raising to \$5 million or more
 - ▶ 5 have tiered system of \$2 million to \$5 million depending on size of event
- ▶ Neighboring municipalities
 - ▶ Reviewed 24 MAPs from neighboring municipalities
 - ▶ 18 (75%) had minimum limits of \$5 million or more

GameDay Program

- ▶ Constituents reporting unable to obtain \$5 million limits
- ▶ All municipalities in the Region have access to GameDay Program
 - ▶ Meets all recommended requirements of insurance for facility users
 - ▶ Reasonable rates (ie. Whereas \$2 million policy for event of up to 100 attendees would cost \$135, their \$5 million policy comes in at \$202.50 - equivalent of \$0.67 per guest increase)

Significant Updates Include:

- Detailed definitions and information regarding roles and responsibilities of event organizers, event workers, and Township staff
- Township bartender role will be modified to Municipal Representative (responsible to oversee the event rather than serving beverages)



Guest to event worker ratios re: supervision requirements:

	Minimum Number of Event Workers				Minimum Number of Security
Number of Guests	Bartenders	Door Monitors*	Floor Supervisors**	Ticket Sellers	Licensed Security Workers
Up to and including 100	1	Monitor at each access point	1	0	
101 to 200	2	Monitor at each access point	2 (+1 for outdoor events)	1	
201 to 300	2	Monitor at each access point	3 (+1 for outdoor events)	2	(1 for outdoor events)
301 to 400	3	Monitor at each access point	3 (+1 for outdoor events)	2	(1 for outdoor events)
401 to 500	3	Monitor at each access point	4 (+1 for outdoor events)	2	1 (+1 for outdoor events)
501 to 600	4	Monitor at each access point	5 (+2 for outdoor events)	3	1 (+1 for outdoor events)
601 to 700	4	Monitor at each access point	6 (+2 for outdoor events)	3	2 *** (+1 for outdoor events)
701 to 800	5	Monitor at each access point	7 (+2 for outdoor events)	3	2 *** (+1 for outdoor events)
801 to 900	5	Monitor at each access point	7 (+2 for outdoor events)	4	3 *** (+1 for outdoor events)
901 to 1,000	6	Monitor at each access point	8 (+2 for outdoor events)	4	3 *** (+1 for outdoor events)

* All access points to the licensed area must be monitored. Each venue will require a varying number of door monitors depending on the layout of the venue.

** The event organizer or official designate can be a floor supervisor.

*** For events over 600 guests, at least 50% of the required licensed security workers shall be paid duty police officers.



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Page 75 of 125



**TOWNSHIP
OF WILMOT**

Operational Plans & Security

- If there are over 200 attendees anticipated, outdoor events require an Operational Plan and licenced security
- The Operational Plan includes considerations for Emergency and Fire Services, Food Service, Portable Structures, Lighting etc.



Insurance Coverage

- An increase in mandatory insurance coverage to \$5,000,000 for all alcohol related events



Checklist & Sign-off

- Event organizer must sign a checklist indicating that they understand the Municipal Alcohol Policy and their specific role and responsibilities





REPORT NO: DS 2019-28

TO: COUNCIL

SUBMITTED BY: Harold O’Krafka, MCIP RPP
Director of Development Services

Terry Gerber, CBCO
Chief Building Official

PREPARED BY: Thomas Bromberg,
Building / Plumbing / Septic Inspector

REVIEWED BY: Grant Whittington, CAO

DATE: October 28, 2019

SUBJECT: Ontario Building Code Regulation Changes

RECOMMENDATION:

That Report DS 2019-28 be received for information.

SUMMARY:

The 2012 Ontario Building Code came into effect in 2014. There have been 17 changes since it was originally introduced and this report will highlight the major changes effective now and upcoming changes to the Ontario Building Code which will occur between 2019-2022.

BACKGROUND:

The Ministry of Municipal Affairs and Housing is responsible for the content and administration of the Ontario Building Code across the province. Typically when the provincial government changes the new government takes the opportunity to initiate changes to the Ontario Building Code that align with their agenda.

The new Ontario government, as such, has made amendments to the Ontario Building Code that will occur between 2019 and 2022.

REPORT:

The following list highlights the upcoming changes with a more detailed explanation contained within the attachment to the report.

2019 Major changes:

Electrical vehicle charging stations requirement removal.

New Farm Building requirements relating to Cannabis Operations.

2020 Major changes:

New Residential Fire Warning System requirements.

Accessibility/ Barrier Free requirements revision.

Snow, Wind, Earthquake Loads requirements revision.

New sound transmission rating, new calculations have been introduced for Apparent Sound Transmission Class (ASTC).

New Foamed Plastic Insulation to be used to insulate heating ducts under certain conditions.

Absorption Trenches for Sewage systems have been revised.

Alternative methods for the venting of laundry drying equipment.

Structural Glass Design.

New/Revised Definitions of the following words have been introduced: Apparent Sound Transmission Class, Closure, Dangerous Goods, Flight (stairs), Hazardous Extraction, Run (stairs), Solid Masonry, Sound Transmission Class, Tapered Tread.

2022 Major Changes:

Stairs, Guards and Handrails section are revising existing code articles in both Part 3 and Part 9.

Guard Design Loading.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Communication of Ontario Building Code changes supports an informed community and transparency of information.

FINANCIAL CONSIDERATIONS:

The enforcement of the Ontario Building Code Act is a user pay enterprise.

ATTACHMENTS:

Attachment A Summary of Ontario Building Code Changes

Guide to Changes in the *Ontario Building Code*

Key Points

Ontario Regulation 988/19 was filed on May 2, 2019. It amends various definitions in the *Ontario Building Code* (“*OBC*”) as well as sections of Division B, including:

- Part 3 (Fire Protection, Occupant Safety and Accessibility)
- Part 4 (Structural Design)
- Part 5 (Environmental Separation)
- Part 6 (Heating, Ventilating and Air-Conditioning)
- Part 7 (Plumbing)
- Part 8 (Sewage Systems)
- Part 9 (Housing and Small Buildings)

The purpose of these amendments is to make the *OBC* more consistent with the *National Building Code of Canada* and the *National Plumbing Code of Canada*. In addition, as part of *More Homes, More Choice: Ontario’s Housing Supply Action Plan*, the Provincial government has removed the requirement that all new homes include the infrastructure for an electric vehicle charging station.

The amendments are largely technical in nature, and are summarized in the chart below.

Unless otherwise noted, the amendments come into effect on January 1, 2020. The amendment that removes the requirement for the installation of infrastructure for an electric vehicle charging station came into effect on May 2, 2019.

A separate regulation - O. Reg 87/19 – was also filed on May 2, 2019. It addresses farm buildings with cannabis operations. Below are the highlights:

- New provisions address farm buildings containing hazardous extraction operations where flammable liquids, combustible liquids or flammable gases are used as extraction solvents related to cannabis processing; and
- These amendments are consistent with the amendments to the *Ontario Fire Code* set out in Ontario Regulation 33/19.

These amendments come into effect July 1, 2019.

Below is a full guide to the changes.

Full Guide

Part 3 (Fire Protection, Occupant Safety and Accessibility)		
Section	Subject	Note
3.1.8.4., 3.1.8.5. and 3.1.8.7	Smoke Tightness of Closures in Fire Separations and Smoke Dampers	New requirements have been introduced for leakage rates of smoke dampers and combination smoke/fire dampers used as closures, as well as a leakage-rate for door assemblies installed in fire separation in specific areas.
3.1.4.2. and 3.1.5.5A	Factory-Assembled Panels	Addition of policies to protect factory-assembled panels containing foamed plastic insulation installed in walk-in coolers or freezers located in buildings of both combustible and non-combustible construction.
3.1.5.12A	Foamed Plastic Insulation	Re-organization of policies to address protection of foamed plastics insulation and combustible insulation separately.
3.2.3.6	Soffit Protection	Addition of policy to clarify and relax roof soffit protection when facing a street, lane or a public thoroughfare.
3.2.10.1	Integrated Fire Protection and Life Safety Systems	Addition of policy which requires the testing of the integration between fire protection and life safety systems, and other systems associated with fire protection and life safety functions. The testing is to be conducted based on the newly-developed CSA Standard.
3.2.4.22A	Residential Fire Warning System	Addition of policy to permit the use of a residential warning system in lieu of interconnected smoke alarm system. The new system allows the connection of heat detectors, CO alarms, other life safety devices and remote monitoring capabilities. The system is also required to have the capability of supervising the interconnected devices.
3.2.6.2	Smoke Movement in Residential High-Rise Buildings	New policy that requires air handling systems providing make-up air to a corridor serving residential suites to remain in operation after the activation of the fire alarm to maintain corridor pressurization.
3.3.2.8A., 3.3.5.9., 3.4.6.4., 3.4.6.5., 3.4.6.5., 3.4.6.6., 3.4.6.8., and 3.4.6.9	Stairs, Guards and Handrails	Policies have been amended and added that address: <ul style="list-style-type: none"> • The installation of handrails in aisles with steps in assembly occupancies; • Guards located in industrial occupancies;

		<ul style="list-style-type: none"> • Handrail requirements to clarify where handrails are required and where they need to be continuous; • The rise and run dimensions of public stairs; • The tread and riser requirements to restrict open stair risers; and • The permitted configurations of exit stairs. <p>Note: These amendments do not come into force until January 1, 2022.</p>
3.3.1.12. and 3.4.6.11	Door Threshold	A new requirement has been added that sets limits on the height of door thresholds, other than those in a required barrier-free path of travel.
3.7.4.2.11	Plumbing Fixtures, General	A change is made to provide additional clarification on manual control faucets that serve lavatories.
3.7.5.2	Medical Gas Piping	A change was made to the requirements for the design, construction, installation and testing of medical gas piping systems. Medical gas piping systems are also required to be in compliance with Ontario's <i>Fire Code</i> , or in the absence of such requirements, with the <i>National Fire Code of Canada</i> .
3.8.1.5	Accessibility – Controls	A change was made to clarify all common requirements for accessible controls related to the operation of building services and safety devices.
3.8.3.8.(1), 3.8.3.8.(7)(b), and 3.8.3.9	Accessibility – Water Closet Stalls and Enclosures	A change was made to provide additional accessibility requirements and clarification for water closets, water closet stalls and enclosures.
3.8.3.10, 3.8.3.11, 3.8.3.12, and 3.8.3.13	Accessibility – Urinals, Lavatories, Mirrors, Washroom Accessories, Universal Washrooms, Showers, and Bathtubs	<p>A change was made to clarify provisions for accessibility requirements for:</p> <ul style="list-style-type: none"> • Urinals, lavatories, mirrors and washroom accessories within a barrier-free washroom; • Universal washroom doors; and • Showers and bathtubs including requirements for grab bars, clear floor spaces, shower heads and faucets, and individual bathtub requirements for Group B Division 2 or 3 occupancies.
3.1.21	Electric Vehicle Charging	<p>All requirements including transition provisions related to electric vehicle charging in non-residential buildings have been deleted.</p> <p>Note: This amendment came into force on May 2, 2019.</p>

Part 4 (Structural Design)		
Tables 4.1.3.2.A. and B	Limit States Design	A change was made to increase the companion load factor for live loads plus snow loads.
4.1.5.14	Guards Design	<p>A change was made to the existing provision that clarifies where point loads for guards are applied. The design must take into account the points of application that produce the most critical effect. Changes were also made to establish deflection limits for guard pickets as well as to clarify that guard loads do not need to be applied concurrently with vehicle guardrail loads.</p> <p>Note: These amendments do not come into force until January 1, 2022.</p>
4.1.6	Snow Loads	Provisions for snow loads have been updated, including the calculation of the basic roof snow load factor, specific weight of snow, calculation of the accumulation factor, and the calculation for loads due to sliding snow. Guidance on snow loads has been adopted from the <i>National Building Code</i> .
4.1.7	Wind Loads	Provisions for wind loads have been updated, including the introduction of a separate topographic factor and the introduction of specific requirements for wind tunnel testing. Guidance on wind loads has been adopted from the <i>National Building Code</i> .
4.1.8.1	Earthquake Load and Effects: Low Hazard Zones	Requirements that consider earthquake forces and effects have been extended to all locations in the province. A separate simple and easily applied methodology has also been provided for low hazard earthquake zones.
4.1.8.2., 4.1.8.4., 4.1.8.18. and Supplementary Standard SB-1	Earthquake Load and Effects: Seismicity	Values of seismic hazard in the seismic hazard model have been updated for various locations, and period-based foundation factors have been introduced. The method for the determination of design spectral acceleration has been revised such that the higher mode factors conform to the new hazard model. The hazard cap was also revised for both the static procedure and the dynamic procedure.
Table 4.1.8.9	Earthquake Loads and Effects: Structural Systems	Structural systems have been updated to be compatible with the material design standard referenced in Section 4.3. of Part 4, and the height restrictions for the seismic-force resisting systems (SFRS) in buildings have been clarified.

4.1.8.10.(5) and Table 4.1.8.6	Earthquake Load and Effects: Inclined Columns	New provisions have been added identifying buildings with inclined columns that are subjected to gravity-induced lateral demands as being structurally irregular buildings.
4.1.8.11.(4)	Earthquake Loads and Effects: Single Storey Buildings with Steel or Wood Diaphragms	New provisions have been added related to time period and diaphragm forces for single-storey buildings with steel or wood roof diaphragms.
4.1.8.16	Earthquake Loads and Effects: Foundation Provisions	A new requirement has been added to the calculation of displacements to include increases due to foundation movements.
Table 4.1.8.18	Earthquake Loads and Effects: Elevators, Escalators and Racking Storage Systems	New requirements have been added for anchorage design for elevators, escalators and steel pallet storage racks accounting for the seismic loads and effects.
4.1.8.19. and 4.1.8.20.	Earthquake Load and Effects: Seismically Isolated Structures	New requirements have been added for structures with seismically-isolated structures.
4.1.8.21. and 4.1.8.22	Earthquake Load and Effects: Supplemental Energy Dissipation	New requirements have been added for structures with supplementary energy dissipation systems.
4.3.6.1	Structural Glass Design	Specific requirements on structural glass design are added including reference to ASTM E1300, "Practice for Determining Load Resistance of Glass in Buildings".
Part 5 (Environmental Separation)		
5.1.4.1	Structural and Environmental Loads	A new requirement has been added to reflect where building materials, components or assemblies perform more than one function, they are required to satisfy the requirement of all of those functions.
5.2.2.2	Determination of Wind Load	A new requirement has been added to clarify that the wind uplift resistance of membrane roofing assemblies are required to conform with the requirements of CSA A123.21 "Dynamic Wind Uplift Resistance Membrane-Roofing Systems". However, the <i>OBC</i> also recognizes proven past performance.
5.6.1.2	Installation of Protective Materials	A requirement that includes a new referenced standard has been added which addresses the protective materials in a vegetative roofing system and their resistance to root and rhizome penetration by requiring testing of components in accordance

		with ANSI/GRHC/SPRI VR-1 standard.
5.7	Protection from Surface Water	Sections addressing “Surface Water” and “Moisture in the Ground” have been combined under the new Section 5.7. The new section also provides a description of the differences between waterproofing and damp-proofing, and addresses surface preparation and directing water away from buildings and assemblies.
5.8	Sound Transmission	A new sound transmission rating, apparent sound transmission class (ASTC), was introduced in order to consider contributions of flanking sound transmission. This is an alternative rating that can be used to meet the sound transmission requirements of the <i>OBC</i> . The existing rating sound transmission class which considers only direct sound transmission has also been maintained. This section also now includes detailed and simplified calculation methods for ASTC.
5.10	Referenced Standards	Standards applicable to environmental separators and assemblies exposed to the exterior have been updated. Standards that have been withdrawn were also removed and outdated standards replaced with current editions. New standards that reflect materials currently used by industry were also added.
5.10.4	Other Fenestration Assemblies	A new subsection has been added to address other fenestration assemblies which are assemblies that have not been explicitly covered by the previous editions of the <i>OBC</i> . It establishes minimum performance requirement as well as laboratory and in-situ standard test procedures for curtain walls, window walls, storefronts and glazed architectural structures (referred to as “other fenestration assemblies”). It also provides guidance on how to properly identify these products and their applications by clarifying the recognized industry terminology.
Part 6 (Heating, Ventilating and Air-Conditioning)		
6.2.2.4	Indoor Air Contaminants	Clarifications have been made to the requirements that reduce the level of the indoor air contaminants of concern and growth and spread of bio-contaminants.
6.2.2.6	Grease Duct Enclosures	A new requirement has been added to clarify that the fire-resistance rating of factory-built and field-applied grease duct enclosures are to be determined in

		conformance with the CAN/ULCS144, "Standard Method of Fire-Resistance Test-Grease Duct Assemblies".
6.2.3.4	Foamed Plastic Insulation	A new requirement has been added to allow the use of foamed plastic insulation, under certain conditions, to insulate heating ducts in Part 9 residential buildings.
6.2.3.14. and 6.2.3.15	Air Washers, Evaporative Coolers, Cooling Towers and Evaporative Condensers	The requirements have been modified to clarify that air washers and evaporative cooling sections have different design considerations to that of towers and evaporative condensers. ASHRAE Guideline 12, "Minimizing the Risk of Legionellosis Associated with Building Water Systems," is referenced to minimize health risks with airborne legionella associated with HVAC equipment such as cooling towers, evaporative towers and evaporative condensers.
Part 7 (Plumbing)		
7.2.3.2.(3)	Selection and Installation of Grease Interceptors	A new provision has been added about the selection and installation of grease interceptors which are required to conform to new referenced standards.
7.2.6.1.(3)	Cast Iron Frames and Covers	Cast iron frames and covers for maintenance holes and catch basins are now required to conform to a new referenced standard.
7.2.6.10. to 7.2.6.15., 7.3.2.8. and 7.3.4.3.(2)	Stainless Steel Related Requirements	New requirements have been added for stainless steel pipes and fittings. The new requirements address applicable standards, welding and support of the stainless-steel piping and joints.
7.2.7.4.(5)	Copper Tube Limitation	A new restriction has been introduced for the use of copper tubing below the flood level rim of urinals.
7.2.10.2	Methods of Mounting and Attaching Water Closets	Revised provisions now permit alternative methods of mounting and attaching modern water closets.
7.6.2.10	Spill-resistant Pressure Vacuum Breakers	A new provision has been added to permit spill-resistant pressure vacuum breakers.
Table 7.6.4.1	Maximum Flow Rates for Lavatory Water Supply Fittings	Flow rate requirements have been revised and more efficient water supply fittings for lavatories are now required.
7.6.4.1.(3)	Automatic Shut-off for Lavatory Faucets	A new provision has been added for lavatory faucets located in public washrooms. They are required to be equipped with automatic shut-off when not in use.

7.6.4.1.(5)	Multiple Shower Heads in Public Showering Facilities	A new provision has been added that requires that where multiple shower heads are served by one temperature control, each shower head must be capable of automatically shutting off the flow of water when not in use.
Part 8 (Sewage Systems)		
8.7.3.2	Absorption Trenches	Provisions in the relevant sections of Part 8 have been revised to address pipe spacing for different types of installation for Type I and II leaching chambers.
Part 9 (Housing and Small Buildings)		
9.6.1.3	Structural Sufficiency of Glass	Changes have been made that removes the reference to an outdated CGSB standard and provides additional options for the design of glass to either Part 4 or to new Part 9 prescriptive tables based on various 1-in-50 hourly wind pressures and building location.
9.8.4.2	Dimensions for Runs and Rectangular Treads	The run dimension of stairs serving single-dwelling units have been increased. Note: These amendments do not come into force until January 1, 2022.
9.8.4.5A	Stairs, Steps, Ramps, Landings, Handrails and Guards: Spiral Stairs	Spiral stairs are permitted in buildings under certain conditions. Note: These amendments do not come into force until January 1, 2022.
9.8.7	Stairs, Steps, Ramps, Landings, Handrails and Guards: Handrails	New requirements have been added that increase the maximum height of a handrail and clarify ergonomic design provisions. Note: These amendments do not come into force until January 1, 2022.
9.10.19.1. and 9.10.19.8	New Residential Fire Warning Systems (ULC-S 540)	A provision has been added to address the use and installation of residential fire warning systems.
9.11.1.1	Sound Transmission	A new ASTC rating has been introduced to take into account flanking sound transmission as an alternative method in addition to the Sound Transmission Class (STC) rating.
9.13.2., 9.13.3. and	Referenced Standards	Several out-of-date standards have been replaced

9.26.2	for Roofing, Damp-proofing, and Waterproofing Materials and Installation	with current and more applicable standards, covering a variety of material types and applications.
9.13.2.6	Damp-proofing of Floors on Ground	The existing requirements for damp-proofing of floors on ground have been revised and expanded to provide additional damp-proofing options.
9.23.13.11	Wood Roof Trusses	Existing roof truss design requirements have been updated to reflect current truss manufacturing processes.
9.26.1.1	Purpose of Roofing	The terms “roof” and “roofing” have been defined for the purposes of Section 9.26.
9.32.1.1.(5) and 9.32.1.4.	Venting of Laundry – Drying Equipment	Alternative methods for the venting of laundry drying equipment have been added .
9.35.3.1.(2)	Garages and Carports: Foundation Required	A new requirement has been added prescribing the types of foundations that may be used for small 1 storey detached garages less than 55 m ² in floor area that are not of masonry or masonry veneer construction.
9.35.3.3.(1)	Garages and Carports: Small Garages	A new requirement has been amended to exempt small garages from complying with the foundation drainage requirements where the finished ground level is at or near the elevation of the garage floor
9.34.4	Electric Vehicle Charging	The current electric vehicle charging requirements pertaining to houses have been deleted. Note: This amendment came into force on May 2, 2019.
Definitions		
Added: Apparent sound transmission class	A single number rating of the airborne sound attenuation of building assemblies separating two adjoining spaces, taking into account both the direct and flanking sound transmission paths, and “ASTC” has a corresponding meaning.	
Changed: Closure	A device or assembly for closing an opening through a fire separation or an exterior wall, such as a door, a shutter, a damper, wired glass and glass block, and includes all components such as hardware, closing devices, frames and anchors. Note: Now includes “a damper”.	
Changed: Dangerous Goods	Those products or substances that are, a) regulated by the <i>Transportation of Dangerous Goods Regulations</i> made	

	<p>under the <i>Transportation of Dangerous Goods Act, 1992</i> (Canada), or</p> <p>b) classified as controlled products under the <i>Hazardous Products Regulations</i> made under the <i>Hazardous Products Act</i>(Canada).</p> <p>Note: Now includes controlled products under the <i>Hazardous Products Regulations</i>.</p>
Added: Flight	A series of steps between landings.
Added: Hazardous Extraction	A process to remove or separate a substance from a solution or mixture that involves the use of flammable liquids, combustible liquids or flammable gases as solvents in the process.
Added: Run	The horizontal distance between two adjacent tread nosings on a stair.
Added: Solid masonry	A single-wythe or multi-wythe construction made of solid masonry units or semi-solid, cored or hollow masonry units, the cells of which may or may not be filled with mortar or grout. In multi-wythe masonry construction, the space between the wythes consists of a mortar-filled collar joint or grout-filled space and the wythes may or may not be constructed of the same masonry materials.
Added: Solid masonry unit	A concrete block or brick unit, a clay brick unit or a calcium silicate brick unit, the net solid area of which is at least 75% of its gross area.
Added: Sound transmission class	A single number rating of the airborne sound attenuation of a building assembly separating two adjoining spaces, taking into account only the direct sound transmission path, and “STC” has a corresponding meaning.
Added: Tapered tread	A tread with non-parallel edges that increases or decreases its run uniformly over its width.



TOWNSHIP OF WILMOT

DEVELOPMENT SERVICES *Staff Report*

REPORT NO: DS 2019-29

TO: COUNCIL

SUBMITTED BY: Harold O’Krafka, MCIP RPP
Director of Development Services

PREPARED BY: Harold O’Krafka, MCIP RPP
Director of Development Services

Terry Gerber, CBCO
Chief Building Official

REVIEWED BY: Grant Whittington, CAO

DATE: November 18, 2019

SUBJECT: Transforming and Modernizing the Delivery of
Ontario’s Building Code Services

RECOMMENDATION:

That Report DS 2019-29 be received for information; and,

That Report DS 2019-29 be forwarded to the Ministry of Municipal Affairs and Housing as the Township of Wilmot’s comments on Transforming and Modernizing the Delivery of Ontario’s Building Code Services.

SUMMARY:

The Ministry of Municipal Affairs and Housing released a consultation document titled Transforming and Modernizing the Delivery of Ontario’s Building Code Services on September 24th, 2019.

Comments on the changes are required prior to November 24th through the Environmental Registry of Ontario (ERO) portal.

This report summarizes the proposed changes and offers comments on specific areas of concern and/or potential impact for the Township of Wilmot.

BACKGROUND:

The following summary of the consultation is taken from the Environmental Registry of Ontario (ERO) portal and describes in the provincial government's own words what they are proposing:

"The \$38 billion building industry sector is a key driver of Ontario's economy and stakeholders have raised concerns about the need for better, modern and timely services and resources to support their ability to understand and apply the highly technical and complex Building Code requirements.

Supporting an increase of housing supply, supporting jobs, and streamlining development approvals are top priorities for the government.

To help achieve this, the government is considering new and improved Building Code services which would be delivered by an administrative authority to provide modern, efficient, user-centric services to the building sector and streamline customer service to all people across Ontario who use the Building Code.

The government is considering changes to:

- strengthen public safety
- streamline customer service and approval processes
- deliver sector-driven services
- provide timely and modern tools and products
- promote consistency across the province
- enhance integrity in the system

To ensure efficient, streamlined and sector-driven delivery of services, the administrative authority would be financially self-sustaining and would operate on a full cost-recovery basis. To do this, the administrative authority would charge fees for directly delivered services and collect a small levy calculated on estimated construction value on top of municipal building permits fees."

REPORT:

Theme 1: Getting people working in the building sector

The proposed enhanced and new services for consultation would look at ways to:

- modernize the current Building Code examination process to ensure that building code professionals have the required legal and technical knowledge so that public safety is protected
- help support municipalities with recruitment and retention of experienced building officials
- potentially introduce the use of Coordinated Professionals to coordinate work of professionals involved in a project
- potentially introduce the use of Certified Professionals to ensure Code compliance and streamline the permit approval process

The language used by the Province throughout the consultation generalizes that there is a service delivery problem throughout the Province and that the roadblock to efficiency is effectively the municipal enforcement and administration of the code.

The suggestion of the Province that introducing Certified Professional to ensure Code compliance and streamline the permit approval process ignores the fact that municipalities already have Certified Professionals and already strive to and are mandated to streamline the approvals process.

The elephant in the room in any attempt to streamline is the construction industry itself which is largely unregulated and which has limited requirements in terms of demonstrating code knowledge prior to swinging the hammer.

Previous governments moved to require certification of inspectors and designers but balked at proceeding to certification of the third partner – the industry itself. This, in the opinion of the Township of Wilmot, is the biggest cause of delays not only in the issuance of permits but in the progression of construction projects to completion.

The responsibility of building staff is to ensure code compliance both in approved designs and construction. When permit applications do not comply to code requirements it is the duty of staff to advise the applicant that changes are required. Based on the language the province uses throughout the consultation document it would suggest that this delay is cause for concern when in reality these types of delays protect the public which is the intent of the permit review process. When designs do not comply to the code it is a delay caused by the industry not a delay caused by municipal administration.

Similarly when inspectors fail stages of construction on site they are exercising, again, their duty to protect the public. These delays should not be viewed as problematic as they demonstrate that inspectors are exercising their duty to the public. Delays due to failed

inspections are again caused by the industry and not delays caused by municipal administration of the code.

To suggest that introducing Certified Professionals will eliminate delays caused by designers or contractors would loosely suggest that Certified Professionals would not be enforcing the code to the same extent as municipal professionals which is concerning.

Other recently proposed changes to the Aggregates Act for example also propose moving towards greater self-regulation of that industry as a means of streamlining and the Township believes that streamlining through self-regulation is an inappropriate change that will not advance the safety of the public.

Theme 2: Promoting sustainability and transparency in the Building Code profession

The proposed enhanced and new services for consultation would look at ways to:

- transform the public registry (QUARTS) and registration process to be more streamlined and user-friendly
- require building code professionals to complete Continuing Professional Development activities regularly to maintain knowledge in their areas of practice so they can understand and apply new / amended Code requirements and promote public safety
- establish a comprehensive, compliance-based, enforcement framework to ensure that building code professionals are meeting their qualification and registration requirements and are operating appropriately, which could include codes of conduct and annual attestations for all building code professionals, educational tools and resources, corrective actions for non-compliance such as financial penalties, a complaints process for public concerns, and increased transparency of disciplinary actions

The consultation suggests, mistakenly and without supporting statistics, that the public registry is flawed and further that Continuing Professional Development should be required of building officials.

The public registry is indeed flawed and the largest flaw in the system is the self-regulation the province has allowed. It would be interesting for the Province to provide statistics on how many registrants are listed in QUARTS and of those listed how many have ever been scrutinized or had their Building Code Identification Number (BCIN) revoked for falsification of data. Self-regulation does not necessarily advance the industry or streamline processes.

With respect to CPD most local building officials hold membership and certification in the Ontario Building Officials Association which requires continual professional development. There is no need for the Province to add additional layers of bureaucracy and self-regulation when the OBOA already serves that purpose.

Rather than duplicate a process that already exists the Province should require building officials to be members of and comply with the requirements of the OBOA and Certified

Building Code Official (CBCO) and Building Code Qualified (BQ) designations of that organization.

Theme 3: Building Code administration and enforcement

The proposed enhanced and new services for consultation would look at ways to:

- enhance municipal enforcement to promote public safety by allowing the use of administrative penalties to help municipalities address non-compliance and contraventions of the *Building Code Act, 1992* and the building code
- support local building service delivery by providing the option for smaller, rural, and/or northern municipalities to enter into an agreement with the administrative authority to deliver full or partial building services on their behalf
- provide a more active enforcement approach in unincorporated areas

A significant area of agreement with the tone of the consultation document is the need to introduce administrative penalties to the toolbox of municipal building officials.

Allowing fines to be levied for construction without a permit and other blatant violations of the Building Code Act would be a significant step forward and certainly streamline the enforcement process by eliminating much of the costly court process currently required to enforce orders.

The tools for small municipalities to partner with neighbouring municipalities or with Registered Code Authorities (RCA's) already exists. While supplementing those opportunities with support from the proposed Administrative Authority is not of particular concern it is questionable whether it is necessary or whether it is an attempt to justify the creation of an Administrative Authority.

Theme 4: Improving building sector supports

The proposed enhanced and new services for consultation would look at ways to:

- promote a consistent understanding and application of building code requirements by looking into additional and more comprehensive tools and services in a timely manner to provide clear, standardized, technical advice and interpretation
- enable modern, digital services, which may include development of a digital version of the Building Code that meets the needs of users and supports municipal efforts to reduce building permit approval timelines
- improve the quality and quantity of building industry data and research

Additional work to provide technical supports, clear and standardized technical advice and interpretations would certainly be beneficial, in particular to the construction industry who increasingly appear to be struggling to stay current with the constant changes to the Building Code.

Digital services supporting the needs of all users would certainly be beneficial and welcomed. In particular any effort to ensure or require that permit holders have access to and working knowledge of the Building Code would be a significant advancement to the Province's goals of accountability, streamlining and promotion of public safety.

Theme 5: Funding Better Service Delivery

The final theme demonstrates perhaps the Province's interest in justifying the creation of an Administrative Authority and that is to tap into the \$38 billion industry it identifies in the first sentence of the consultation document.

The promise of streamlining and greater self-regulation comes at a cost and as such the province is introducing what it describes as a nominal levy of .016% of the construction cost of each building project which would be collected and remitted by the municipality. Based on an annual value of \$38 billion this would 'nominally' generate approximately \$6 million in revenue for the Province to fund the new Administrative Authority.

The Province suggests that the levy would be reviewed on a regular basis to ensure it is recovering the costs of delivering services to the sector and it is not difficult to anticipate that in time this will lead to full taxation of building permits as a significant source of revenue for the Province.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Communication of proposed changes to Provincial legislation promotes an informed community.

Providing comments to MMAH on proposed changes to the administration and enforcement of the Ontario Building Code and its implementing regulations affords the opportunity to promote the protection of our quality of life and our belief that approvals should be transparent and open to public input and review.

FINANCIAL CONSIDERATIONS:


Financial impacts of the proposed consultation document to municipalities are largely unknown at this time given the generality of the proposals.

Calculation, collection and remittance of a "nominal provincial levy" on building permits will minimally increase the costs of enforcement and administration efforts and initially cause a minimal increase in the cost of building permits to residents. Over time however staff would anticipate that the "nominal Provincial levy" will increase annually.

ATTACHMENTS:

Attachment 1: Discussion Paper

Transforming and Modernizing the Delivery of Ontario's Building Code Services



Transforming and Modernizing the Delivery of Ontario's Building Code Services

Discussion Paper

Ministry of Municipal Affairs
and Housing

Fall 2019 Consultation

Table of Contents

A New Path Forward for Building Code Services	1
About this Consultation	2
1. Getting People Working in the Building Sector	3
1.1 Examination Development & Delivery	4
1.2 Pre-Qualification Training	6
1.3 Recruiting Experienced Building Code Professionals	6
1.4 Using Coordinating Professionals	8
2. Promoting Sustainability and Transparency in the Building Code Profession	9
2.1 Public Registry and Registration Process	11
2.2 Continuing Professional Development	12
2.3 Registration Compliance and Enforcement	14
3. Building Code Administration and Enforcement	16
3.1 Enhanced Municipal Enforcement	17
3.2 Supporting Local Building Service Delivery	18
3.3 Unincorporated Areas	20
4. Improving Building Sector Supports	20
4.1 Promoting a Consistent Application of Code Requirements	21
4.2 Digital Service Transformation	22
4.3 Building Sector Data and Research	23
5. Funding Better Service Delivery	24
6. Seeking Your Input	25

A New Path Forward for Building Code Services

The building sector is a \$38 billion industry and a key driver of Ontario's economy. It is essential that the people working in this sector have the support they need to keep Ontario's economy growing. Building sector stakeholders have been asking for better, more modern and timely services and resources to support their ability to understand and apply the highly technical and complex building code requirements.

Historically, the Ministry of Municipal Affairs and Housing (the ministry) has provided a suite of building code services. However, over time, the delivery of these services has not kept pace with the needs of the sector, making this model unsustainable. The ministry needs to implement a model that will enable the delivery of improved services to promote consistency and better support the sector.

To do this, the ministry is proposing to establish a new administrative authority to deliver a suite of enhanced and new user-driven services.

What is an Administrative Authority?

Administrative authorities are private, non-profit corporations, that deliver regulatory programs on a cost-recovery basis.

Transferring service delivery to an administrative authority would enable new, modern, user-driven services to be delivered to the building sector. An administrative authority can scale and deliver services more nimbly and would also be tasked with providing streamlined customer service to all Ontarians. It would also promote a consistent approach to building code interpretation and application, while still protecting public health and safety. To achieve this the administrative authority would operate on a full cost recovery basis, funded by the sector.

What is the Building Code Act, 1992?

The Building Code Act, 1992 (BCA) and Ontario's Building Code govern the construction of new buildings and the renovation of existing buildings, by promoting the safety of buildings with reference to public health, fire protection, accessibility, and structural sufficiency.

The building code first came into effect in 1975 and since then its scope and policy intent have continued to expand to address the ongoing and growing needs of the building sector.

The ministry is responsible for:

- Setting policy direction and establishing regulatory building standards;
- Overseeing the qualification and registration of building practitioners; and
- Providing support to consumers (e.g., publishing guides and resources and explaining policy intent of code requirements)

Enforcement of the Building Code is the responsibility of principal authorities, primarily municipalities, which issue building permits and conduct inspections during construction.

About this Consultation

The transformation and modernization of building code services would:

- strengthen public safety
- streamline customer service and approval processes
- deliver sector-driven services
- provide timely and modern tools and products
- promote consistency across the province
- enhance integrity in the system

The ministry wants to hear from people across Ontario about their experiences with building code services and the proposed changes that are being considered.

This discussion paper outlines existing building code services, identifies concerns that have been raised regarding their delivery, asks questions about how they might be improved or enhanced, and proposes potential changes. In addition, the discussion paper outlines areas where there might be a need for new services to be delivered.

Your feedback will help inform enhancements to current building code services and the development of new services.

There are several ways that you can provide feedback. For additional details on how to provide your feedback, please see page 25 of this document, or visit the Environmental Registry of Ontario.

1. Getting People Working in the Building Sector

In 2006, the ministry implemented the building code qualification and registration program to promote public safety by ensuring that building code professionals have the required legal and technical knowledge for their area of practice. To become a qualified building code professional in Ontario, generally, individuals are required to pass a building code examination on the legal requirements of the Building Code Act, 1992 (BCA), as well as in every area of the Building Code they wish to practice (e. g., House, Small Buildings, Large Buildings, Plumbing, Structural, Septic Systems, etc.).

The ministry is responsible for developing 16 technical and legal examinations, which are delivered through Humber College. Each examination consists of 75 questions. Individuals are allowed three hours to complete each examination, and a minimum mark of 70% must be achieved.

Examination outlines are posted publicly through Ontario.ca, detailing the content areas that each examination covers. Although building code professionals are not required to take formal training, the ministry, through an agreement with George Brown College of Applied Arts and Technology, offers building code training courses to help people prepare for building code examination. George Brown College offers self-study manuals, as well as online training courses and in-class training courses.

What is a Qualified Building Code Professional?

The Building Code Act, 1992 requires the following practitioners be qualified and registered:

- Chief Building Officials (CBO)
- Inspectors
- Designers (other than engineers and architects)
- Registered Code Agencies (RCA)
- Persons engaged in the business of constructing, installing, repairing, servicing, cleaning or emptying on-site sewage systems

Overview of Building Code Exams

- General Legal/Process
- Powers and Duties of CBO
- Powers and Duties of RCA
- Designer Legal/Process
- House
- Small Buildings
- Large Buildings
- Complex Buildings
- HVAC-House
- Detection, Lighting and Power
- Building Services
- Building Structural
- Plumbing-House
- Plumbing-All Buildings
- Fire Protection
- On-site Sewage Systems

Building sector associations also offer training that building code professionals may opt to take to either support them with their examinations or to keep their building code knowledge current. For example, the Ontario Building Officials Association (OBOA) provides extensive training to support people who wish to take building code examinations, but also in a variety of other areas to help people get a better understanding of what is required in their areas of practice.

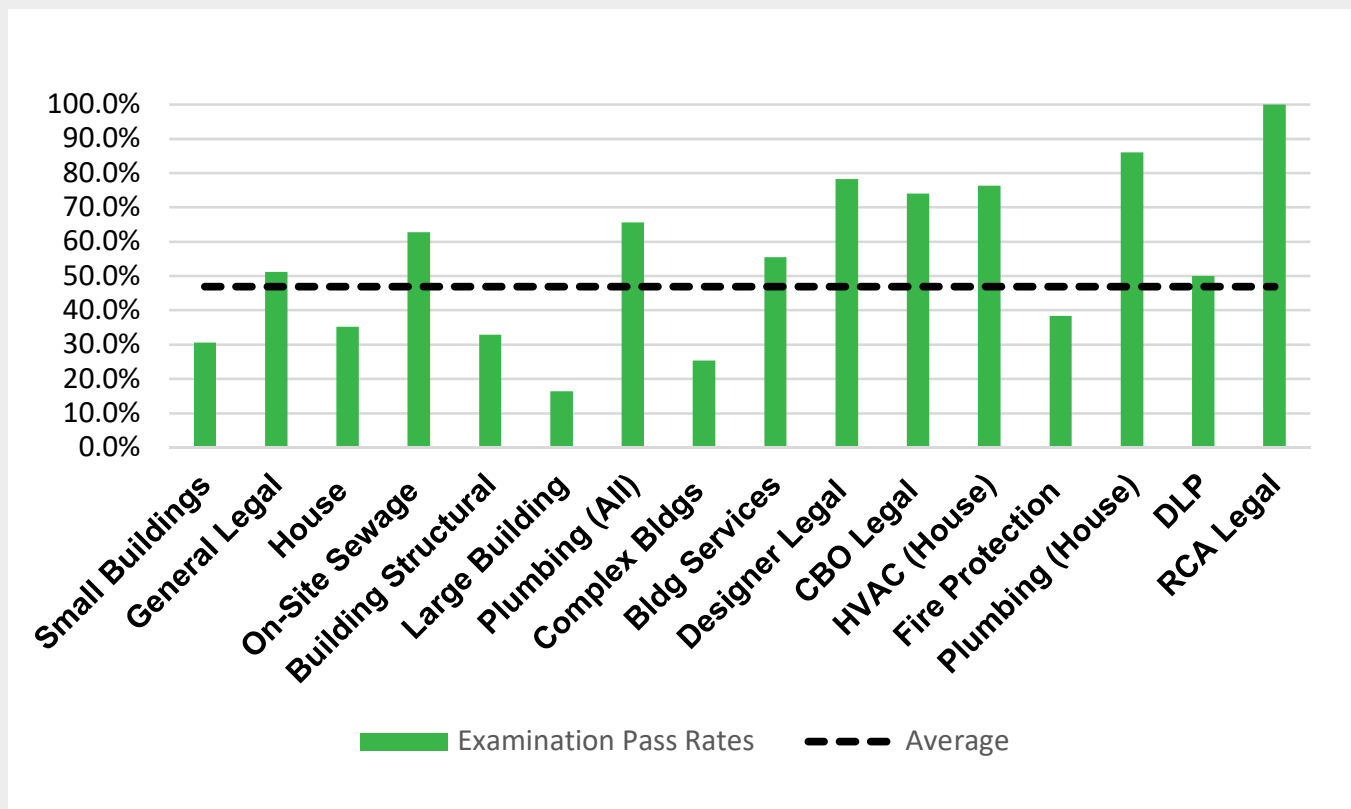
1.1 Examination Development & Delivery

Stakeholders have raised concerns about the clarity of questions and the lack of sufficient time provided to complete the examinations, given the complexity of the questions. Overall, examination statistics have demonstrated a relatively low pass rate across the 16 examination categories.

Factors that may be contributing to the low pass rates, could include:

- The varying amount of materials covered across the 16 examination categories (e.g., some examinations cover as few as 280 pages of content, while others cover as many as 1,255 pages - yet all examinations contain 75 questions to be completed within 3 hours)
- The current structure of examinations may be inefficient. Current examinations that have "nesting" may contribute to confusion for stakeholders on what classes of buildings they can perform work on.
- The suitability of current examination questions for areas of practice given the wide range of professionals that take the exam.

Examination Pass Rates



What is Nesting Qualification?

Nesting is when you can qualify for two classes by writing one examination. For example, the "House" Examination is nested under the "Small Buildings" examination. Therefore, if an individual passes the "Small Buildings" examination they are qualified for both small buildings and houses. However, if a person passes the "House" examination they are not qualified under "Small Buildings."

What Do You Think?

1. How could the current examination design, content and/or delivery be improved?

1.2 Pre-Qualification Training

In 2014, the ministry entered into an agreement with George Brown College to develop and deliver building code training courses to assist individuals preparing to write building code examinations. The training courses can be taken either online or in-class (2-week courses). Sector associations representing various building code professions also deliver training to support their membership. For example, the Ontario Building Officials Association and the Ontario Onsite Wastewater Association both develop and deliver training to support their respective members in taking building code examinations. Other jurisdictions, such as Alberta and some U.S. states, require building professionals to complete some form of mandatory training prior to or as a requirement of qualification.

The ministry is considering ways to improve building code training programs that are currently administered through George Brown College, support sector associations to better meet individuals' needs, and help maintain confidence in the safety of Ontario's buildings.

What Do You Think?

1. Are the current training offerings meeting your needs? If not, how could they be improved?
2. Do you see a role for the administrative authority in the delivery of training for building code professionals?

1.3 Recruiting Experienced Building Code Professionals

Municipalities, Boards of Health and Conservation Authorities have indicated that there are not enough building code professionals employed or entering the sector with the necessary technical knowledge and/or experience to enforce the building code as a building official. This is particularly evident in rural and northern Ontario.

Currently, there is no educational program offered to specifically support becoming a building official, rather, post-secondary institutions across the province offer educational programs that complement the career path, such as Construction Engineering Technician/Technologist, Architectural Technician/Technologist, Engineering and Architecture. It is unclear if people moving through the education system would be aware of a building official as a viable career, given there is no direct educational pathway.

To support challenges with building sector recruitment, the ministry has entered into agreements with the Ontario Building Officials Association and the City of Ottawa to implement internship programs for building officials, including training and development. Those enrolled in an internship program may be exempt from examination requirements if they conduct the work of building inspectors in municipalities under the supervision of an appropriately qualified inspector or Chief Building Official. Generally, enrolment in these internship programs has declined since their implementation.

Other jurisdictions that have also experienced similar recruitment issues have taken steps to address the problem. For example, Florida offers provisional licences for new municipal employees entering the building sector as an opportunity to conduct plans review and other duties associated with a building official.

Ontario municipalities have generally indicated a desire to modernize, promote, and/or increase internship programs and opportunities.

What are provisional licences?

A provisional licence is a temporary licence that allows practitioners to gain on-the-job experience before attempting the ministry exams and becoming fully qualified.

What Do You Think?

- 1a. What factors could contribute to the low take-up of the current internship programs?
- 1b. What role could an administrative authority play in internship programs?
2. Would implementing a provisional licence framework help with municipal recruitment challenges and what should be considered?
3. Are there other ways to help building code enforcement bodies attract and retain experienced building professionals?

1.4 Using Coordinating Professionals

Stakeholders have indicated that lengthy approval processes delay the construction of buildings, costing significant time and money. For example, there may be disputes about building code interpretations, or permit applications may be incomplete or may not comply with building code requirements. The government is committed to streamlining the development approval process, including building permit approvals. Over the years, stakeholders have asked the government to consider leveraging professional expertise to support building code enforcement.

The Elliot Lake Commission of Inquiry Report, released in 2014, recommended that owners designate a Professional Engineer or Architect to the role of "Prime Consultant" who would coordinate designs and field work (e.g., coordinate inspections) of professionals involved in a project. Prime consultants could be contracted to ensure designs are complete, ensure designs are in compliance with the technical requirements of the building code, and act as a one-window contact for development projects, thereby supporting quicker approvals.

The use of professional expertise has been cited in industry-led reports as an opportunity to improve approval processes in the province, including the use of professional design coordination, like British Columbia's Certified Professional program.

In British Columbia, engineers and architects who have taken additional building code training and examination(s) can review building plans and perform site inspections for large buildings to support the building permit process. Municipalities in British Columbia may voluntarily choose to run their own programs where Certified Professionals take on some of the traditional functions of the Chief building official, but with enhanced documentation through "letters of assurance". Letters of assurance are required before building permits or occupancy permits are granted by the Chief building official for buildings using Certified Professionals, to confirm code compliance. Municipalities with such programs are still involved in the approval process. They coordinate with Certified Professionals to determine what permits and inspections are needed, confirm all letters of attestation have been signed, and are responsible for issuing permits. Certified Professionals could help to promote building innovation(s) and the streamlining of permit approval processes, which, in turn, may reduce permit delays and help protect public health and safety.

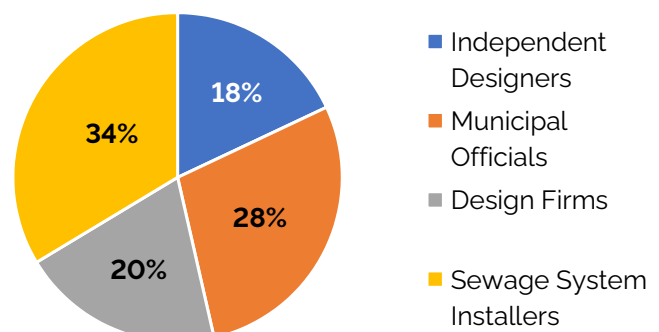
What Do You Think?

1. Do you think the use of a Prime Consultant, under certain circumstances, would support a more streamlined building permit application process?
2. Do you think the use of Certified Professionals, under certain circumstances, would support a more streamlined building permit application process?
3. If the ministry decides to move forward and allow the use of such professionals, what do you think needs to be considered in implementing this change?

2. Promoting Sustainability and Transparency in the Building Code Profession

Once qualified, building code professionals must register in the Qualification and Registration Tracking System (QuARTS) Registry. The QuARTS Public Search Registry manages the registration of over 7,000 individuals and firms and serves as a consumer information tool to verify the qualification information and registration status of building code professionals in Ontario. Individuals, municipalities and design firms can be searched using information such as unique Building Code Identification Numbers (BCIN), organization name, or categories individuals are qualified to practice in.

The ministry takes a self-reporting and individual-based approach to regulating building code professionals. This means that individuals are required to ensure that the information they enter into the public registry is accurate and that their annual registration fees are paid.



What is a BCIN?

The Building Code Identification Number (BCIN) identifier allows individuals and firms to register and renew their qualifications, receive registration renewal and expiry notices, upload insurance forms to the registry and receive notification of applications and transitions. It is the unique identifier by which the ministry keeps track of all building code professionals in the province.

A registration will remain active and searchable on the public registry for a 12-month period, at which time all individuals must re-register and pay an annual registration fee. While registrations and payments are individually-based, municipalities that have multiple registered individuals employed by their organization can submit registration fees for all their registered employees in one-time bulk payment as a means of streamlining the registration process.

Currently, building code professionals that are qualified and registered through QuARTS are not required to undertake any additional education or professional development activities once they have completed their mandatory pre-qualification examinations. However, the building code provides for the ability to require knowledge maintenance in the form of an examination. Rather than ordering knowledge maintenance examinations, the ministry has taken an educational approach by providing resource material to help the sector understand amendments to the building code.

In 2012, a rooftop parking garage collapsed in Elliot Lake resulting in the deaths of two people and injuries to several others. In response, the Elliot Lake Commission of Inquiry made a series of recommendations to government and other bodies. The Commission's recommendations directed to the ministry, included implementing a continuing professional development program for building officials and greater oversight and enforcement abilities related to qualification and registration of building code professionals. The Building Code Act, 1992 was amended in December 2017 to partially address these recommendations.

The Building Code Act, 1992 permits enforcement actions to be taken in certain circumstances, including where conditions of an individual's registration have not been met. If registration compliance or enforcement actions need to be taken, the available options are limited to either refusing, suspending, or revoking a building code professional's registration, or prosecution through the courts. The ministry has no formal process to receive and investigate complaints about bodies that enforce the building code

(i.e., municipality, Conservation Authorities, Boards of Health) and no ability to intervene in local administration and enforcement of the building code. Additionally, only building officials are subject to a code of conduct, while other registered building code professionals are not.

2.1 Public Registry and Registration Process

Stakeholders have identified concerns with the user-interface of the public registry, indicating that the system is not intuitive and can be confusing when inputting information. Since information is self-reported, the technical difficulties associated with navigating the registration software can result in incomplete or inaccurate information being displayed on the public registry.

In addition, some building code professionals have had trouble determining which registration class to select as there is little clear guidance available to individuals during the registration process. For example, building code professionals self-register online once they are qualified, and designers often encounter challenges in determining their particular designer category (e.g., "Independent Designer" vs. "Other Designer") which can lead them to improperly registering, potentially risking their professional reputation and public safety. Streamlining the registration process can make it easier for building code professionals to navigate the registration system and provide better consumer protection and awareness.

The individual-based approach allows the ministry to keep track of the individual qualification and registration status of building code professionals and protects the security and privacy of their personal and financial information. Only ministry staff or individual registrants have the ability to update their information on QuARTS, which can result in a delay in having current information in the system. Inaccurate or out-of-date information on the registry creates a gap in consumer awareness.

Service transformation offers an opportunity to modernize the current registry to make it more user- focused and easy to navigate, without adding burden to existing processes. The ministry is proposing to transform the user interface of the public registry to help simplify and modernize the registration system. Changes to the public registry and registration process can also offer additional functionalities, such as storing and displaying information on continuing professional development and disciplinary action.

What Do You Think?

- 1a. If you are a registered building code professional, what are the key issues you face with the current QuARTS system?
- 1b. What registration functionality would you find helpful that is not currently available in QuARTS?
2. As a member of the public, what information would you like to see made publicly available on the registry to help you make an informed decision on hiring a qualified building code professional?

2.2 Continuing Professional Development

Continuing professional development (CPD) is a common mandatory requirement for a number of professions (e.g., architects, lawyers, etc.) to ensure an individual's knowledge is up-to-date with new developments in their respective fields and to support maintaining licences to practise. In other professions, CPD is required to maintain professional accreditation with a governing association and the use of a title (e.g., Construction Engineering Technologist, Registered Interior Designer, etc.). However, it is not mandatory for qualified and registered building code professionals to take CPD courses or join these associations.

Generally, CPD requires a mix of formal and informal learning, training or other types of educational activities (e.g., in-class courses, online training, reading professional journals, attending work conferences or meetings) related to the respective field. Some CPD programs in other jurisdictions require minimal activity (6-8 hours) while others require 30 to 60 hours over a 3 to 5-year period. Fulfillment of these CPD requirements is then monitored by the regulating body or association to ensure they are being met.

Some building officials in Ontario choose to be part of the Ontario Building Officials Association (OBOA) Certification Program, which requires completion of a mix of informal and formal activities over a 3-year cycle to receive the professional designation of Certified Building Code Official (CBCO) or the professional designation of Building Code Qualified (BCQ). The program requires members every 3 years to complete 60 credits, based on the type of activity. For example, OBOA courses are worth 1 credit per hour and mentoring is worth 1 credit per hour, with a maximum of 15 per cycle. Members are required to track their total credits earned and compliance is monitored through random audits on 1-3% the membership by asking for proof of total credits earned.

Similarly, some designers are members of the Ontario Association of Certified Engineering Technicians and Technologists (OACETT), which has a certification program requiring one formal activity and three additional activities to be completed every 3 years. Formal activities consist of prescriptive self-directed or in-class courses concerning technical knowledge or leadership/management training. Other activities include contributions to informal learning and development that contribute to the profession or connect professionals within and across multiple jurisdictions.

To further support the Elliot Lake Commission recommendation and building code knowledge maintenance, the ministry is considering CPD requirements for all types of qualified building code professionals. For example, having qualified building code designers maintain knowledge through CPD requirements could help improve the quality of designs submitted to municipal building department counters, potentially speeding up review and approval timelines.

Designing a CPD program for a wide variety of building practitioners can be challenging and needs to be fair. There are numerous categories of practice that building practitioners can be qualified in (up to 12 categories). For example, a septic system installer may be required to complete fewer CPD activities than a Chief Building Official who may be qualified in multiple technical qualification categories. Additionally, the CPD program would need ensure there is no undue burden or duplication with knowledge maintenance requirements .that a building code professional may be required to meet as part of their membership or accreditation in a professional association.

Other Regulated Professionals That Require CPD

- Lawyers
- Chartered Professional Accountants
- Architects
- Teachers

What Do You Think?

1. How many activities or hours of CPD do you feel is reasonable to require of building code professionals?
2. What is the right mix of formal and informal CPD activities that building code professionals should be required to complete (e.g., courses, training, examinations, reading professional/technical journals or documents, volunteering in the sector, attending relevant conferences, etc.)?
3. What is a reasonable timeframe for completing CPD requirements to ensure knowledge is maintained (e.g., annually, at every new Building Code cycle which is usually 5-7 years, other)?
4. Are there already mechanisms, materials, or offerings that would give building code professionals options on how they could meet their CPD requirements?

2.3 Registration Compliance and Enforcement

Registration requirements are only effective if they are actively monitored. Ensuring that building code professionals are meeting their qualification and registration requirements and are operating appropriately in the sector is essential to promoting public safety.

Some of the issues the ministry has heard and experienced include individuals practising as a building code professional without being qualified, poor-quality and non-compliant building designs delaying permit issuance and processing, and the improper use of Building Code Identification Numbers (BCIN) by unregistered individuals.

The Building Code does not define expectations for building code professionals' behaviour and quality of work, which can limit certain enforcement actions that can be taken. Expected behaviour and standards for professionals are instead generally laid out in professional codes of conduct. The Building Code Act requires municipalities to have codes of conduct in place for their building officials. While municipal building officials are subject to a code of conduct, the absence of clear conduct standards for other building code professionals may contribute to poor quality building permit applications, resulting in additional costs, delays and frustration for building permit applicants.

In addition, the ministry currently has limited powers to promote and enforce registration compliance and these powers are not consistent across all building code professional categories and are not always proportionate to the severity and frequency of non-compliance.

The ministry is proposing a comprehensive, escalation-based, compliance enforcement framework that would define disciplinary actions in proportion to the severity and/or frequency of non-compliance as well as the level of risk to public safety that the infraction poses. This would allow for a more measured, responsive and cost-effective enforcement process that promotes compliance, while also allowing for appropriate corrective actions to be taken. This framework could include:

- Increasing compliance through the delivery of tools and resources, such as education and awareness campaigns, training seminars, online educational tools and videos to promote practitioner awareness of their registration requirements.
- A mandatory code of conduct and annual attestations for all building code professionals. Attestations could be used for confirmation of completion of CPD requirements, acknowledgement of responsibilities and expected behaviour under the qualification and registration program, and their understanding of the consequences of non-compliance actions.
- A formal, documented complaints process that would give the public a way to raise concerns regarding the work of certain building code professionals.
- The use of remedial training, re-taking examinations, or financial penalties, as potential corrective actions.
- The publication of offences and the resulting disciplinary actions to inform the public of an individual's history of non-compliance and to help ensure transparency.

Potential Risk-Based Enforcement Actions

- Education and awareness campaigns
- Warning letters
- Orders to comply
- Re-education (through training or re-examinations)
- Mediation and/or conciliation
- Compliance agreements
- Administrative penalties and/or fines
- Supervision of work
- Conditions/limitations on a licence
- Suspension or revocation of a licence

What Do You Think?

1. What types of compliance measures should be put in place to ensure building code professionals are meeting the requirements of their registration?
2. What types of accountability mechanisms do you think might be appropriate if a body enforcing the building code (i.e., municipality, Conservation Authorities, Boards of Health) is found not to be meeting its responsibilities under the Building Code Act, 1992?
3. Do you see any challenges with requiring all building code professionals to adhere to a code of conduct?
4. What should be considered when increasing the number of available enforcement tools and using an escalating enforcement model?
- 5a. Under what circumstances do you think it would be appropriate for financial penalties to be used as a means of encouraging compliance with registration requirements?
- 5b. How could these penalties be set so that they are fair?

3. Building Code Administration and Enforcement

Principal authorities, which include municipalities, Conservation Authorities and Boards of Health, are responsible for enforcing the building code. Enforcement includes reviewing building permit applications, issuing permits and conducting on-site inspections of construction. Principal authorities can take enforcement action where they find contraventions of the Act or the building code, and where buildings are found to be in an unsafe condition or pose an immediate danger to health and safety. For example, a stop work order or order to not cover can be issued to prevent the construction of buildings that do not meet building code requirements.

Principal authorities are generally required to appoint a qualified Chief Building Official (CBO) and as many inspectors as needed to carry out enforcement of the Building Code Act, 1992 and the building code within their jurisdiction. CBOs have prescribed roles and responsibilities under the Building Code Act, 1992 and the building code, are required to be appropriately qualified and registered and are regulated by the ministry. It is the role of the CBO and inspectors to exercise their powers and perform all their duties under the Act in an

independent manner. Principal authorities are also required to have a Code of Conduct in place for its CBOs and inspectors.

The Building Code Act, 1992 allows principal authorities to set fees (e.g., building permit application fees and inspection fees) at a rate that does not exceed the cost of administration and enforcement. The Act provides principal authorities with the flexibility to enter into alternative agreements for the provision of enforcement, such as with another municipality, an upper tier municipality, a health unit or conservation authority, or with a private-sector provider (certain conditions).

Unincorporated areas in Ontario are geographic regions in Northern Ontario not governed by a formal local municipality. Currently, the ministry is responsible for building code enforcement in these areas. Recognizing the low building activity in these areas, the ministry has taken a relatively reactive approach to enforcement. However, all buildings must still comply with the building code, even in the absence of active enforcement.

3.1 Enhanced Municipal Enforcement

Where orders are not complied with, the only recourse currently available to principal authorities is to apply to the Superior Court of Justice for a court order directing compliance or conduct a prosecution for failing to comply with the order. Court processes are costly and often do not reflect the severity of risk to public safety. Principal authorities that have gone to the courts have found that the court fines that are administered do not recover the cost the principal authorities have spent enforcing the matter.

Recent changes to the Building Code Act, 1992 allowed the ministry to establish an administrative penalty framework that would serve as an additional enforcement tool for principal authorities, to help ensure the technical requirements of the building code are being complied with. Administrative penalties are already used by many municipalities in Ontario for by-law violations like parking and property standards.

What is a Principal Authority?

- a. the Crown (e.g., ministry)
- b. the council of a municipality
- c. an upper-tier municipality that has entered into an agreement under subsection 3(5), 6.1 (1) or a board of health that has been prescribed for the purposes of subsection 3.1(1) or has entered into an agreement under subsection 6.1(2) or (3) or 6.2(2)
- d. a planning board that has been prescribed for the purposes of subsection 3.1(1), or
- e. a conservation authority that has been prescribed for the purposes of subsection 3.1 (1) or has entered into an agreement under subsection 6.2 (2)

The ministry is proposing to develop an administrative penalty framework that would enhance principal authorities' powers to address non-compliance and address contraventions of the Building Code Act, 1992 and the building code to promote public safety.

What is an administrative penalty?

An administrative penalty is a penalty, often monetary, the regulator can impose for certain contraventions under the Building Code Act, 1992 and regulations.

Unlike charges laid under law, there is no criminal element when administrative penalties are imposed. Administrative penalties are intended to promote compliance rather than be a punishment for wrongful activity.

What Do You Think?

1. What types of orders do you think administrative penalties could be used for? What do you think the province should consider in developing an administrative penalty framework?
2. Are there enforcement tools that would help principal authorities ensure compliance with technical requirements of the building code?

3.2 Supporting Local Building Service Delivery

Municipalities with limited construction and development activity often do not generate the revenue through building permit and inspection fees needed to cover the cost of a CBO and any necessary enforcement activity. This can result in either the CBO taking on many roles and responsibilities within a municipality to ensure cost-efficiency, or the municipality subsidizing the cost of building enforcement from the general municipal tax base.

Smaller municipalities generally don't receive many applications for large and complex building construction. Municipalities may choose to hire building officials qualified in the house and small building categories to ensure they have expertise for the type of applications they are in fact receiving. However, this can lead to a qualification gap should large or complex building permit applications be made in those areas. The ministry

wants to find ways to help these municipalities close the qualification gaps they may be experiencing.

Several municipalities have entered into sharing agreements for building code enforcement to mitigate these challenges. Other jurisdictions in Canada, the U.S. and Australia have allowed local jurisdictions to defer the delivery of building services to the higher order government (i.e. province/state) to ensure that there are no public safety or regulatory gaps when a local jurisdiction is unable to administer their respective building codes.

The ministry is considering providing the option for smaller, rural, and/or northern municipalities to enter into an agreement with the administrative authority to deliver full or partial building services on their behalf.

Did You Know?

In 2017, Statistics Canada estimates that of the 414 municipalities in Ontario, over 18% reported no new residential or non-residential construction value for building permits.

Of the 414 municipalities in Ontario, 237 or 57% of these municipalities have some sort of sharing arrangement with either a conservation authority, health unit, or Upper-Tier municipality for Part 8 Building Code Coverage.

What Do You Think?

1. Would it be beneficial for municipalities to have the ability to transfer some or all of their building service delivery to the administrative authority?
2. If you live in a smaller, rural and/or northern municipality, how would you feel more supported at your municipal building counter?

3.3 Unincorporated Areas

Buildings that are not constructed to meet building code requirements may result in unsafe and unhealthy living conditions (e.g., as buildings become more airtight, incorrect construction could result in black mould which has impacts on air quality and health). Unincorporated areas are not subject to permitting and inspection requirements, but the building code has become increasingly complex over time.

The ministry is considering a more active enforcement approach in unincorporated areas, which is proposed to be delivered by the administrative authority. Active enforcement could take the form of full permitting and inspection, equivalent to what is currently delivered by municipalities. Alternatively, a risk-based approach could be taken, that could for example, require full permitting and inspection to be applied to large, public assembly buildings.

What Do You Think?

1. What kind of framework should the province consider for dealing with building code compliance and enforcement in unincorporated areas?
2. If you live or work in an unincorporated area, what guidance, resources and/or support do you need for your building projects?

4. Improving Building Sector Supports

The building code has historically been updated on a five to seven-year cycle. As part of the government's commitment to national construction code harmonization in support of the Canada Free Trade Agreement, the province will update its code in line with the five-year national code development cycle. Through this process, the degree of variation between Ontario's building code and the national constructions codes will be reduced. The province will work with the national system to promote changes that reflect technological advancements and new construction practices which would open new markets for manufacturers and bring building costs down.

When changes are made to the building code, there may be accompanying guides, resources and/or technical bulletins issued to the building sector that assist with the interpretation and application of those new requirements. Currently, the ministry publishes

the Building Code Compendium and the Code and Construction Guide for Houses in hardcopy format.

The ministry also offers informal code advisory services administered by technical experts within the ministry. Through telephone and e-mail correspondence, these advisors provide building code guidance, and provide helpful code-related information to the public or building code professionals.

Product manufacturers who develop innovative building materials currently have the option of bringing their product to the Building Materials Evaluation Commission (BMEC) to be examined and authorized for use in Ontario. BMEC, which is currently supported by the ministry, is an agency of the province that has the authority under the BCA to conduct research on, examine, and authorize the use of innovative construction materials, construction systems, and building designs, which are not currently included in the building code. The average length of time for a decision to be made on an application is 90-120 days and the cost of an application is \$11,000. The ministry is proposing that the administrative authority assume responsibility for product authorization functions.

4.1 Promoting a Consistent Application of Code Requirements

Despite the supports provided, there are still many difficulties faced by the building sector when interpreting and applying building code requirements.

While an objective-based code allows for flexibility and innovation, it can also lead to inconsistent interpretation of requirements across the province. Due to the evolving technical requirements of the building code, it may also be confusing for the public to understand what requirements they need to follow for their construction projects.

Key guides and resources (e.g., secondary suites or tall wood construction guides) are released to help people understand major changes to the code. Building code professionals have been requesting more comprehensive tools and services in a timely manner that provide clear, standardized technical advice and interpretations.

The ministry is considering providing a variety of supports which could include:

- Developing and distributing additional guidance materials on a regular basis
- Increasing the use of technical bulletins and establishing formal processes for code interpretation requests
- Enhancing code advisory services to include the ability to provide technical opinions and/ or interpretations

- Working with the building sector to develop specific checklists, resources and tools to assist with the application of code requirements
- Enabling 24-hour front-line web service access to building code information and guidance

What Do You Think?

1. Would you support the issuance of technical bulletins and/or code interpretations? Please explain.
- 2a. If additional resources and guides to help with code interpretation were created, what types of resources (e.g., type of content, format, etc.) would be most useful?
- 2b. Would the addition of more visual guidance materials for specific building code issues be helpful?
3. As a member of the public, what resources and tools would you need to assist you with understanding code requirements for your small or personal construction projects (e.g., minor renovations, decks, sheds etc.)?

4.2 Digital Service Transformation

The province has committed to a digital-first strategy to modernize and improve the services it provides to Ontarians. As part of this strategy, the ministry has begun refreshing the Ontario Building Code's web page to increase usability, functionality and access to digital resources that will help the building sector and all Ontarians. Building code professionals have identified additional service needs, including a digital version of the building code with increased functionalities such as:

- Compatibility with mobile devices
- Enhanced search functionality
- Compatibility with municipal electronic permitting and mobile inspection systems

The goal in implementing a strong, modernized digitally-based suite of building code resources would be to issue guides and resources quickly for use after code updates. This would improve front-line service delivery by supporting municipal efforts to reduce building permit approval timelines.

What Do You Think?

1. If you would use an electronic version of the Code, on what type of electronic device would you most frequently view/use it on? (e.g., laptop/desktop, mobile device)
2. In addition to digital versions of the Ontario Building Code Compendium, what other digital guides, resources or tools would you find most useful?

4.3 Building Sector Data and Research

Reliable building industry data and research play an important role in evidence-based policy development and providing effective support to the building sector. The ministry currently uses a range of data and research from the building industry. This allows the ministry to use real-time data and identify key trends and patterns within Ontario's municipal and building sectors.

Currently, data is used from a variety of sources including the model National Building Code, the National Research Council, Statistics Canada, procurements for research and data related to a specific issue(s), online research, code change proposals, and stakeholder input and feedback.

The ministry is considering opportunities for broadening the scope of its data collection efforts and improving the quality and quantity of data that is collected by allowing the administrative authority to identify gaps, coordinate data collection, and make the data available to the building sector. Access to more robust sector data could support the activities and data needs of industry professionals. While enhanced data collection would provide the ministry and the sector with valuable evidence-based data, it may also add to the municipal reporting burden.

What Do You Think?

1. Does your organization collect building sector data? Do you have any policies in place for data collection, management, and/or transparency?
2. How could the potential increase in municipal reporting burden be mitigated?
3. Do you think it would be beneficial if the administrative authority conducted research on behalf of the sector?

5. Funding Better Service Delivery

To ensure the efficient, streamlined, and sector-driven delivery of building regulatory services, the administrative authority would be financially self-sustaining and would operate on a full cost-recovery basis. The ministry is proposing to fund service delivery through a blended revenue model that includes allowing the administrative authority to charge fees for directly delivered services (e.g., registration fees, product authorization fees, etc.) and collect a small levy on top of municipal building permits fees.

Example of a Levy Calculation

For a building project that has an estimated construction cost of \$500,000, the levy would be approximately \$80 on top of building permit fees already charged by municipalities.

The Building Code Act, 1992 provides the ability to recover costs of delivering services through fees. The ministry already collects fees for services such as building code professional registrations, product authorization (e.g., Building Materials Evaluation Commission) applications, and examination fees. It is anticipated that the administrative authority would continue to collect these fees for similar services it would deliver.

To achieve full cost-recovery, the administrative authority would charge an additional, nominal fee on municipal building permit applications. The levy would be calculated as a small percentage of the estimated construction value, which is self-reported on every building permit application. Based on the estimated total program cost for service delivery, the levy amount is anticipated to be 0.016% of the construction cost estimate noted on a building permit application.

The levy would be collected by principal authorities (e.g., municipalities) and then remitted to the administrative authority. Construction value is a transparent, reliable, and fair way to measure the amount of services a project would require since larger, more complex projects would generally require more services. The levy would be reviewed on a regular basis to ensure that the revenue being collected does not exceed the actual cost of delivering services to the sector.

Services offered by the administrative authority will be available to all Ontarians, regardless of the number of building permits or amount of building permit revenue collected. This

model would not impact existing building permit revenue that principal authorities collect as they would be separate revenue streams.

What Do You Think?

1. Is the proposed funding model a reasonable approach to delivering improved services to the sector?
2. Are there impacts in implementing such a fee model that the government should consider?

6. Seeking Your Input

Public consultation is an important part of developing legislation, regulations and policy in Ontario. By providing your feedback on this consultation paper, you can help the Ministry of Municipal Affairs and Housing develop and transform service delivery to the building sector into a responsive, efficient, and modern model.

We look forward to your feedback. Your involvement helps to ensure that potential building code changes are fully informed to best meet the needs of Ontarians and the building sector, and that they are technically and economically feasible and enforceable. Your input is valued and will be seriously considered before the government makes final decisions on changes to the current regulatory building service delivery model and the associated suite of existing or proposed building code services.

You can send comments in writing to:

Ministry of Municipal Affairs and Housing Building Services Transformation Branch
16th Floor – 777 Bay St.
Toronto, Ontario M5G 2E5

Or by email to:

buildingtransformation@ontario.ca

The ministry requires your feedback by November 25, 2019.

Ministry of Municipal Affairs and Housing

08/19

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