



Regular Meeting of Council  
Agenda

**Date:** April 18, 2023  
**Time:** 9:30 am  
**Location:** Council Chambers Level 2, City Hall

City Council meetings are conducted using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person. The meeting will be live web streamed and archived on the city website.

Pages

1. **Call to Order:**
2. **National Anthem:**
3. **Land Acknowledgement:**
4. **Regrets:**
5. **Proclamations:**
  - 5.1 National Volunteer Week: April 16-22, 2023
  - 5.2 Food for Life, FOOD FOR GOOD Week: April 22-30, 2023
  - 5.3 World Primary Immunodeficiency Week: April 22-29, 2023
  - 5.4 National Volunteer Week: April 24-30, 2023
  - 5.5 Polish Week: April 29 - May 5, 2023
  - 5.6 Doctor's Day: May 1, 2023
  - 5.7 Canada Netherlands Friendship Day: May 5, 2023
  - 5.8 Building Safety Month: May, 2023
  - 5.9 Jewish Safety Month: May, 2023
  - 5.10 Guillain-Barré Syndrome and Chronic Inflammatory Demyelinating

Polyneuropathy Month: May, 2023

**6. Recognitions and Achievements:**

**7. Motion to approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

7.1 Regular Council meeting of March 21, 2023

7.2 Regular Council meeting of March 30, 2023

**8. Presentations:**

8.1 United Way of Halton and Hamilton - Leading the Way Award

**9. Declarations of Interest:**

**10. Delegations:**

In order to speak at a Council meeting, Individuals must register as a delegation no later than noon the day before the meeting. To register, complete the online application at [www.burlington.ca/delegation](http://www.burlington.ca/delegation) or by submitting a written request by email to the Office of the City Clerk at [clerks@burlington.ca](mailto:clerks@burlington.ca)

If you do not wish to delegate, but would like to submit feedback, please email your comments to [clerks@burlington.ca](mailto:clerks@burlington.ca) by noon the day before the meeting. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

**11. Petitions:**

**12. Recommendations from Standing Committees:**

12.1 Community Planning, Regulation & Mobility Committee meeting of March 28, 2023

a. Amendment to 2023 Rates and Fees – Fire (BFD-03-23)

Approve By-law 19-2023 attached as Appendix A to Burlington fire department report BFD-03-22, to amend Rates and Fees By-law 83-2022 to update the Fire Prevention and Fire Emergency Response Rates and Fees to reflect the Ministry of Transportation's 2023 apparatus rate.

b. Parks, Recreation and Cultural Assets Master Plan (RCC-03-

23)

Receive and file recreation, community and culture department report RCC-03-23 providing information on the Parks, Recreation and Cultural Assets Master Plan update.

- c. Emerald Ash Borer Management Plan update (RPF-03-23)

Receive and file the roads, parks, and forestry department report RPF-03-23, providing an update to the emerald ash borer management plan.

- d. 2022 annual building permit revenues and expenses (BB-02-23)

Receive and file building and by-law department report BB-02-23 providing related information for the 2022 annual building permit revenues and expenses.

- e. City of Burlington update to Coyote Response Strategy (BB-03-23)

Receive and file building and by-law department report BB-03-23 and endorse the actions taken by the Director of Building and By-law to date related to the City's response to the implementation of a Coyote Action and Awareness Program; and

Direct the Director of By-law Compliance to report back as required with any further updates on the program as well as additional future staffing and other resource requirements to support the City's Coyote Management Strategy.

- f. Appointment of Hearing Officers (TS-10-23)

Approve By-law No. 20-2023, being the Screening and Hearing Officer By-law, substantially in the form attached as Appendix A to transportation services department report TS-10-23, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve Hearing Officer remuneration at the rate of \$500 per diem; and

Authorize the Director of Transportation Services to execute service agreements/ contracts with each of the appointed Hearing Officers, and any extension thereto, with content

satisfactory to the Director of Transportation Services and form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

g. Park Provisioning Master Plan final report (ES-02-23)(SD-18-23)

Receive and file the Park Provisioning Master Plan, listed as Appendix A in engineering services report ES-02-23, as the framework to guide the planning of future parks in the City of Burlington and satisfy Provincial legislative requirements (as amended by Bill 23) to have a park plan in place prior to passing an update to the Parkland Dedication Bylaw; and

Approve the updated park classification system and authorize the Director of Engineering to report back to Council with an updated inventory of existing parks recategorized within the new classification system; and

Approve the future parkland target service levels identified in Section 2.5 of the Parks Provisioning Master Plan, listed as Appendix A in engineering services report ES-02-23; and

Approve the parkland criteria, listed as Appendix B in engineering services report ES-02-23, as a support document to help guide the development community and staff in deciding which lands to obtain through parkland dedication; and

Direct the Executive Director of Legal Services and Corporation Counsel or designate to develop a proactive strategy to acquire park lands based on service levels set forth in the Park Provisioning Master Plan; and

Approve monitoring the City's parkland service levels and acquisition priorities as part of Multi-Year Community Investment Plan reporting and updates to the Vision to Focus; and

Direct the Director of Community Planning to conduct an exploration of a Community Planning Permit System as a tool to aid in the acquisition of infrastructure, parkland or monetary contribution, in exchange for offering a more streamline and transparent approval process within the Major Transit Station Area (MTSA) specific planning process; and

Direct the Director of Community Planning to begin work with land owners in the MTSAs or any area of the City subject to an area-specific planning process to guide future development and to identify specific City infrastructure needs; and

Direct the Director of Engineering Services in consultation with the Director of Community Planning to bring updates throughout the year as well as annually to incorporate new information.  
(SD-18-23)

- h. Cootes to Escarpment EcoPark System Pilot Ecological Corridor Program update (ES-06-23)

Receive and file engineering services department report ES-06-23, Cootes to Escarpment EcoPark System Pilot Ecological Corridor Program update; and

Authorize the Executive Director of Environment, Infrastructure & Community Services to execute an agreement with Royal Botanical Gardens to recover funds for City projects under the Parks Canada EcoPark System Pilot Ecological Corridor Program, to the satisfaction of the Executive Director of Legal Services and Corporation Counsel.

- i. Motion memo - options for enhanced windrow clearing (CPRM-04-23)(SD-19-23)

Direct the Director of Roads, Parks and Forestry to explore costs and options for enhanced city wide windrow removal program, including:

- Revised cost and criteria in the existing Windrow Clearing Program
- Increase the program from the current maximum of 200 homes to minimum 500
- Other relevant options; and

Report to Environment Infrastructure & Community Services Committee with costs, options (including those ruled out) and any recommendations by Q3 2023 in advance of 2024 budget deliberations.(SD-19-23)

- j. Motion memo - development and implementation of a city-wide short-term accommodation (STA) compliance/licensing program (CPRM-03-23)(SD-20-23)(SD-21-23)(SD-22-23)(SD-23-23)(SD-24-23)

Direct the Executive Director of Community Planning Regulation and Mobility and the Director of By-Law Compliance to work with departmental and legal services staff to undertake a review by Q4 2023 of the framework/policy of zoning, business licensing and resourcing requirements for the development and implementation of a City-wide Short-Term Accommodation (STA) compliance/licensing program (SD-20-23); and

Direct the City Manager and Chief Financial Officer to work with departmental and legal services staff to fund additional research on municipal leading practices and other supports as may be identified (SD-21-23); and

Direct the Executive Director of Community Planning Regulation and Mobility and the Director of By-Law Compliance in the undertaking of the development of the STA by-law program, include the following elements:

- Research on leading GTHA and other municipal practices related to STA by-laws, regulations, compliance and licensing regimes;
- Establish a Community Task Force to assist in the development of options and recommendations for a ‘Made in Burlington’ STA by-law, compliance and licensing regime;
- Identify potential zoning requirements through Comprehensive Zoning By-law Review; and
- Identify any ongoing resource requirements in the multiyear 2024-2028 budget forecast (SD-22-23); and

Direct the City Manager and Chief Financial Officer, in conjunction with the establishment of the governance structure of the new Innovation and Digital Transformation Reserve Fund, to identify as a 2023 workplan priority, the allocation of dedicated project funds towards advancing process change and technology improvement related to the STA regulation, compliance and licensing regime with any additional impacts to AMANDA and the administrative penalty system (APS) (SD-23-23); and

Subject to Council consideration and approval of the above, direct the Director of the By-law Compliance to integrate the above work into the 2023/24 workplan of the department based on a target date for implementation of Q3 2024 for the STA

framework, and report back to Council with a prioritized list of Staff Directions that have been directed toward the department through the 2024 budget process (SD-24-23).

- k. Motion memo - approval of Lakeside a la Carte expansion in 2023 (CPRM-05-23)(SD-25-23)

Direct the Director of Recreation, Community and Culture to amend the Events Listing for 2023 and approve the expansion to the annual Lakeside a la Carte Festival event (SD-25-23).

- l. Motion memo - relocating of 2023 Food Truck Festival (CPRM-06-23) (SD-26-23)

Direct the Director of Recreation, Community and Culture to work with the event organizer to explore alternative options for the location and configuration for the food truck festival outside of the downtown and report back to council in Q3 2023 to provide improved event geographic representation for the 2024 event season (SD-26-23).

- m. Motion memo - kennel/pet boarding compliance & licensing regime (CPRM-02-23)(SD-27-23)

Direct the Director of By-law Compliance to create a regulatory and licensing regime for kennel/pet-boarding facilities and integrate the work into the 2023/24 workplan of the department to present necessary by-law amendments or a new by-law to Council in Q1 2024 (SD-27-23).

12.2 Corporate Services, Strategy, Risk & Accountability Committee meeting of March 29 and 30, 2023

- a. Single source procurement request – IT service management software replacement (BDS-05-23)

Approve a single source procurement process and ongoing use of ServiceNow platform for the IT Service Management Software replacement and other uses as necessary with CDW Canada Corp. as the implementation partner and reseller for ServiceNow licenses; and

Authorize the Manager of Procurement Services to issue a purchase order and sign any associated agreements with the vendor named above, with content satisfactory to the Chief Information Officer and in a form satisfactory to the Executive

Director of Legal Services and Corporation Counsel.

b. Hydro dividend policy (CM-03-23)

Authorize and approve the amendment to the Shareholder Direction dated October 15, 2019 to establish a new Dividend Policy between BEC and the City of Burlington as set out in detail in city manager's office report CM-03-23, in accordance with the Shareholder Direction dated October 15, 2019, and the Corporation of the City of Burlington ("City of Burlington") in its capacity as a shareholder of the Burlington Enterprise Corporation ("BEC"); and

Authorize and direct the Mayor and City Clerk to execute the Resolution of Sole Shareholder substantially in the form appended as Appendix A to city manager's office report CM-03-23, subject to the approval as to form by the Executive Director of Legal Services and Corporation Counsel and approval as to content of the Chief Financial Officer; and

Direct the City Clerk to consolidate the Shareholders Direction in accordance with the authorized amendments and forward a copy to the BEC.

c. Financial status report as at December 31, 2022 (F-06-23)

Receive and file finance department report F-06-23, providing the financial status report as at December 31, 2022.

d. Bill 23 financial impact analysis (F-10-23)

Receive and file finance department report F-10-23, providing a Bill 23 financial impact analysis.

e. Engagement, communications and volunteer update for 2022 (CC-01-23)

Receive and file corporate communications and engagement department report CC-01-23 providing a status update on engagement, communications, and volunteers; and

Approve the continuation of Food for Feedback as an annual engagement event to be located at Central Park and rotate the Food for Feedback engagement event between different suitable locations across the city following the 2023 event.

- f. Health, safety and wellness review for 2022 (HR-03-23)

Receive and file human resources department report HR-03-23, providing a health, safety and wellness review for 2022.

- g. Customer centric digital architecture review (BDS-04-23)

Endorse the Customer Centric Digital Architecture Blueprint contained in Appendix A of report BDS-04-23, including next steps and the CRM Implementation Roadmap inclusive of option 3 of the KPMG report to proceed to adopt and migrate to a new Customer Relationship Management (CRM) platform and;

Direct the Executive Director of Digital Service and Chief Information Officer to develop plans to achieve the blueprint and verify the approach for the new CRM platform with a report back to Council in Q3 2023 and;

Direct the Chief Financial Officer to review and report back in advance of the 2024 Budget on the multi-year capital and operating requirements and impacts of the CRM Implementation Roadmap.

- h. Corporate project status reporting – Dec 2022 and Jan 2023 (CM-02-23)

Receive and file city manager's office report CM-02-23 providing status reports for designated corporate projects for the period December 2022 through January 2023 as detailed in Appendix A.

- i. Operating budget performance report as at December 31, 2022 and summary of year-end financial position (F-13-23)

Receive and file finance department report F-13-23 regarding the 2022 year-end financial position.

- j. Burlington Lands Partnership update #3 (CM-01-23)

Receive and file city manager's office report CM-01-23: Burlington Lands Partnership Update #3 providing an update on potential land partnerships and opportunities and confidential Appendix A providing a closed session update on a confidential land partnership opportunity; and

Direct the City Manager to proceed as directed based on the closed session staff presentation on a confidential land partnership opportunity.

- k. Confidential legal department update on a litigation matter regarding 1200 King Road (L-22-23)
- l. Confidential status report on the contingency reserve fund - Feb. 28, 2023 (F-12-23)
- m. Confidential triannual litigation update - Matters 1 through 5, and 7 through 47 (L-06-23)
- n. Confidential legal department update on a litigation matter regarding 401-417 Martha Street (L-21-23)
- o. Confidential legal department update on a litigation matter regarding 401-417 Martha Street (L-21-23)

12.3 Council Workshop Committee meeting of March 30, 2023

- a. Designing complete communities for the future of Burlington (CWC-02-23)

**13. Motion to Approve Standing Committee Minutes:**

Approve the following minutes:

13.1	Council Workshop Committee meeting minutes of March 20, 2023	1 - 3
13.2	Community Planning, Regulation, and Mobility Public meeting minutes of March 20, 2023	4 - 8
13.3	Community Planning, Regulation and Mobility Committee meeting minutes of March 28, 2023	9 - 19
13.4	Corporate Services, Strategy Risk and Accountability Committee meeting minutes of March 29 and 30, 2023	20 - 27
13.5	Council Workshop Committee meeting minutes of March 30, 2023	28 - 29

**14. Urgent Business:**

14.1	Municipal Officer Report regarding Policy Amendment Sound of Music (RCC-08-23)	30 - 32
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Waive the Municipal Alcohol Policy, to permit the Sound of Music

Festival to serve alcohol starting at 10 am on Sunday, June 18, 2023.

- 14.2 Integrity Commissioner – Investigation of a Code of Conduct Complaint Against A Member of the Committee of Adjustment – Nicholas Leblovic (CL-09-23) 33 - 71

Approve the recommendation as outlined in Appendix A to report CL-09-23 from the Integrity Commissioner; and

Direct staff to make arrangements for the conduct of training to be conducted by the Integrity Commissioner on the ethical framework applicable to local board members.

- 14.3 Renovation and Conversion of the former Robert Bateman Highschool – Tender Award (EICS-01-23 ) 72 - 80

Award the Request for Tender (RFT) EICS-23-09 for the Renovation and Conversion of the former Robert Bateman High School to Norlon Builders London Limited for \$51,734,188.44 including H.S.T. (13%); and

Authorize the Manager of Procurement Services to issue an internal purchase order to the bidder named above; and

Authorize the City Clerk to prepare the debenture and by-law; and

Authorize the Mayor and City Clerk to sign any required agreements, subject to the satisfaction of the Executive Director of Environment Infrastructure and Community Services as to content and the Executive Director of Legal Services and Corporation Counsel as to form.

**15. Confidential Items and Closed Session:**

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

Move into closed session in accordance with the following provision under the Municipal Act:

- 15.1 Confidential closed session minutes from Corporate Services, Strategy, Risk and Accountability Committee meeting of March 29 and 30, 2023

Approve the confidential Corporate Services, Strategy Risk and Accountability meeting minutes of March 29 and 30, 2023

- 15.2 Confidential closed session minutes from Council Workshop Committee meeting of March 20, 2023

15.3 Memo from Legal staff regarding Confidential legal department update on a litigation matter regarding 401-417 Martha Street (L-21-23)

**16. Rise and Report:**

**17. Motions of Members:**

**18. Council Information Package:**

18.1 Council Information Package March 24, 2023

18.2 Council Information Package March 31, 2023

18.3 Council Information Package April 6, 2023

18.4 Council Information Package April 14, 2023

**19. Motion to Receive and File Information Items:**

Receive and file Information items, having been considered by Council:

19.1 Memo regarding By-Law 22-2023, Part Lot Control Exemption By-law for 4880 Valera Road (ADM-04-23) 81 - 81

**20. Notice of Motion:**

**21. Motion to Approve By-Laws:**

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

21.1 19-2023: A by-law to amend the rates and fees By-law 83-2022. 82 - 87

Report BFD-03-23 Community Planning, Regulation and Mobility Committee March 28, 2023

21.2 20-2023 A by-law to appoint Screening and Hearing Officers. 88 - 93

TS-10-23 Community Planning, Regulation and Mobility Committee March 28, 2023

21.3 21-2023: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for a Confidential Land Acquisition. 94 - 94

Report L-23-22 Council June 21, 2022

21.4 22-2023: A by-law to repeal and replace By-law 17-2023, Part Lot Control By-law, 4880 Valera Road. 95 - 95

Report PL-31-23 Delegated Authority DA-29-23

**22. Confirmatory By-law:** 96 - 97

Enact and pass By-law Number 23-2023 being a by-law to confirm the proceedings of Council at its meeting held April 18, 2023 being read a first, second and third time.

**23. Statements by Members:**

**24. Motion to Adjourn:**

Adjourn this Council now to meet again at the call of the Mayor.



## Council Workshop Meeting

### Minutes

Date: March 20, 2023  
Time: 9:30 a.m.  
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Members Present: Angelo Bentivegna (Chair), Shawna Stolte, Lisa Kearns, Paul Sharman, Kelvin Galbraith, Rory Nisan, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Allan Magi, Karen Roche, Richard Bellemare (Audio/Video Specialist), Suzanne Gillies (Clerk)

**1. Declarations of Interest:**

None

**2. Delegation(s):**

None

**3. Consent Items:**

None

**4. Regular Items:**

None

**5. Confidential Items and Closed Session:**

Moved by: Councillor Sharman

Move into closed session in accordance with the following provision under the Municipal Act:

Section 239(3.1)

1. The meeting is held for the purpose of education or training the members.

2. At the meeting no members discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

**CARRIED**

5.1 Senior Elected Officials workshop

**6. Procedural Motions:**

**7. Information Items:**

Moved by: Mayor Meed Ward

Receive and file the following 11 items, having been given due consideration by the Council Workshop Committee.

**CARRIED**

7.1 Municipal Emergency Response Plan

7.2 Confidential senior elected official training staff presentation

7.3 Confidential critical infrastructure list 2021

7.4 Confidential City of Burlington hazard identification and risk assessment scoring tool 2021

7.5 Confidential Annex 1 Crisis Management Team and Emergency Control Group procedures

7.6 Confidential Annex 2A Initial notification - activation levels 2022

7.7 Confidential Annex 2B levels of emergency - downgrading protocols 2020

7.8 Confidential Annex 5 2023 decision aids and worksheets during the pandemic

7.9 Confidential Annex 6 Multi-year training and exercise plan

7.10 Confidential Annex 7 Community disaster recovery plan

7.11 Confidential Annex 8 Termination of declaration of emergency criteria

**8. Staff Remarks:**

**9. Committee Remarks:**

**10. Adjournment:**

9:37 a.m. (closed), 10:37 a.m. (recessed), 10:47 a.m. (reconvened), 11:22 a.m. (recessed), 1:12 p.m. (reconvened), 3:13 p.m. (recessed), 3:23 (reconvened), 3:55 p.m. (public)

Councillor Lisa Kearns left the meeting at 11:22 a.m.

Chair adjourned the meeting 3:57 p.m.



## Community Planning Regulation and Mobility Committee-Public

### Minutes

Date: March 20, 2023  
Time: 6:30 pm  
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Members Present: Paul Sharman (Chair), Shawna Stolte, Kelvin Galbraith, Lisa Kearns, Rory Nisan, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Brynn Nheiley, Jamie Tellier, Craig Kummer, David Thompson (Audio/Video Specialist), Jo-Anne Rudy (Clerk)

#### 1. **Declarations of Interest:**

None

#### 2. **Statutory Public Meetings:**

The Community Planning, Regulation and Mobility Committee, in accordance with the Planning Act, held Public Meeting No. 4-23 on March 20, 2023, regarding City of Burlington Outdoor Patio Program for 2023. Having considered the oral and written comments received from staff and the public, the Community Planning, Regulation and Mobility Committee approved community planning department report PL-06-23.

##### 2.1 City of Burlington Outdoor Patio Program for 2023 (PL-06-23)

**Note: this item will be considered at the March 21, 2023 Council meeting.**

Moved by Councillor Galbraith

Enact By-law 2020.455, attached as Appendix A to community planning department report PL-06-23, to permit temporary outdoor patios on private property; and

Waive the fees and requirements for site plan approval and zoning clearance certificate for temporary outdoor patios and temporary tents (structures) on private property until Jan. 1, 2024, and on public property until Oct. 31, 2023; and

Authorize the Executive Director of Community Planning, Regulation and Mobility, working in consultation with the Director of Community Planning, to approve temporary outdoor patios on private property, subject to such criteria and conditions as staff deem appropriate; and

Direct the Director of Community Planning to initiate an application process to implement a plan for the use of public property in Downtown Burlington for temporary outdoor patios; and

Authorize the Executive Director of Community Planning, Regulation and Mobility, working in consultation with the Director of Transportation, to approve temporary outdoor patios for restaurant and/or retail spaces on public property in Downtown Burlington, subject to such criteria and conditions as staff deem appropriate; and

Authorize the Executive Director of Legal Services and Corporation Counsel, working in consultation with the Executive Director of Community Planning, Regulation and Mobility to approve licence agreements or such other agreements or documents as may be required to permit the temporary use of public property for approved temporary outdoor restaurant and/or retail space patios; and

Enact By-law 10-2023, attached as Appendix B to community planning department report PL-06-23 to authorize the Director of Transportation to temporarily restrict the common law right-of-passage for vehicles over certain portions of streets within Downtown Burlington to facilitate the installation of temporary outdoor patios for restaurant and/or temporary retail space and create safe pedestrian passage ways; and

Authorize the Executive Director of Community Planning, Regulation and Mobility to execute any agreements necessary to implement the recommendations set out in community planning department report PL-06-23 in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel and with content satisfactory to the Executive Director of Community Planning, Regulation and Mobility; and

Authorize the Director of Community Planning to grant or revoke such other approvals, consents, agreements or other authorizations and to take any such other steps as may from time to time be required to implement the recommendations set out in community planning development report PL-06-23.

**CARRIED**

- a. Correspondence from Brian Dean, representing Burlington Downtown Business Association and Burlington Restaurant Association, regarding City of Burlington Outdoor Patio Program for 2023 (PL-06-23)
- b. Staff presentation regarding City of Burlington Outdoor Patio Program for 2023 (PL-06-23)

**3. Delegation(s):**

- 3.1 TJ Cieciera, Design Plan Services Inc., spoke to the Official Plan and Zoning By-law amendments for 4103 Palladium Way (PL-13-23)

**4. Consent Items:**

None

**5. Regular Items:**

- 5.1 Official Plan and Zoning By-law amendments for 4103 Palladium Way (PL-13-23)

**Note: this item will be considered at the March 21, 2023 Council meeting.**

Moved by Councillor Bentivegna

Approve the application for the Official Plan and Zoning By-law amendments, to allow a five (5) storey Long Term Care Facility building and a six (6) storey Retirement Home building with associated ancillary uses with access to Palladium Way; and

Approve Official Plan Amendment No.134 to the City of Burlington Official Plan, as provided in Appendix C of community planning department report PL-13-23, to permit a Long Term Care Facility and Retirement Home uses; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No.134 as contained in Appendix C of community planning department report PL-13-23; and

Approve Zoning By-law 2020.454, attached as Appendix D of community planning report PL-13-23, which amends the site-specific “BC1-505” zone of the subject lands; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No.134 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan Amendment No.134 is adopted.

**CARRIED**

**6. Confidential Items and Closed Session:**

None

**7. Rise and Report from Closed Session:**

None

**8. Procedural Motions:**

None

**9. Information Items:**

Moved by Councillor Stolte

Receive and file the following two items, having been given due consideration by the Community Planning, Regulation and Mobility Committee.

**CARRIED**

- 9.1 Staff presentation regarding Official Plan and Zoning By-law amendments for 4103 Palladium Way (PL-13-23)
- 9.2 Delegation material from TJ Cieciora, Design Plan Services Inc., regarding Official Plan and Zoning By-law amendments for 4103 Palladium Way (PL-13-23)

**10. Staff Remarks:**

**11. Committee Remarks:**

**12. Adjournment:**

6:43 p.m. (recessed), 6:53 p.m. (reconvened)

Chair adjourned the meeting at 7:25 p.m.



## Community Planning, Regulation & Mobility Committee Meeting

### Minutes

Date: March 28, 2023  
Time: 9:30 am  
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Members Present: Paul Sharman (Chair), Shawna Stolte, Rory Nisan, Kelvin Galbraith, Lisa Kearns, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Brynn Nheiley, Nick Anastasopoulos, Craig Kummer, Joan Ford, Scott Hamilton, Emilie Cote, Karen Roche, Enrico Scalera, David Thompson (Audio/Video Specialist), Richard Bellemare (Audio/Video Specialist), Suzanne Gillies (Clerk)

**1. Declarations of Interest:**

None

**2. Statutory Public Meetings:**

None

**3. Delegation(s):**

- 3.1 Daintry Klein, representing Millcroft Greenspace Alliance, spoke regarding Park Provisioning Master Plan final report (ES-02-23)
- 3.2 Graham Line, representing Rotary Club of Burlington Central, spoke in support of motion memo - approval of Lakeside a la Carte expansion in 2023 (CPRM-05-23)
- 3.3 Ben Freeman, representing Canadian Food Truck Festivals, spoke in opposition of motion memo - relocating of 2023 Food Truck Festival (CPRM-06-23)

- 3.4 Chris Regan spoke regarding motion memo - development and implementation of a city-wide short-term accommodation (STA) compliance/licensing program (CPRM-03-23)

**4. Consent Items:**

- 4.1 Automatic Aid Agreement with the City of Hamilton (BFD-04-23)

**Note: this item was withdrawn by staff**

- 4.2 The Establishing and Regulating By-Law (BFD-02-23)

**Note: this item was withdrawn by staff**

- 4.3 Amendment to 2023 Rates and Fees – Fire (BFD-03-23)

Moved by Mayor Meed Ward

Approve By-law 19-2023 attached as Appendix A to Burlington fire department report BFD-03-22, to amend Rates and Fees By-law 83-2022 to update the Fire Prevention and Fire Emergency Response Rates and Fees to reflect the Ministry of Transportation's 2023 apparatus rate.

**CARRIED**

- 4.4 Delivery of support services for people with disabilities participating in recreation programs (RCC-05-23)

**Note: this item was considered at the March 30, 2023 Council meeting**

Moved by Mayor Meed Ward

Authorize the award of the contract for support services for people with disabilities, as a pilot program from May 1, 2023 to April 30, 2024, to Jodal Health Care Inc, 1315 Finch Avenue West, 300, Toronto, Ontario for \$125,314.18 inclusive of HST; and

Authorize the Manager of Procurement Services to issue a purchase order and/or sign any associated agreements pending the receipt of the required insurance from the bidder named above, subject to the approval of the Executive Director of Legal Services and Corporation Counsel, and approve the total cost of \$112,849.30 (net HST) to be funded as outlined in recreation, community and culture department report RCC-05-23; and

Authorize the Manager of Procurement Services to extend the contract for the term of the agreement subject to the conditions outlined in the RFP;

and

Direct the Director of Recreation, Community and Culture to evaluate the success of this pilot program, for potential consideration of ongoing resourcing of support services to people with disabilities through a service provider as part of the 2024 Budget.

**CARRIED**

**5. Regular Items:**

5.1 Parks, Recreation and Cultural Assets Master Plan (RCC-03-23)

Moved by Councillor Stolte

Receive and file recreation, community and culture department report RCC-03-23 providing information on the Parks, Recreation and Cultural Assets Master Plan update.

**CARRIED**

5.2 Emerald Ash Borer Management Plan update (RPF-03-23)

Moved by Councillor Nisan

Receive and file the roads, parks, and forestry department report RPF-03-23, providing an update to the emerald ash borer management plan.

**CARRIED**

5.3 2022 annual building permit revenues and expenses (BB-02-23)

Moved by Councillor Kearns

Receive and file building and by-law department report BB-02-23 providing related information for the 2022 annual building permit revenues and expenses.

**CARRIED**

5.4 City of Burlington update to Coyote Response Strategy (BB-03-23)

Moved by Councillor Stolte

Receive and file building and by-law department report BB-03-23 and endorse the actions taken by the Director of Building and By-law to date

related to the City's response to the implementation of a Coyote Action and Awareness Program; and

Direct the Director of By-law Compliance to report back as required with any further updates on the program as well as additional future staffing and other resource requirements to support the City's Coyote Management Strategy.

**CARRIED**

5.5 Appointment of Hearing Officers (TS-10-23)

Moved by Councillor Galbraith

Approve By-law No. 20-2023, being the Screening and Hearing Officer By-law, substantially in the form attached as Appendix A to transportation services department report TS-10-23, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve Hearing Officer remuneration at the rate of \$500 per diem; and

Authorize the Director of Transportation Services to execute service agreements/ contracts with each of the appointed Hearing Officers, and any extension thereto, with content satisfactory to the Director of Transportation Services and form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

**CARRIED**

5.6 Park Provisioning Master Plan final report (ES-02-23)(SD-18-23)

Moved by Mayor Meed Ward

Receive and file the Park Provisioning Master Plan, listed as Appendix A in engineering services report ES-02-23, as the framework to guide the planning of future parks in the City of Burlington and satisfy Provincial legislative requirements (as amended by Bill 23) to have a park plan in place prior to passing an update to the Parkland Dedication Bylaw; and

Approve the updated park classification system and authorize the Director of Engineering to report back to Council with an updated inventory of existing parks recategorized within the new classification system; and

Approve the future parkland target service levels identified in Section 2.5

of the Parks Provisioning Master Plan, listed as Appendix A in engineering services report ES-02-23; and

Approve the parkland criteria, listed as Appendix B in engineering services report ES-02-23, as a support document to help guide the development community and staff in deciding which lands to obtain through parkland dedication; and

Direct the Executive Director of Legal Services and Corporation Counsel or designate to develop a proactive strategy to acquire park lands based on service levels set forth in the Park Provisioning Master Plan; and

Approve monitoring the City's parkland service levels and acquisition priorities as part of Multi-Year Community Investment Plan reporting and updates to the Vision to Focus; and

Direct the Director of Community Planning to conduct an exploration of a Community Planning Permit System as a tool to aid in the acquisition of infrastructure, parkland or monetary contribution, in exchange for offering a more streamline and transparent approval process within the Major Transit Station Area (MTSA) specific planning process; and

Direct the Director of Community Planning to begin work with land owners in the MTSA's or any area of the City subject to an area-specific planning process to guide future development and to identify specific City infrastructure needs; **and**

**Direct the Director of Engineering Services in consultation with the Director of Community Planning to bring updates throughout the year as well as annually to incorporate new information. (SD-18-23)**

**CARRIED**

Amendment:

Moved by Mayor Meed Ward

Direct the Director of Engineering Services in consultation with the Director of Community Planning to bring updates throughout the year as well as annually to incorporate new information.

**CARRIED**

- 5.7 Cootes to Escarpment EcoPark System Pilot Ecological Corridor Program update (ES-06-23)

Moved by Councillor Nisan

Receive and file engineering services department report ES-06-23, Cootes to Escarpment EcoPark System Pilot Ecological Corridor Program update; and

Authorize the Executive Director of Environment, Infrastructure & Community Services to execute an agreement with Royal Botanical Gardens to recover funds for City projects under the Parks Canada EcoPark System Pilot Ecological Corridor Program, to the satisfaction of the Executive Director of Legal Services and Corporation Counsel.

**CARRIED**

- 5.8 Motion memo - options for enhanced windrow clearing (CPRM-04-23)(SD-19-23)

Moved by Mayor Meed Ward

Direct the Director of Roads, Parks and Forestry to explore costs and options for enhanced city wide windrow removal program, including:

- Revised cost and criteria in the existing Windrow Clearing Program
- Increase the program from the current maximum of 200 homes to minimum 500
- Other relevant options; and

Report to Environment Infrastructure & Community Services Committee with costs, options (including those ruled out) and any recommendations by Q3 2023 in advance of 2024 budget deliberations.(SD-19-23)

**CARRIED**

- 5.9 Motion memo - development and implementation of a city-wide short-term accommodation (STA) compliance/licensing program (CPRM-03-23)(SD-20-23)(SD-21-23)(SD-22-23)(SD-23-23)(SD-24-23)

Moved by Councillor Stolte

Direct the Executive Director of Community Planning Regulation and Mobility and the Director of By-Law Compliance to work with departmental and legal services staff to undertake a review by Q4 2023 of the

framework/policy of zoning, business licensing and resourcing requirements for the development and implementation of a City-wide Short-Term Accommodation (STA) compliance/licensing program (SD-20-23); and

Direct the City Manager and Chief Financial Officer to work with departmental and legal services staff to fund additional research on municipal leading practices and other supports as may be identified (SD-21-23); and

Direct the Executive Director of Community Planning Regulation and Mobility and the Director of By-Law Compliance in the undertaking of the development of the STA by-law program, include the following elements:

- Research on leading GTHA and other municipal practices related to STA by-laws, regulations, compliance and licensing regimes;
- Establish a Community Task Force to assist in the development of options and recommendations for a ‘Made in Burlington’ STA by-law, compliance and licensing regime;
- Identify potential zoning requirements through Comprehensive Zoning By-law Review; and
- Identify any ongoing resource requirements in the multiyear 2024-2028 budget forecast (SD-22-23); and

Direct the City Manager and Chief Financial Officer, in conjunction with the establishment of the governance structure of the new Innovation and Digital Transformation Reserve Fund, to identify as a 2023 workplan priority, the allocation of dedicated project funds towards advancing process change and technology improvement related to the STA regulation, compliance and licensing regime with any additional impacts to AMANDA and the administrative penalty system (APS) (SD-23-23); and

Subject to Council consideration and approval of the above, direct the Director of the By-law Compliance to integrate the above work into the 2023/24 workplan of the department based on a target date for implementation of Q3 2024 for the STA framework, and report back to Council with a prioritized list of Staff Directions that have been directed toward the department through the 2024 budget process (SD-24-23).

**CARRIED**

- 5.10 Motion memo - approval of Lakeside a la Carte expansion in 2023 (CPRM-05-23)(SD-25-23)

Moved by Councillor Kearns

Direct the Director of Recreation, Community and Culture to amend the Events Listing for 2023 and approve the expansion to the annual Lakeside a la Carte Festival event (SD-25-23).

**CARRIED**

- 5.11 Motion memo - relocating of 2023 Food Truck Festival (CPRM-06-23) (SD-26-23)

Moved by Councillor Kearns

Direct the Director of Recreation, Community and Culture to work with the event organizer **to explore alternative options for the location and configuration for the food truck festival outside of the downtown and report back to council in Q3 2023** to provide improved event geographic representation for the 2024 event season (SD-26-23).

**CARRIED**

Amendment:

Moved by Mayor Meed Ward

Replace the words “to find a suitable location for the food truck festival outside of the downtown” with **“to explore alternative options for the location and configuration for the food truck festival outside of the downtown and report back to council in Q3 2023”**

**CARRIED**

- 5.12 Motion memo - kennel/pet boarding compliance & licensing regime (CPRM-02-23)(SD-27-23)

Moved by Councillor Nisan

Direct the Director of By-law Compliance to create a regulatory and licensing regime for kennel/pet-boarding facilities and integrate the work into the 2023/24 workplan of the department to present necessary by-law amendments or a new by-law to Council in Q1 2024 (SD-27-23).

**CARRIED**

**6. Confidential Items and Closed Session:**

None

**7. Rise and Report from Closed Session:**

**8. Procedural Motions:**

8.1 Motion to waive the rules

Moved by Councillor Kearns

Waive rule 36.2 of the Procedure By-law to allow discussion of item 5.8 motion memo regarding relocation of the 2023 Food Truck Festival (CPRM-06-23).

**CARRIED**

8.2 Motion to waive the rules

Moved by Councillor Nisan

Waive rule 36.2 of the Procedure By-law to allow discussion of item 5.9 motion memo regarding kennel/pet boarding compliance & licensing regime (CPRM-02-23).

**CARRIED**

8.3 Motion to waive the rules

Moved by Mayor Meed Ward

Waive section 14.1(a) of the Procedure By-law to allow discussion of the following six items that would normally be reported to the Environment, Infrastructure and Community Services Committee:

Item 4.1 Parks, Recreation and Culture Assets Master Plan (RCC-03-23)

Item 4.2 Emerald Ash Borer Management Plan update (RPF-03-23)

Item 4.5 Amendment to 2023 Rates and Fees - Fire (BFD-03-23)

Item 4.7 Delivery of support services for people with disabilities participating in recreation programs (RCC-05-23)

Item 5.3 Parks Provisioning Master Plan final report (ES-02-23)

Item 5.4 Cootes to Escarpment EcoPark System Pilot Ecological Corridor Program update (ES-06-23)

**CARRIED**

8.4 Motion to waive the rules

Moved by Councillor Galbraith

Waive rule 46.1 of the Procedure By-law to allow a delegation to speak having missed the registration deadline.

**CARRIED**

**9. Information Items:**

Moved by Councillor Stolte

Receive and file the following nine items, having been given due consideration by the Community Planning, Regulation and Mobility Committee.

**CARRIED**

9.1 Staff presentation regarding Park Provisioning Master Plan final report (ES-02-23)

9.2 Correspondence from Building Industry and Land Development Association (BILD), regarding Park Provisioning Master Plan final report (ES-02-23)

9.3 Correspondence from West End Home Builders' Association (WE HBA), regarding Park Provisioning Master Plan final report (ES-02-23)

9.4 Delegation material from Daintry Klein, representing Millcroft Greenspace Alliance, regarding Park Provisioning Master Plan final report (ES-02-23)

9.5 Correspondence from Leslie Barbetta regarding motion memo - development and implementation of a city-wide short-term accommodation (STA) compliance/licensing program (CPRM-03-23)

9.6 Correspondence from Mary Alice St. James regarding motion memo - development and implementation of a city-wide short-term accommodation (STA) compliance/licensing program (CPRM-03-23)

- 9.7 Delegation material from Graham Line, representing Rotary Club of Burlington Central, regarding motion memo - approval of Lakeside a la Carte expansion in 2023 (CPRM-05-23)
- 9.8 Delegation material from Ben Freeman, representing Canadian Food Truck Festivals, regarding motion memo - relocating of 2023 Food Truck Festival (CPRM-06-23)
- 9.9 Correspondence from Brian Dean and Craig Kowalchuk, representing Burlington Downtown Business Association and Burlington Restaurant Association, regarding motion memo - relocating of 2023 Food Truck Festival (CPRM-06-23)

**10. Staff Remarks:**

**11. Committee Remarks:**

**12. Adjournment:**

10:41 a.m. (recessed), 10:50 a.m. (reconvened), 11:59 a.m. (recessed), 1:00 p.m. (reconvened), 2:45 p.m. (recessed), 2:57 p.m. (reconvened)

Chair adjourned the meeting at 4:17 p.m.



## Corporate Services, Strategy, Risk and Accountability Committee Meeting

### Minutes

Date: March 29, 2023  
Time: 9:30 am  
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Members Present: Kelvin Galbraith (Chair), Lisa Kearns (absent March 30), Rory Nisan, Paul Sharman, Shawna Stolte, Angelo Bentivegna, Mayor Marianne Meed Ward

Staff Present: Tim Commisso, Kwab Ako-Adjei, Kevin Arjoon, Joan Ford, Sheila Jones, Chad MacDonald, Allan Magi, Karen Roche, Brynn Nheiley, Enrico Scalera, Nancy Shea-Nicol, David Thompson (Audio/Video Specialist), Richard Bellemare (Audio/Video Specialist), Lisa Palermo, Emilie Cote

**Note: This meeting recessed on March 29, 2023, and reconvened on March 30, 2023.**

**1. Declarations of Interest:**

None

**2. Delegation(s):**

None

**3. Consent Items:**

3.1 Single source procurement request – IT service management software replacement (BDS-05-23)

Moved by Councillor Stolte

Approve a single source procurement process and ongoing use of ServiceNow platform for the IT Service Management Software replacement and other uses as necessary with CDW Canada Corp. as the implementation partner and reseller for ServiceNow licenses; and

Authorize the Manager of Procurement Services to issue a purchase order and sign any associated agreements with the vendor named above, with content satisfactory to the Chief Information Officer and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

**CARRIED**

3.2 Hydro dividend policy (CM-03-23)

Moved by Councillor Stolte

Authorize and approve the amendment to the Shareholder Direction dated October 15, 2019 to establish a new Dividend Policy between BEC and the City of Burlington as set out in detail in city manager's office report CM-03-23, in accordance with the Shareholder Direction dated October 15, 2019, and the Corporation of the City of Burlington ("City of Burlington") in its capacity as a shareholder of the Burlington Enterprise Corporation ("BEC"); and

Authorize and direct the Mayor and City Clerk to execute the Resolution of Sole Shareholder substantially in the form appended as Appendix A to city manager's office report CM-03-23, subject to the approval as to form by the Executive Director of Legal Services and Corporation Counsel and approval as to content of the Chief Financial Officer; and

Direct the City Clerk to consolidate the Shareholders Direction in accordance with the authorized amendments and forward a copy to the BEC.

**CARRIED**

3.3 Financial status report as at December 31, 2022 (F-06-23)

Moved by Councillor Stolte

Receive and file finance department report F-06-23, providing the financial status report as at December 31, 2022.

**CARRIED**

**4. Regular Items:**

Items 4.1 - 4.3 and 4.7 were discussed on March 29, 2023 and, items 4.4 - 4.7 were discussed on March 30, 2023.

4.1 Bill 23 financial impact analysis (F-10-23)

Moved by Councillor Sharman

Receive and file finance department report F-10-23, providing a Bill 23 financial impact analysis.

**CARRIED**

4.2 Engagement, communications and volunteer update for 2022 (CC-01-23)

Moved by Councillor Nisan

Receive and file corporate communications and engagement department report CC-01-23 providing a status update on engagement, communications, and volunteers; and

Approve the continuation of Food for Feedback as an annual engagement event to be located at Central Park and **rotate the Food for Feedback engagement event between different suitable locations across the city following the 2023 event.**

**CARRIED**

Amendment:

Moved by Councillor Nisan

Add "Rotate the Food for Feedback engagement event between different suitable locations across the city following the 2023 event."

**CARRIED**

4.3 Health, safety and wellness review for 2022 (HR-03-23)

Moved by Councillor Nisan

Receive and file human resources department report HR-03-23, providing a health, safety and wellness review for 2022.

**CARRIED**

4.4 Customer centric digital architecture review (BDS-04-23)

Moved by Councillor Sharman

Endorse the Customer Centric Digital Architecture Blueprint contained in Appendix A of report BDS-04-23, including next steps and the CRM Implementation Roadmap inclusive of option 3 of the KPMG report to proceed to adopt and migrate to a new Customer Relationship Management (CRM) platform and;

Direct the Executive Director of Digital Service and Chief Information Officer to develop plans to achieve the blueprint and verify the approach for the new CRM platform with a report back to Council in Q3 2023 and;

Direct the Chief Financial Officer to review and report back in advance of the 2024 Budget on the multi-year capital and operating requirements and impacts of the CRM Implementation Roadmap.

**CARRIED**

4.5 Corporate project status reporting – Dec 2022 and Jan 2023 (CM-02-23)

Moved by Councillor Sharman

Receive and file city manager's office report CM-02-23 providing status reports for designated corporate projects for the period December 2022 through January 2023 as detailed in Appendix A.

**CARRIED**

4.6 Operating budget performance report as at December 31, 2022 and summary of year-end financial position (F-13-23)

Moved by Councillor Nisan

Receive and file finance department report F-13-23 regarding the 2022 year-end financial position.

**CARRIED**

4.7 Burlington Lands Partnership update #3 (CM-01-23)

Moved by Mayor Meed Ward

Receive and file city manager's office report CM-01-23: Burlington Lands Partnership Update #3 providing an update on potential land partnerships

and opportunities and confidential Appendix A providing a closed session update on a confidential land partnership opportunity; and

Direct the City Manager to proceed as directed based on the closed session staff presentation on a confidential land partnership opportunity.

**CARRIED**

**5. Confidential Items and Closed Session:**

Note: Items 5.1, 5.2 (Matter 6) and 5.3 were considered at the March 30, 2023 Council meeting.

Moved by Mayor Meed Ward

Proceed into closed session on March 29, 2023 at 1:10 p.m. in accordance with the following provision under the Municipal Act:

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, for items 5.2, 5.3 and 5.4; and

Pursuant to Section 239(2)(h), information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them, and Section 239(2)(k), a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, for item 5.7

**CARRIED**

Moved by Councillor Sharman

Proceed into closed session on March 30, 2023 at 2:33 p.m. in accordance with the following provision under the Municipal Act:

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, for item 5.3; and

Pursuant to Section 239(2)(h), information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them, and Section 239(2)(k), a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, for item 5.7

**CARRIED**

- 5.1 Confidential insurance renewal report (L-05-23)

Moved by Councillor Sharman

Receive and file legal department report L-05-23 providing a status update on the 2023-2024 insurance renewal (L-05-23)

**CARRIED**

- 5.2 Confidential triannual litigation update (L-06-23)

- 5.3 Confidential legal department update on a litigation matter regarding 401-417 Martha Street (L-21-23)

- 5.4 Confidential legal department update on a litigation matter regarding 1200 King Road (L-22-23)

- 5.5 Confidential legal department update on a litigation matter regarding appeals to the new Official Plan (L-23-23)

Note: this item was withdrawn by staff prior to the meeting.

- 5.6 Confidential status report on the contingency reserve fund - Feb. 28, 2023 (F-12-23)

Moved by Councillor Stolte

Receive and file finance department report F-12-23 providing a status of the contingency reserve fund. (F-12-23)

**CARRIED**

- 5.7 Confidential Appendix A to Burlington Lands Partnership update #3 report regarding a land partnership opportunity (CM-01-23)

**6. Rise and Report from Closed Session:**

Committee reconvened into open session on March 29, 2023 at 4:45 p.m. and on March 30, 2023 at 3:55 p.m.

The committee provided instructions to legal department staff in closed session for the following 2 items:

- Matter 17 in confidential legal services department triannual litigation update L-06-23, and Matter 6 in confidential legal services department triannual litigation update L-06-23 and supplemental memo L-26-23.
- Confidential legal services department update on a litigation matter regarding 401-417 Martha Street (L-21-23).

Moved by Councillor Bentivegna

Receive and file matters 1 through 5, 7 through 16 and 18 through 47, contained in legal department report L-06-23 providing the triannual litigation update. (L-06-23)

**CARRIED**

Moved by Councillor Sharman

Receive and file confidential legal department report L-22-23 providing a legal update on a litigation matter regarding 1200 King Road. (L-22-23)

**CARRIED**

**7. Procedural Motions:**

**8. Information Items:**

Moved by Councillor Stolte

Receive and file the following five items, having been given due consideration by the Corporate Services, Strategy, Risk and Accountability Committee.

**CARRIED**

- 8.1 Presentation by Andrew Grunda, Watson and Associates regarding Bill 23 financial impact analysis (F-10-23)
- 8.2 Presentation by staff regarding engagement, communications and volunteer update for 2022 (CC-01-23)
- 8.3 Presentation by staff regarding health, safety and wellness review for 2022 (HR-03-23)
- 8.4 Presentation by staff regarding customer centric digital architecture review (BDS-04-23)
- 8.5 Confidential presentation by staff regarding Burlington Lands Partnership update #3 (CM-01-23)

**9. Staff Remarks:**

**10. Committee Remarks:**

**11. Adjournment:**

March 29, 2023 11:14 a.m. (recessed), 11:23 a.m. (reconvened), 12:13 p.m. (recessed), 1:00 p.m. (reconvened), 1:10 p.m. (closed), 4:45 p.m.(public), 4:45 p,m, (recessed)

Councillor Nisan was absent at 1:00 p.m. and returned at 2:10 p.m.

Councillor Bentivegna was absent at 2:40 p.m. and returned at 3:12 p.m.

March 30, 2023 1:22 p.m. (reconvened), 2:33 p.m. (closed), 3:55 p,m. (open)

Councillor Kearns was absent.

Councillor Nisan remained until 3:43 p.m.

Chair adjourned the meeting on March 30, 2023 at 4:02 p.m.



## Special Council Workshop Meeting

### Minutes

Date: March 30, 2023  
Time: 9:30 a.m.  
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Members Present: Angelo Bentivegna (Chair), Shawna Stolte, Paul Sharman, Kelvin Galbraith, Rory Nisan, Mayor Marianne Meed Ward

Member Regrets: Lisa Kearns

Staff Present: Tim Commisso, Joan Ford, Emilie Cote, Scott Hamilton, Sheila Jones, Allan Magi, Karen Roche, Enrico Scalera, Brynn Nheiley, Nancy Shea-Nicol, David Thompson (Audio/Video Specialist), Richard Bellemare (Audio/Video Specialist), Lisa Palermo (Clerk)

**1. Declarations of Interest:**

None

**2. Delegation(s):**

None

**3. Consent Items:**

None

**4. Regular Items:**

4.1 Designing complete communities for the future of Burlington (CWC-02-23)

**5. Confidential Items:**

**6. Procedural Motions:**

**7. Information Items:**

Moved by: Councillor Sharman

Receive and file the following 3 items, having been given due consideration by the Council Workshop Committee.

**CARRIED**

- 7.1 Presentation by staff regarding designing complete communities for the future of Burlington (CWC-02-23)
- 7.2 Presentation by Dr. Michael Moffatt, Smart Prosperity Institute regarding designing complete communities for the future of Burlington (CWC-02-23)
- 7.3 Presentation by Scott Pickles, Avison Young regarding designing complete communities for the future of Burlington (CWC-02-23)

**8. Staff Remarks:**

**9. Committee Remarks:**

**10. Adjournment:**

10:53 a.m. (recessed), 10:59 a.m. (reconvened)

Councillor Stolte was in attendance until 11:35 a.m.

Chair adjourned the meeting at 11:53 a.m.



**SUBJECT:** Municipal Officer Report regarding Policy Amendment Sound of Music

**TO:** Mayor and Members of Council

**FROM:** Recreation, Community and Culture

Report Number: RCC-08-23

Wards Affected: 2

File Numbers: 965-01

Date to Committee: NA

Date to Council: April 18, 2023

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**Recommendation:**

Waive the Municipal Alcohol Policy, to permit the Sound of Music Festival to serve alcohol starting at 10 am on Sunday, June 18, 2023.

**PURPOSE:**

The Sound of Music Festival (SOM) is requesting to operate a licensed area in Spencer Smith Park 2 hours earlier than the [Municipal Alcohol Policy](#) allows.

**Vision to Focus Alignment:**

- Building more citizen engagement, community health and culture

---

**Background and Discussion:**

**Strategy/process/risk**

SOM has a revenue generation opportunity through a Caesar cocktail sponsor. As part of the sponsorship proposal, the potential sponsor is looking to hand out samples of their product starting at 10:00 AM. The festival has indicated that there would be no sales of alcohol during this extended time. The festival will only offer Caesar samples and non-alcoholic beverages.

Council approved the Municipal Alcohol Policy in 2021. The goal of the policy is to define the conditions for the service and consumption of alcohol for Special Occasion Permit (S.O.P) Events which occur on City of Burlington property. As Council may recall this policy is more restrictive than provincial legislation set out in the Alcohol and Gaming Commission of Ontario (AGCO), at the request of the Halton Region as the overconsumption of alcohol has been identified as a community concern through the Community Safety and Well-Being Plan. The City's position is not to eliminate the consumption of alcohol on City property but to support responsible alcohol service and consumption in an effort to reduce corporate exposure to risk.

This request is of an urgent nature, allowing SOM the ability to firm up their sponsorship agreement in advance of their June event. Council is aware SOM has indicated that in order to maintain a free event they need additional revenue sources. By securing the proposed Caesar sponsor SOM has indicated that it will make up 10% of their vendor activation goal.

### **Options Considered**

To deny the exemption request and put further financial pressure on the Sound of Music Festival.

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### **Financial Matters:**

No impact on the City.

### **Total Financial Impact**

N/A

### **Source of Funding**

N/A

### **Other Resource Impacts**

The Sound of Music already has the space in Spencer Smith Park reserved and set up as a licensed area through a Special Occasion Permit (S.O.P). There is no anticipated impact to allowing the area to serve earlier on Sunday.

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## **Climate Implications**

The drink samples will be offered in cups. At this time staff are not sure if the cups are compostable or recyclable but will encourage SOM to seek a zero-waste option for the sample cups.

The festival attendance and operations are susceptible to weather conditions.

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## **Engagement Matters:**

Sound of Music has a volunteer Board of Management who has approved this recommendation to request an extension to their Special Occasion Permit to fulfill a proposed sponsorship agreement.

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## **Conclusion:**

Staff are recommending an exemption to the Municipal Alcohol Policy be approved to allow the event organizer to confirm a sponsorship commitment.

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Respectfully submitted,

Sandra Maxwell

Supervisor, Festivals & Events

905-335-7600 ext 7724

## **Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



**SUBJECT: Integrity Commissioner – Investigation of a Code of Conduct  
Complaint Against A Member of the Committee of Adjustment  
– Nicholas Leblovic**

**TO: Mayor and Members of Council**

**FROM: Office of the City Clerk**

Report Number: CL-09-23

Wards Affected: not applicable

File Numbers:

Date to Committee: N/A

Date to Council: April 18, 2023

---

**Recommendation:**

Approve the recommendation as outlined in Appendix A to report CL-09-23 from the Integrity Commissioner:

Direct staff to make arrangements for the conduct of training to be conducted by the Integrity Commissioner on the ethical framework applicable to local board members.

**PURPOSE:**

To transmit the report issued from the Integrity Commissioner dated April 6, 2023, for City Council's review and disposition.

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**Background and Discussion:**

The Code of Good Governance

The City of Burlington has a Code of Conduct for Local Boards (Code), which was established by way of report [CL-03-19](#) and approved on February 25, 2019, by City Council. The Code has been attached to this report as appendix B.

The City of Burlington's Code's main purpose is as follows:

The policy outlines the Code of Conduct for the City of Burlington's Local Boards and Committees; it guides members to act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

### The Integrity Commissioner

The Integrity Commissioner is appointed by and is accountable to the Burlington City Council. The City of Burlington has an established accountability framework, with the Integrity Commissioner playing an essential role. The role of the Integrity Commissioner is established through section 223 of *the Municipal Act, 2001, S.O. 2001, c. 25* (the Act). The Act authorizes a municipality to appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality. In particular, section 223.4 of the Act provides Integrity Commissioner with the ability to conduct an inquiry, their powers of inquiry, access to information, and potential penalties.

#### **Inquiry by Commissioner**

**223.4** (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member.

#### **Powers on inquiry**

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry.

#### **Information**

(3) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry.

#### **Same**

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry.

#### **Penalties**

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days.

The firm Principles Integrity serves as the City of Burlington's Integrity Commissioner, were originally appointed by way of By-law 45-2018 and reappointed by way of report CL-30-22. Principles Integrity provides integrity commissioner services for a number of municipalities across the province.

## Complaints

The established process complaint process (part of the Code of Good Governance) dictates that any complaint is submitted directly to the Integrity Commissioner. The City of Burlington website has a webpage dedicated to the Integrity Commissioner and provides a direct contact for any enquiries. Potential complainants who contact the Office of the City Clerk are provided the contact information for Principles Integrity Commissioner and are instructed to connect directly. The Office of the City Clerk is not involved in complaints, unless directly interviewed by the Integrity Commissioner. Invoices received by the Office of the City Clerk are anonymized.

The complaint process itself is nuanced, which allows the Integrity Commissioner many tools at their disposal to resolve complaints. The complaint process also provides options to complainants and the respondent to resolve complaints through alternative ways. The complaint process forms part of the to the Code of good Government, attached as appendix C to this report.

## The Complaint and Recommendation Report

A recommendation report was filed by the Integrity Commissioner with the Clerk on April 6, 2023. As part of their process, the complainant and the respondent were also provided a copy of the report also on April 6, 2022, this report is appended as appendix A.

The report indicated that a complaint was filed on December 22, 2022, from an applicant to the Committee of Adjustment in regard to the conduct of a member of the Committee of Adjustment (Leblovic) at during a hearing in December. The Integrity Commissioner report addresses the investigation conducted in accordance with section 223.4 of the Act and conveys their findings and recommendation.

## **Strategy/process**

The City Clerk has worked with the Integrity Commissioner to ensure that the rules of how this item is disposed with is clear. The Integrity Commissioner will be present at the City Council meeting on April 18, 2023, to respond to questions of Council.

- Nicholas Leblovic or a representative may request to delegate at Council regarding the report.
- The Integrity Commissioner will provide opening remarks on their report.
- In accordance with the Procedural By-law Members of Council can ask questions of clarification, two at a time to the Integrity Commissioner.
- Once questions of Council have been exhausted, the Mayor will open the floor for any motions.

- The recommendation as listed in this report could be put on the floor, if Council wishes not to endorse the recommendation the report could be received for information.
- Once a motion is placed on the floor speaking times will coincide with Council rules, this means each member is afforded, two, five-minute speaking times. If a member wishes to speak for a third time this is put to a vote and is only provided to members through the successful passing of two thirds vote of Council.

### **Options Considered**

The rules as outlined in the Code of Good Governance states that:

If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Commissioner shall report their findings to Council including a recommendation as to the imposition of a penalty as set out in the Municipal Act.

Therefore, a recommendation is made by the Integrity Commissioner and is conveyed to Council, who makes the final decision.

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### **Financial Matters:**

#### **Total Financial Impact**

The costs of Integrity Commissioner activities are captured through the annual reporting process.

#### **Source of Funding**

Integrity Commissioner costs are funded from the Office of the City Clerk operating budget.

#### **Other Resource Impacts**

Not applicable.

### **Climate Implications**

Not applicable.

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### **Engagement Matters:**

Not applicable.

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### **Conclusion:**

This is a transmittal report to convey a report from the Integrity Commissioner to City Council regarding an investigation into a Code of Conduct for Local Boards and Committees complaint against a member of the Committee of Adjustment, Nicholas Leblovic.

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Respectfully submitted,

Kevin Arjoon

City Clerk

905-335-7600 ext. 7702

### **Appendices:** (if none delete section)

- A. City of Burlington, Code of Conduct Complaint Against a member of the Committee of Adjustment Nicholas Leblovic, April 6, 2023
- B. Code of Conduct for Local Boards and Committees
- C. Code of Good Governance (for Complaint protocol)

### **Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Principles  
*Integrity*

City of Burlington  
Integrity Commissioner's Recommendation Report  
Code of Conduct Complaint  
Against  
Committee of Adjustment Member Nicholas Leblovic

April 6, 2023

Introductory Comments

[1] Principles *Integrity* was appointed the Integrity Commissioner for the City of Burlington in June of 2018. We also serve as Integrity Commissioner, and in some cases Closed Meeting Investigator, Lobbyist Registrar, and Municipal Ombudsman for over 50 Ontario municipalities as well as school boards and a police services board.

[2] Our firm focuses exclusively on accountability and governance services to our clients. The operating philosophy which guides us in our work with all of our client municipalities is this:

*The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council and local boards meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.*

[3] Our efforts in concert with our clients are therefore to help establish an ethical framework through which the public perception of their municipality's council and local boards is deservedly enhanced.

[4] The Municipal Act requires that municipalities adopt a code of conduct for members of local boards, and appoint an integrity commissioner responsible for overseeing the application of the code of conduct for local board members.

[5] Integrity commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members of council and outreach for members of the community. One of the most important functions is the provision of advice and

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guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a person has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.

- [6] This being our function, as Integrity Commissioner we play an important role in the administration of justice.
- [7] Our role differs from other 'adjudicators' whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.
- [8] Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.
- [9] In this regard, we have assessed the information fairly, in an independent and neutral manner, and have provided an opportunity to the respondent named in this Report to respond to the allegations in the complaint, and to review and provide comment on our preliminary findings report.

### The Complaint

- [10] On December 22, 2022 we received a complaint from an applicant to the Committee of Adjustment (the C/A) in regard to the conduct of member Leblovic at the hearing of her application for minor variance held on December 7, 2022.
- [11] The complaint asserted that member Leblovic made statements at the C/A hearing that were unfounded and false, and risked influencing the outcome of the hearing on the application. In her view, the member had engaged in malicious gossip almost derailing a long and costly minor variance process, which no member of an adjudicative tribunal should be allowed to do.
- [12] It was alleged that the member's conduct breached the Code of Conduct for Local Boards.

### Process Followed for this Investigation

- [13] In conducting this investigation, Principles Integrity applied the principles of procedural fairness and was guided by the complaint process set out under the Code of Conduct.

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[14] This fair and balanced process includes the following elements:

- Reviewing the complaint to determine whether it is within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the complaint should be restated or narrowed, where this better reflects the public interest
- Notifying the Respondent on December 29, 2022 of the complaint against him, and providing adequate disclosure of the information we possessed so that he could prepare his response
- After initial resistance to the process, wherein the Respondent raised preliminary concerns questioning the complainant's motives, asserting reputational damage, and challenging our jurisdiction and process, we extended time for, and ultimately received, the Respondent's response to the complaint
- Reviewing the Code of Conduct for Local Boards, the relevant Committee of Adjustment Minutes, and other relevant documents and jurisprudence, and conducting interviews as necessary
- Providing the Respondent with the additional opportunity to review and provide responses to the Integrity Commissioner's preliminary Findings Report, sent to the Respondent February 16, 2023, and extending time for his final submissions and comments to March 17, 2023
- Carefully reviewing and giving his 13-page response and legal arguments due consideration prior to finalizing and submitting our Recommendation Report

### Background and Context

[15] The Respondent Nicholas Leblovic is a member of the City of Burlington C/A and on the C/A for another Township where he owns another property, and has served as such for eight (8) years.

[16] He is a lawyer with over 40 years' experience, retired from practice at a large law firm.

[17] The Complainant is the owner of a century home in downtown Burlington which she has owned and lived in for 42 years. The home is located in an area designated as Downtown Mixed Use Centre – Emerald Neighbourhood Precinct.

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- [18] This is the story of a long-time resident, now living alone, seeking to turn her detached garage into a secondary suite in the back yard of her large home, and a tribunal member trying to block her because, according to an unidentified neighbour who is friends with the member, she has been illegally renting out a basement apartment for years – a fact she vehemently denies.
- [19] Taken aback by the misinformation – unfounded malicious gossip in her view – the homeowner wanted the member to resign from his role. She discovered that both staff and Council were powerless to intervene in the conduct of members of the Committee of Adjustment.
- [20] The tribunal member, as a lawyer himself, has criticized our investigation as lacking jurisdiction because in his view we are presuming to review the conduct of an adjudicative body's hearing. We agree that it is beyond the jurisdiction of an Integrity Commissioner to review the hearing process of the Committee of Adjustment.
- [21] However, it is well-established that the conduct of members of local boards, the Committee of Adjustment included, falls squarely within the jurisdiction of the municipal Integrity Commissioner to review. In fact, it is only the Integrity Commissioner, in first instance, who has authority to review and make findings on the conduct of individual members of local boards<sup>1</sup>.
- [22] The member claims that we have improperly embarked on a review of the procedure at the hearing – something which can only be reviewed by appealing the decision. The focus of our investigation, and findings, is solely the ethical propriety of the member's own conduct.
- [23] In order to understand the chronology of events, it is helpful to go back to the start of the complainant-homeowner's journey in the process.
- [24] In October 2021, the homeowner retained a planning consultant firm to assist her with navigating the process for obtaining the necessary permissions to construct an accessory dwelling unit to be attached to her home by an underground extension (for Heritage compliance purposes). The project required 7 minor variances, regarding which staff of the City of Burlington had no objection.
- [25] Because the home is designated as a Heritage property, prior to consideration by the C/A, she had to first obtain the approval of the City's Heritage Committee.
- [26] A Heritage Impact Study was commissioned by the complainant, and the Heritage Committee considered and approved the request on June 8, 2022, clearing the way for the application to be considered by the C/A.

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<sup>1</sup> The Ombudsman may review such conduct, but only once a complaint has been concluded by an Integrity Commissioner, or where the Integrity Commissioner declines to investigate.

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[27] On January 13, 2022 the Complainant filed an application to the C/A for the minor variance to allow the conversion of a detached garage to a secondary dwelling unit.

[28] On December 7, 2022 the application for minor variance was before the C/A for hearing. The very substantial application package included:

- Staff Report
- C/A Application
- Cover letter from the owner's planning consultant firm
- Planning Justification Report submitted by the owner's planning consultants
- Tree Inventory & Preservation Plan Report

[29] The Staff Report from planning staff supported the application. As set out in the Planning Act, a minor variance application must meet four tests:

Do the requested variances maintain the general intent and purpose of the Official Plan?

Do the requested variances maintain the general intent and purpose of the Zoning By-Law?

Are the requested variances desirable and appropriate for the lands?

Are the requested variances minor in nature?

[30] Staff advised that the application met the four tests.

[31] Nobody appeared in opposition to the application.

[32] The homeowner was not present at the C/A and was represented by her planning consultant.

[33] Although the Heritage Impact Study was not included in the Application Package before the C/A, member Leblovic produced it at the hearing in order to ask the planning consultant questions.

[34] The member proceeded to ask questions of the homeowner's planning consultant, focused on what he perceived as inconsistent descriptions in the Heritage Impact Study about the interior finishes in the basement of the home – in particular, what he perceived as conflicting information about the presence of a bathroom and a bedroom in the basement – revealing, in his view, the existence of a rental suite.

[35] It should be noted that, although the complainant's home does not include a secondary suite or basement apartment, we understand that a secondary suite would be permitted as-of-right, should she have desired one.

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[36] Member Leblovic made a statement asserting the existence of an undocumented rental unit in the basement, claiming that the neighbours all knew about it.

[37] The member's comments at the hearing are reflected in the Minutes<sup>2</sup> as follows:

N. Leblovic did not support the application; noted for the following reasons: did not believe the Owner/Agent were being entirely truthful regarding the use of the existing home and had knowledge from other community members as well as the Heritage Impact Study that the home had been previously renovated to include a basement living space which was not reflected in the site plans presented and that non-family members had lived in the house; believed some of the information provided by the applicant was questionable; these concerns prevented the member from supporting the application as presented and believed that perhaps a deferral might be an option to allow the agent to go back and work with the Owner to provide additional information regarding the current use of the property; from a legal perspective, could not support the application.

[38] The next member who spoke reminded members that the C/A must confine itself to consideration of the application based on the merits and the evidence before the Committee. This is reflected in the Minutes, as follows:

...the Committee must evaluate an application based on the merits of the application before the Committee; noted that the application itself became a sworn affidavit when submitted for review; there were no members of the public in opposition to the proposal nor were written comments provided as a result of the public notice; how the Owner utilizes their property was not the purview of the Committee and if there were enforcement concerns there were more appropriate City departments to handle those matters;

[39] Subsequently, the Chair also chastised member Leblovic for his statement, noting that enforcement concerns were not the purview of the Committee; there were other City departments in place to handle enforcement issues; and that the applicant presented good planning rationale for the proposed development.

[40] One other member of the C/A adopted the position and the rationale articulated by member Leblovic.

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<sup>2</sup> The initial draft Minutes indicated that the member made no reference to the Heritage Impact Study, but simply asserted he "did not believe the Owner/Agent were being entirely truthful regarding the use of the existing home and had knowledge from other community members that the home was being rented illegally; believed some of the information provided by the applicant was questionable; prior knowledge of the property prevented the member from supporting the application as presented". This was revised, on the request of the member.

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- [41] In the end, the C/A Decision to grant the minor variance was reached on a 3-2 split.
- [42] In the days that followed, the complainant raised her concern with the Secretary-Treasurer about the conduct of the member and the unfounded statements which very nearly resulted in a refusal of her application.
- [43] The Secretary-Treasurer advised that the Integrity Commissioner was the proper party to consider her concerns.

### Code of Conduct for Local Boards

- [44] Members of local boards are governed by a Code of Conduct.
- [45] The relevant provisions of the Code of Conduct provide as follows:

#### **Guiding Principles**

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

#### **Rule 16: Independent Nature of Local Boards**

The Chairs of Local Board should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

### Analysis and Findings:

- [46] There are two categories of Local Boards to which Council appoints members: adjudicative and non-adjudicative.
- [47] Adjudicative bodies are independent and act in a quasi-judicial manner. That means that they are required to arrive at their decision on the evidence before them at the hearing or meeting where the matter is considered.
- [48] An adjudicative body applies the applicable law and policy to the relevant facts.
- [49] A member of an adjudicative body is similar in this regard to any other tribunal or to a judge presiding in court: they are confined to making determinations of fact on the evidence presented to them.
- [50] Member Leblovic's statement made during the hearing regarding his belief that there was already an existing rental unit at the home, was improper for 3 reasons:

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As it was based on what the neighbours apparently had told him, it amounted to nothing more than hearsay, and was not admissible as evidence;

Even if true, it was not a relevant consideration for the C/A; and

Even if relevant, the member was attempting to introduce evidence at the hearing, which was improper given his role as a member of the tribunal adjudicating the hearing.

### Hearsay

- [51] A member sharing information he has heard about a subject property does not comply with the rules of evidence applied by adjudicative bodies and it runs afoul of the procedural fairness an applicant should be afforded when participating in a matter before an administrative tribunal such as the C/A.
- [52] The rules of evidence – relevance, admissibility and a tribunal member’s jurisdiction to adduce it – could not have been at the front of the member’s mind when he shared what information he had heard about the property.
- [53] He may have had an honest belief in his own statement about the existence of a second dwelling unit. He did not, however, provide any evidence to support his claim. Importantly, the applicant was not afforded the opportunity to consider the ‘evidence’ and prepare a response to it.
- [54] He says he heard from a close friend who lives in the complainant’s neighbourhood.
- [55] Notably, no one appeared at the hearing in opposition to the application, or submitted any contrary comments.
- [56] Had legal counsel for the owner been present at the hearing, the statements by the member would likely have provoked a swift response.
- [57] The applicant’s planning consultant, who was present at the hearing, was blindsided by the line of questioning and attempted to navigate the unexpected tangent.
- [58] Having not attended at the home of her client, the planning consultant was at a loss to explain what member Leblovic perceived as inconsistencies in the Heritage Impact Study.
- [59] As noted, the Heritage Impact Study was not part of the C/A application materials provided to the members, as it had been part of the materials for consideration by the Heritage Advisory Committee the previous summer.

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[60] Nevertheless, when the member produced it unexpectedly at the C/A hearing, the planning consultant simply advised that she was unaware of the existing interior improvements of the owner's basement, but that to the best of her knowledge the owner lived alone in the home.

[61] During our investigation, the member provided the following explanation around the unfolding of events at the C/A as follows:

Also... provided was a draft Heritage Impact Assessment dated May 22, 2022, prepared by Robinson Heritage Consulting relating to the house and garage on the Property. ...

In reviewing this documentation, I noted a major inconsistency relating to the basement of the house. The Heritage Impact Assessment at pages 28 to 32 had a brief description of each room in the House and contains the following statement at page 32:

"The basement is finished and is large and bright with laundry, bath, bedroom and family room with walkout to the rear yard."

However, the Site Plan of the basement area of the house (at page 92 of the Staff Report) showed existing space labelled as laundry room, mechanical room, unexcavated and existing basement with no existing space identified as a bath, bedroom or family room.

At the hearing, the Complainant was represented by XX. In my questioning of XX I asked her to reconcile this inconsistency.

...[the planning consultant was unable to explain the inconsistency, in that she had not attended the property to observe the basement layout, and she understood that her client lived alone in the home.]

When it was the time for Committee members to reach a decision on the application, I made comments to the following effect:

- I did not accept the testimony of [the planning consultant] as being credible on the issue of the additional dwelling unit in the basement as it was inconsistent with both the clear wording of the Heritage Impact Study as well as the prior information that I had obtained from my friends noted in the fourth paragraph of this letter.
- The potential existence of an additional dwelling unit in the basement of the house was in my mind extremely material to the application as it raised the prospect of their being three not two separate dwelling units in the house and garage. This in turn would

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increase the potential number of people who could live in the house and renovated garage.

- This would result in potential for material compatibility and nuisance issues with the neighbourhood, which was entirely comprised of single-family dwellings, the likelihood of overcrowding of the limited on-site parking space and the possibility for future use of the house as a rental or short-term rental facility.

[62] When the planning consultant would not agree with the member's suggestion that there was a rental unit in the basement, he stated that he was '*questioning the integrity of the application and the integrity of the planners*'.

[63] The planning consultant was shocked, upset and taken aback. All the while, her supervising partner was watching the virtual meeting electronically.

[64] Planners are subject to a Professional Code of Practice and Standards of Practice; ethics and integrity are cornerstones of their professional reputation.

[65] Questioning the integrity of a professional planner goes to the core of their professional reputation.

[66] The member, in openly questioning the planning consultant's integrity during the hearing, was impugning her professional ethics.

[67] The issue, arising during the course of our investigation, will be addressed later in this report.

[68] From an evidentiary perspective, it is apparent that the finished basement contains no kitchen, which would be crucial in determining whether a basement rental apartment existed – were that a relevant consideration before the C/A. This underscores the problem of introducing hearsay conclusions in the course of a hearing held for other purposes, and which was supported by ample professional evidence tendered by both the applicant and City staff.

### Irrelevant Considerations

[69] Even if the information had been introduced by an objector to the application, it is well-established that non-compliance with existing regulatory requirements is not a relevant consideration on an application for minor variance at the C/A.

[70] Alleged illegal or non-compliant use of property can only be pursued through enforcement action because:

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withholding a minor variance because of alleged zoning violations constitutes an error of law; and

enforcement action provides the property owner with due process and ensures a full and fair opportunity to defend against unfounded allegations.

[71] Though not the case here, existing non-compliance - with zoning or building requirements - is often the motivation for making minor variance applications to the C/A.

[72] Concerns about existing non-compliance are simply irrelevant to the C/A's considerations.

[73] Similarly, speculation about the possibility that the minor variance may open the door to a future illegal use is equally irrelevant.<sup>3</sup>

[74] As noted above, the Chair and at least one other member of the C/A were at pains to correct member Leblovic as to the irrelevance of the alleged existence of a second dwelling unit.

### Improper for Tribunal Member to introduce own evidence

[75] It is important that members appointed to adjudicative bodies understand the nature of their role.

[76] This is especially the case in the City of Burlington, where appointees serve collectively on all three adjudicative tribunals – the C/A, the Property Standards Committee, and the Committee of Revision.

[77] Misunderstanding their jurisdiction or the need for procedural fairness may cause a tribunal to exceed its jurisdiction or otherwise err in law in arriving at a decision, leading to unnecessary and time-consuming appeals to the Land Appeals Tribunal or the courts.

[78] In the complainant's application hearing, despite attempts by another member and by the Chair to correctly guide the C/A away from irrelevant and erroneous considerations, the member's strong and authoritative assertions influenced another member to take into consideration irrelevant and possibly erroneous statements, improperly introduced.

[79] Even if the member had *personal knowledge* of the existence of a second dwelling unit in the home (which he admits he does not have), tribunal members – like judges – must make their decisions based on the application of the law to the facts *presented* at the hearing or trial.

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<sup>3</sup> Pillon v Lakeshore (Twp), 2020 CanLII 66012 (ON LPAT)

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- [80] A tribunal member cannot introduce their own evidence, or supplement the evidence before them with anecdotal information drawn from their own sources.<sup>4</sup>
- [81] The bald unchallenged assertion made by the member abrogated the procedural fairness of the C/A hearing and risked tainting the decision, as underscored by the narrow margin on the vote, which might have resulted in an unnecessary, time-consuming and costly appeal for both the applicant and the City.
- [82] We find that the conduct of the member on this occasion undermined public confidence in the adjudicative body.
- [83] It is important that misunderstandings - about jurisdiction, procedural fairness and appreciating what are the relevant considerations - be corrected, especially since an erroneous or misguided approach by a single member may influence the thinking of other members. Ultimately, these may lead to undermining the public's confidence in the process.
- [84] The member is an experienced lawyer, and no doubt had an honest belief in what he was doing.
- [85] Members of adjudicative local boards are not expected to possess legal expertise, and indeed, the Chair and staff play an important role in guiding the committee to staying focused on relevant considerations and ensure procedural fairness.
- [86] There are also opportunities for municipalities to ensure that their local boards, including adjudicative committees, receive training from the Integrity Commissioner, the Ontario Association of Committees of Adjustment, and from staff.

### Impugning reputation of planning consultant

- [87] When the planning consultant would not agree with the member that there was a basement rental unit in the home, the member stated that he was '*questioning the integrity of the application and the integrity of the planners*'.
- [88] The member thereby cast doubt on the information properly before the C/A and cast a shadow over the planning consultant's honesty and integrity.
- [89] Although there is no specific provision under the City of Burlington's Local Board Code of Conduct which addresses impugning the professional ethics and integrity

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<sup>4</sup> There is a narrow category of facts where a tribunal member or judge may make findings without any evidence by taking *judicial notice* of certain facts. There are strict rules and specific criteria under which tribunal members and judges may take *judicial notice*, and no such conditions existed in this case to allow the member to introduce evidence or to find that a basement dwelling existed on the property.

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of others - whether members of the local board, staff or others - it should be recognized as inappropriate and contrary to a standard which requires Members to *act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.*

[90] Challenging the truthfulness of a professional, without a rationale basis, is tantamount to calling them a liar.

[91] Burlington Council's own Code of Good Governance states the following which, although in regard to social media (Rule 13), nevertheless provides good guidance:

*We will ensure that commenters are respectful, and do not impugn the motives, integrity, or competence of our Council colleagues, other members of the public, or staff.*

[92] We find that the conduct of the member in impugning the integrity of the planning consultant was inappropriate, and constituted behaviour which did not promote public confidence.

### Recourse for complainant

[93] When the complainant raised her concern with the Secretary-Treasurer in the days that followed, it was explained to her that there was nothing the staff or the City could do and her only recourse was a complaint to the Integrity Commissioner.

[94] The member has expressed to us his concern that the complainant's inquiries to the Secretary-Treasurer's office have damaged his reputation.

[95] While a member may regard any complaint about his conduct as concerning, and the scrutiny of a member's conduct may bring unwanted attention to short-comings, persons feeling aggrieved by a member's conduct should not be deterred from legitimate complaint by the fear of an accusation of 'damaging the reputation' of a respondent.

[96] Certainly there was nothing inappropriate for the complainant to speak with the Secretary-Treasurer to understand what complaint mechanisms were available to her.

[97] The complainant pursued the only recourse available. Whether a respondent believes the attention of a complaint diminishes their reputation should not be the reason that an investigation is not pursued.

### Member's Response to Complaint and Findings

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- [98] Rather than acknowledge room for improvement on his part, the member has dug in, justifying his actions and attacking the investigator, engaging in ad hominem attacks on the Integrity Commissioner alleging bias, incompetence, arrogance, negligence, lack of diligence, legal errors, ignorance of the law and practice, and a lack of jurisdiction and procedural fairness.
- [99] This sometimes happens in Integrity Commissioner investigations – the respondent takes a legalistic or adversarial approach. Care should be taken to recognize that an Integrity Commissioner’s goal in investigating a complaint is aimed at upholding the expectations set by Council for its appointees.
- [100] The investigation is conducted under the tenets of procedural fairness, providing the respondent with an open ended opportunity to respond to the allegations.
- [101] Significantly, nowhere does the member justify his discussing the case with others, by which he apparently heard the gossip.
- [102] The member has asserted that the Integrity Commissioner lacks jurisdiction regarding conduct of members when they are fulfilling their responsibilities as a member of the C/A, because to do so interferes with the administrative quasi-judicial body, penetrates their decision-making independence, and breaches their protective adjudicative immunity, which in his words “*extends without limitation*”.
- [103] We note that the doctrine of adjudicative immunity prohibits *legal proceedings* against members based on their actions as adjudicators or decision-makers. However, a complaint investigation of an Integrity Commissioner is **not** a legal proceeding; it is an administrative process, comparable to a workplace harassment investigation.
- [104] It goes without saying that if no such mechanism were available, there would be no potential recourse in respect of a member of a C/A displaying bias, undue influence, harassment, or engaging while in a conflict of interest<sup>5</sup>.
- [105] In fact, the jurisdiction of an Integrity Commissioner over conduct by members of adjudicative local boards has been well-recognized.<sup>6</sup>
- [106] It cannot be the case that members of adjudicative local boards are at liberty to engage in inappropriate, unfair or otherwise improper conduct with impunity.

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<sup>5</sup> The fact that the MCIA clearly makes available legal proceedings against a member of the C/A, just as any other member of a local board or council, also shows that adjudicative immunity does not constitute some absolute protection from legal proceedings for members of adjudicative local boards.

<sup>6</sup> Oct. 2019 Report by Toronto IC Valerie Jepson, re: Administrative Penalty Tribunal Member;  
Oct. 2020 Report by Mississauga IC Principles Integrity, Heritage Advisory Committee Member Mateljan;  
Oct. 2021 Report by Greater Madawaska IC Guy Giorno, *Gillette v. Giffin*, 2021 ONMIC 32.

## Principles Integrity

- [107] While ultimately, removal of the member by Council is a possible remedy, any member might rightly demand the procedural fairness of an investigation before being removed. This is the function which the Integrity Commissioner provides.
- [108] The member has asserted that there can be no finding he contravened the principles of the Code of Conduct, because in his opinion the guiding principles are unenforceable; and that there can be no finding he contravened the prohibition against compromising the arm's-length, quasi-judicial obligations of the body (Rule 16) because that provision can, in his opinion, only be dealt with by the Chair of the body.
- [109] There is an argument by some that the Guiding Principles articulated in a Code of Conduct are incapable of enforcement against a member – a legalistic approach which construes code provisions as legislative enactments and characterizes the Guiding Principles as merely '*Preamble*'.
- [110] We believe that the better approach is to embrace the Code of Conduct as a policy statement adopted by council, and to understand that the underlying guiding principles, as well as the specific stipulations in each provision, are indeed capable of articulating enforceable standards and expectations unless specifically excluded.
- [111] This view has been adopted by other Integrity Commissioners.<sup>7</sup>
- [112] The Guiding Principles attempt to set out the intention and purpose for adopting a Code of Conduct.
- [113] They are more than merely a preamble to the Code. They are the starting point for members, readers and the public to understand that the overarching goal of members, to whom the Code applies, is to recognize that they have a role to play in enhancing public confidence and trust in local government. The Guiding Principles speak directly to the obligation to conduct oneself with honesty and integrity.
- [114] A preamble, in its pure sense, such as a preamble to a by-law or legislation, cannot form the basis for prosecution or legal proceedings. A Code of Conduct is not however akin to codified offenses recited in a statute, and a complaint investigation is not a legal proceeding.

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<sup>7</sup> Oct. 2019 Report by Toronto IC Valerie Jepson, re: Administrative Penalty Tribunal Member: [at p.12] "...members appointed to the City's boards are required to meet a very high set of conduct standards - in fact the Code of Conduct requires members of the City's tribunals to meet both the letter and spirit of the Code (Preamble to the Code of Conduct)."

## Principles *Integrity*

- [115] Especially where the goal is public confidence, and where Guiding Principles underly and support the standard of conduct expected, it cannot be the case that a violation of the Guiding Principles is incapable of forming the basis of a finding that the member has failed to meet the standard expected.
- [116] This view would be completely inconsistent with the purpose and objectives of providing a framework to ensure members conduct themselves with the highest standards of integrity in a manner that withstands public scrutiny.
- [117] Conduct or behaviour which contravenes and undermines the Guiding Principles should not be ignored or condoned, simply because there is not a specific provision of the Code which prohibits it. Afterall, there are any number of matters not articulated in provisions of a Code – for example one would not find specific provisions prohibiting lying while carrying out their public role, yet no one would argue that this could not sustain a complaint under the Code.

### Summary of Findings:

- [118] We find that the conduct of the member on the occasion in question – engaging in hearsay on matters irrelevant to the Committee of Adjustment’s proper considerations, and purporting to introduce evidence in the course of a hearing - undermined public confidence in the adjudicative body, in breach of the Guiding Principles of the Code of Conduct applicable to him.
- [119] Rule 16, in imposing obligations on the Chair, confirms the importance of recognizing the arm’s-length, quasi-judicial nature of an adjudicative local board. Though the Chair, in compliance with Rule 16, attempted to rein in the member, he persisted in raising conjecture in the course of a quasi-judicial hearing. We find that the member ignored both the Chair’s efforts and the underlying principle articulated in Rule 16 and undermined public confidence in the adjudicative body.
- [120] We also find that impugning the integrity of the planning consultant, which was tantamount to calling her a liar, was inappropriate and a breach of the Guiding Principles.

### Recommendations and Concluding Remarks:

- [121] An Integrity Commissioner may recommend that sanctions be imposed, including a reprimand, or a suspension of pay for up to 90-days.

## Principles *Integrity*

- [122] Members of the Committee of Adjustment receive a nominal per diem, however, we are of the view that a sanction which included suspension of a per diem would be of little consequence.
- [123] The complainant sought the member's removal from the Committee of Adjustment, and that he not be appointed to serve on any other City committee.
- [124] There is no doubt the member has the ability to offer legal expertise to the Committee of Adjustment, however his defensiveness to criticism and refusal to acknowledge room for improvement, does not lend itself to course correction.
- [125] Despite this, it must be recognized that a similar situation is unlikely to be repeated, and if it were, we are optimistic that the member would be more circumspect in his conduct .
- [126] As a member of the Committee of Adjustment, member Leblovic holds a privileged position. He should embrace the opportunity to serve in that capacity with courtesy, and a modicum of humility.
- [127] We would also hope that the member would publicly concede second thoughts for his conduct.
- [128] We believe that the complaint investigation may be sufficient to remind him to refrain from contributing gossip (or giving credence to it) during the adjudication of hearings, and to treat those who appear before the board – whether staff or others – with professionalism and respect.
- [129] As such, in contrast to the complainant's position, we are not recommending his removal as an appointed member to the C/A.
- [130] Rather, as is commonly the case for municipal local boards, we recommend that all members of local boards for the City of Burlington be required to participate in training to be conducted by the Integrity Commissioner, to ensure an understanding of expectations for their role set by the Code of Conduct and the MCIA.
- [131] Accordingly, it is recommended:
1. That Council direct staff to make arrangements for the conduct of training to be conducted by the Integrity Commissioner on the ethical framework applicable to local board members.
- [132] We wish to conclude by publicly thanking everyone who was asked to participate in our investigation.

Principles  
*Integrity*

[133] We will be pleased to be present at the Council meeting where this report is considered.

All of which is respectfully submitted

Principles *Integrity*  
Integrity Commissioner for the City of Burlington



**Corporate Policy**

**Council, Boards, Committees****Code of Conduct for Local Boards and Committees**

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Approved by Council on: February 25, 2019

Report Number: CL-03-19

Effective: February 25, 2019

Reviewed on: February 25, 2019

Amended: N/A

Next Review: February 25, 2022

Note:

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**Policy Statement:**

The policy outlines the Code of Conduct for the City of Burlington's Local Boards and Committees; it guides members to act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence

**Scope:**

The policy applies to Members of a local board or committee of the City of Burlington as defined in s.223.1 of the Municipal Act, 2001.

**Principles:**Part 1

General Introduction, Framework and Interpretation

Guiding Principles

- 1: Avoidance of Conflicts of Interest
- 2: Gifts, Benefits and Hospitality
- 3: Confidential Information

# Corporate Policy

- 4: Use of City Resources
- 5: Election Campaigns
- 6: Improper Use of Influence
- 7: Business Relations
- 8: Member Conduct
- 9: Media Communications
- 10: Respect for the Town By-laws and Policies
- 11: Respectful Workplace
- 12: Conduct Respecting Staff
- 13: Reprisals and Obstructing
- 14: Acting on Advice of Integrity Commissioner

## Part 2

- 15: Communications with Parties
- 16: Independent Nature of Adjudicative Tribunals

## Part 3

Complaint Protocol

Consequences of Failure to Adhere to Code of Conduct

## **Part 1**

### General Introduction, Framework and Interpretation

The requirements for codes of conduct and appointment of an Integrity Commissioner for local boards are contained in Part v.1 of the Municipal Act, 2001

Section 223.1 provides the following definition for a local board:

**“local board” means a local board other than.... (e) a board as defined in section 1 of the *Public Libraries Act*; (g) such other local boards as may be prescribed. (Note: no regulations prescribing local boards for the purpose of this position have been passed)**

As well, s. 204(2.1) provides that a Board of Management of a BIA **“is a local board of the municipality for all purposes”**.

Although section 223.1 does not refer back to section 1(1) being the more general definition section, the definition contained at s.1(1) provides as follows:

**“local board” means a municipal service board, transportation commission, public library board, board of health, police service board, planning board or any other board, commission, committee, body or local**

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**Code of Conduct for Local Boards and Committees**

# Corporate Policy

**authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority.**

This document is a Code of Conduct for members of Local Boards. Local Boards sometimes referred to as committees or tribunals, are as defined in s.223.1 of the Municipal Act and as identified by the municipality.

The Code of Conduct for Local Boards follows the structure as recommended by the City of Burlington's Integrity Commissioner.

## Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

## Rule 1: Avoidance of Conflicts of Interest

Members shall avoid situations of real or apparent conflict of interest or bias.

Members shall avoid participating in or influencing a proceeding when the member, or another person with whom the member has a close personal or professional relationship, has a financial or other private interest that may be affected by the proceeding or its outcome. Members shall not appear before the Local Board or committee on their own behalf or as a representative on behalf of any party.

*Commentary: Members of BIAs will frequently have an 'interest in common' as business owners. Care should be taken to recognize an interest, when the Member stands to gain or otherwise benefit, in a manner that can be differentiated from others in the BIA. Where a Member contributes to an event 'at cost', no 'interest' is deemed to arise by reason only that the Member's business is a sponsor of the event.*

## Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any Gift, except for Gifts that are deemed to have zero value in the Council Code of Good Governance.

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality provided by any of the parties or participants potentially affected by the decision of the Local Board.

## Rule 3: Confidential information

# Corporate Policy

Members shall not disclose to any member of the public any confidential information acquired by virtue of their position.

Confidential information includes any discussion that takes place between members of the Local Board or Committee when it is in a closed meeting.

## Rule 4: Use of City Resources, Election Campaigns

No member should use municipal equipment or staff, or other municipal services or resources for their own private purposes, or for election campaign purposes.

## Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board or Committee, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board and/or committee.

Members of the Committee of Adjustment and Court of Revision are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

Any member of a Board or Committee wishing to fully participate in an election campaign will be granted a leave of absence from the Board or Committee.

## Rule 6: Improper Use of Influence, Business Prospects

No member shall use the influence of his or her position for any purpose other than the duties as a member of the Local Board and/or committee.

## Rule 7: Business Relations

No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the Local Board and/or committee.

## Rule 8: Member Conduct

Members shall always conduct themselves with decorum.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board or Committee. If a member misses more than three (3) meetings during their term, the Chair, after hearing

Page 4 of 7

## **Code of Conduct for Local Boards and Committees**

# Corporate Policy

and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

## Rule 9: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board. If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

Members of Local Boards should generally not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to him/her.

## Rule 10: Respect for City By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board and/or committee, the municipality and its by-laws, policies and procedures.

## Rule 11: Respectful Workplace

Members are governed by the relevant workplace harassment & respect in the workplace policies in place for staff.

## Rule 12: Conduct Respecting Staff

Members of local boards and committees shall be respectful of the role of staff to advise based on political neutrality. Members shall respect the professionalism of staff, and not exert undue influence on staff.

## Rule 13: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

It is a violation of this Code of Conduct to engage in any activity in retaliation against any person because he/she has made a complaint to or otherwise communicated with the Integrity Commissioner.

## Rule 14: Acting on Advice of Integrity Commissioner

Advice given by the Integrity Commissioner is binding on the Integrity Commissioner in the event of a complaint.

# Corporate Policy

## Part 2

### **ADDITIONAL REQUIREMENTS APPLICABLE TO LOCAL BOARDS**

#### Rule 15: Communications with Parties

Written communication to a Local Board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board and shall be copied to all parties or their representatives as appropriate. Oral communications with the Local Board about current proceedings shall take place only in the presence of or with the consent of all parties.

Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, except for notices of hearing, which shall be served upon all parties and their representatives known to the Local Board as appropriate.

#### Rule 16: Independent Nature of Local Boards

The Chairs of Local Board should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

Members of Local Boards operating at arm's-length from Council should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.

A Local Board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the board. Members of Council are only permitted to communicate to the board regarding a matter before the board by a letter addressed to the Secretary of the board which is available to all parties.

## Part 3

### **COMPLAINT PROTOCOL**

The Formal Inquiry Protocol contained in the Council Code of Good Governance applies with necessary modifications to complaints regarding members of Local Boards.

### **CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT**

Page 6 of 7

### **Code of Conduct for Local Boards and Committees**

# Corporate Policy

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.

## References:

Part v. 1 of the Municipal Act, 2001, as revised by Bill 68, stipulates the requirement for codes of conduct and appointment of an Integrity Commissioner for local boards, as defined in s.223.1 of the Municipal Act, 2001.

## Roles:

### **Accountable:**

City Clerk

### **Responsible:**

Members of local boards and committees are responsible for adhering to the code conduct provided in this policy.

The Integrity Commissioner may investigate complaints against members related to this policy.

Staff are authorized and directed to take the necessary action to give effect to this policy.



**Corporate Policy**

## Code of Good Governance

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Approved by Council on: April 23, 2018

Report Number: CM-09-18

Effective: April 23, 2018

Reviewed on: April 23, 2018

Amended: Replaced Council Code of Practice

Next Review: October 2022

Note:

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### Preamble:

The Council of the City of Burlington is committed to achieving excellence in governance, and doing so in a way that maintains and ensures public trust and confidence in the City's decision making.

The elements of this code that are subject to a formal complaint are intended to act as a Code of Conduct as required under the Municipal Act.

### Purpose:

The City of Burlington's Council Code of Good Governance serves four main purposes:

- To set out, in manner that is aspirational and proactive, clear expectations of the governance behaviour of members of Council;
- To provide clarity to the public as to the behaviour they can expect from members of Council, and the governance responsibilities that go beyond those in the Municipal Act;
- To provide guidance to members of Council in the conduct of their duties as elected officials; and
- To provide a mechanism for responding to alleged breaches of elements of the Code.

# Corporate Policy

## APPLICATION

This Code applies to all members of the Council of the City of Burlington.

It is the responsibility of all members to be aware of and comply with the Code.

## ASPIRATIONAL COMMITMENTS (NOT SUBJECT TO A COMPLAINT)

1. We will put the interests of the City above our own personal interests when conducting City business.
2. We acknowledge that working collaboratively will provide better governance decisions.
3. We will exercise strategic leadership by developing and clearly communicating to the public the Council's purpose and priorities, and its intended outcomes.
4. We will ensure alignment of our key policies, budgets, and other policy instruments with our strategic goals, and hold ourselves, and staff accountable for the efficient and effective delivery of those goals.
5. Because our decisions often have generational impacts, we will strive to take the long view, and in doing so sincerely consider the interests of those who will be immediately impacted, and those who will be impacted in the future.
6. We will, with our Audit Committee, identify risks to the corporation and ensure that Council and staff are effectively managing those risks.
7. We will strive to ensure expansive transparency and robust accountability.
8. We will exemplify the responsibilities and role articulated for members of Council in the *Municipal Act*.

## CONDUCT COMMITMENTS (SUBJECT TO A FORMAL COMPLAINT)

9. We will not use city resources to advance our personal interests, we will adhere to the Council Expense Manual, and we will be particularly cautious about using city resources during an election, and will act in compliance with the City's policies respecting elections.
10. We will treat each other, the public, and staff with courtesy and respect. In particular, we will act in a manner that ensures the Council Chamber is a respectful workplace.

# Corporate Policy

11. We will communicate information to the public in ways that are accurate, timely, and in the interest of the corporation. We will respect that the Mayor, as head of council, is the primary spokesperson for Council.
12. We will respect the role of a ward councillor to play a leadership role on issues specific to their ward, and if we engage in issues in other wards we will exercise the courtesy of informing the ward councillor of our engagement.
13. We will take full responsibility for and curate any social media and Internet presence that the City and/or individual councillors are responsible for in a way that reflects a high level of courtesy and respect. We will ensure that commenters are respectful, and do not impugn the motives, integrity, or competence of our Council colleagues, other members of the public, or staff. We will take reasonable efforts to address false or misleading information posted to our social media feeds.
14. We will hold in strict confidence all information concerning matters dealt with in Closed Council meetings, matters subject to solicitor client privilege, personal information, or information that is otherwise determined to be confidential.
15. We will avoid any actual or perceived conflict of interests. We, and our family members, will avoid accepting gifts, and where accepting a gift is an integral part of our duties as a member of council, we will report those valued at more than \$25 accepted, to the City Clerk who will annually report them to the public. We will adhere to the Corporate Policy on Gifts and Hospitality.
16. We will avoid directly or indirectly managing or controlling any monies received relating to a charitable, not for profit, or community-based organization's fundraising in our capacity as a member of Council. We will avoid soliciting or accepting benefits or hospitality in any form from an individual, group or corporation who might require a decision or consideration by the City. We will keep a record of all donors to events we organize, and the value of their donation, and file it with the City Clerk.
17. We will respect the relative roles of Council to govern, and staff to manage. We will not direct staff, attempt to influence their professional advice to Council, and will not make public comments that impugn their performance. We will actively create and sustain an environment where staff are comfortable providing their professional advice to Council, even when it may be difficult or controversial. We will take extra efforts to avoid engaging in purchasing decisions, litigation and insurance matters, by-law enforcement, prosecutions, and human resources matters (except those involving the City Manager), unless acting collectively with other members of Council in consideration of business brought forward for direction or decision.

# Corporate Policy

18. We will foster respect for the democratic decision-making process. We will accurately communicate decisions of Council, even if we disagree with Council's decision. When we disagree with a Council decision, we will do so in a way that avoids impugning the motives, integrity or competence of our Council colleagues, staff, or the institution generally.

19. We will hold ourselves individually accountable to these principles, and collectively accountable in a way that is respectful and constructive, and will use the complaint mechanism as a course of last resort.

## COMPLIANCE WITH THE CODE OF GOOD GOVERNANCE

Members of Council shall adhere to the provisions of the Code of Good Governance. The Municipal Act, 2001 authorizes Council, where it has received a report by its Integrity Commissioner that, in his or her opinion, there has been a violation of those elements of the Code subject to complaint, may impose either of the following penalties:

- A reprimand;
- Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board, as the case may be, for a period of up to 90 days.

The Integrity Commissioner may also recommend that Council impose any of the following sanctions where there has been a breach of policy, separately established but referenced in this Code:

- Written or verbal public apology;
- Return of property or reimbursement of its value or of monies spent;
- Removal from membership of a committee; and
- Removal as chair of a committee.

### Complaint of a Violation of this Code

Any individual that has reasonable grounds to believe that a Member has breached this Code, may file a complaint with the City Clerk.

The Integrity Commissioner shall be responsible for investigating such complaints and if the parties are in agreement, the complaint may be resolved by way of mediation.

If either party does not participate in the mediation process, if the complaint is not resolved through this process, or the matter is not appropriate for referral to mediation, the Integrity Commissioner shall assume responsibility for investigating the complaint in accordance with the procedures established by Council.

# Corporate Policy

In the case of a complaint of discrimination or harassment, the complainant may file a complaint directly to the Human Resources Department under the City of Burlington Respect in the Workplace Policy. The complainant will also be advised of his or her right to advance an application to the Ontario Human Rights Tribunal.

## Procedure – Informal Complaint

Any individual who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code may address their concerns informally with the member directly. Individuals are encouraged to use this process before initiating a

formal complaint, however it is not a requirement to do so before initiating a formal complaint. Informal complaints can be pursued in the following manner:

1. Advise the member that their behaviour or activity contravenes the Code.
2. Encourage the member to stop the prohibited behaviour or activity.
3. If applicable, confirm to the member your satisfaction, or dissatisfaction with his or her response to the concern identified.
4. Keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information, including steps taken to resolve the matter.
5. If not satisfied with the response received through the informal process, an individual may proceed with a formal complaint through the Integrity Commissioner.

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## Procedure – Formal Complaint

Any individual who has identified or witnessed behaviour or activity by a member that appears to be in contravention of the Code may address their concerns through the formal complaint process set out below.

1. All formal complaints must be made using the Complaints Form prepared by the City Clerk and/or Integrity Commissioner and shall be dated and signed by the Complainant.
2. The complaint must include an explanation as to why the issue raised may be a contravention of the Code and any evidence in support of the allegation must be included with the Complaints Form.
3. Any witnesses in support of the allegation must be identified on the Complaint Form.
4. The Complaint Form must include the name of the member alleged to have breached the Code, the section of the Code allegedly contravened, the date, time and location of the alleged contravention and any other information as required on the Complaint Form.

# Corporate Policy

5. The complaint shall be filed with the Clerk who shall confirm that the required information is complete. The Clerk will forward the complaint form to the Integrity Commissioner who will determine whether the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or policies.
6. The Integrity Commissioner may request additional information from the complainant.

## **Response of Integrity Commissioner of Complaint outside Jurisdiction**

If the complaint received by the Integrity Commissioner is deemed not to be a complaint with respect to non-compliance with the Code, the Integrity Commissioner shall advise the complainant in writing as follows:

**Criminal Matter** – if the complaint is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that pursuit of such an allegation must be made through the Halton Police Services.

**Municipal Freedom of Information and Protection of Privacy** – if the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be referred to the Clerk to have the matter reviewed under the Act.

If the matter is covered by other policies or legislation, the complainant will be advised to proceed in a manner as considered appropriate by the Integrity Commissioner.

## **Refusal to Conduct an Investigation**

If upon review of a complaint, the Integrity Commissioner is of the opinion that the complaint is frivolous, vexatious or not made in good faith, or that there are no or insufficient grounds for an investigation, the Integrity Commissioner will not conduct an investigation and shall communicate this position in writing to the complainant and the member identified in the Complaint Form.

## **Opportunity for Resolution**

If at any time, following the receipt of a formal complaint or during the investigation process, the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the member agree, efforts may be made to achieve an informal resolution.

# Corporate Policy

## Investigation

If the Integrity Commissioner determines that a formal investigation is required he or she shall proceed in the following manner, subject to the Integrity Commissioner's ability to elect to exercise the powers of a commissioner under Parts I and II of the Public Inquiries Act:

- The Integrity Commissioner shall provide a copy of the complaint and any supporting materials to the member whose conduct is in question with a request that a written response to the allegation be provided to the Integrity Commissioner within ten days.
- The Integrity Commissioner shall provide a copy of the response provided by the member to the complainant with a request for a written reply within ten days.
- If necessary, after reviewing submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials, and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
- The Integrity Commissioner may make interim reports to Council where necessary and as required to address any issues of interference, obstruction, delay or retaliation encountered during the investigation.
- At any time the complainant may abandon the request for an investigation and the Integrity Commissioner will cease his or her investigation.

## Recommendation Report

Upon completion of an investigation, the Integrity Commissioner shall report to the complainant and the member on the results of his or her review within ninety days of receiving a complete Complaint Form. If the investigation process is going to take more than ninety days, the Integrity Commissioner shall provide an interim report to the complainant and member indicating when the complete report will be available.

If during the investigation process, the complaint is withdrawn, sustained or resolved, the Integrity Commissioner shall report to Council outlining the findings, and terms of any resolution and any recommended action within thirty days.

If upon completion of the investigation the Integrity Commissioner finds that a breach of the Code has occurred, the Commissioner shall report his or her findings to Council including a recommendation as to the imposition of a penalty as set out in the Municipal Act.

If upon completion of the investigation the Integrity Commissioner finds that there has been no contravention of the Code, or that a contravention occurred, however, the member took all reasonable measures to prevent it, or the contravention committed was trivial or committed through inadvertence or an error of judgment made in good faith, the Integrity Commissioner shall set this out in its report to Council.

# Corporate Policy

## Reports Prior to Election

The Integrity Commissioner shall not make any report to Council or any other person after the last Council meeting in June in any year in which a regular municipal election is to be held. Any reports would proceed to the first Council meeting after the Inaugural meeting of the new Council.

## Confidentiality

The Integrity Commissioner and every person acting under his or her instructions shall preserve the confidentiality of all documents, materials or other information, whether belonging to the City or not, that come into their possession or to their knowledge during the course of their duties subject to section 223.5(2) and 223.5(3) of the *Municipal Act*.

If the Integrity Commissioner reports to Council on an investigation into an alleged breach of the Code, the report shall only disclose such information that in the Integrity Commissioner's opinion is required for the purposes of the report.

## Scope:

This policy applies to all members of Council.

## Objectives:

The Code is intended to provide guidance to individual Members of Council in acting at all times in a manner that will enhance public trust and confidence in their Municipal Council.

## Definitions:

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

Term	Definition
Member	A member of the Council of the City of Burlington elected in accordance with The <i>Municipal Elections Act</i> .

# Corporate Policy

## References:

*Municipal Elections Act, 1996, S.O. 1996*

*Municipal Act, 2001, S.O. 2001*

## Roles:

### **Accountable:**

The City Clerk is responsible for the timely review, updating and dissemination of the policy.

### **Responsible:**

It is the responsibility of all members of Council to be aware of and comply with the Code.



**SUBJECT: EICS-01-23 Renovation and Conversion of the former Robert Bateman Highschool – Tender Award**

**TO: Mayor and Members of Council**

**FROM: Environment, Infrastructure and Community Services**

Report Number: EICS-01-23

Wards Affected: 5

File Numbers: 175-01

Date to Committee: NA

Date to Council: April 18, 2023

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**Recommendation:**

Award the Request for Tender (RFT) EICS-23-09 for the Renovation and Conversion of the former Robert Bateman High School to Norlon Builders London Limited for \$51,734,188.44 including H.S.T. (13%); and,

Authorize the Manager of Procurement Services to issue an internal purchase order to the bidder named above; and,

Authorize the City Clerk to prepare the debenture and by-law; and,

Authorize the Mayor and City Clerk to sign any required agreements, subject to the satisfaction of the Executive Director of Environment Infrastructure and Community Services as to content and the Executive Director of Legal Services and Corporation Counsel as to form.

**PURPOSE:**

The purpose of this report is to award tender for the Phase 1 renovation and conversion of the former Robert Bateman High School.

**Vision to Focus Alignment:**

- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

## **Background and Discussion:**

On October 28, 2022, the purchase of Robert Bateman High School from the Halton District School Board was completed and transferred to City ownership.

On December 13, 2022, Council approved the Phase 1 facility design/development program for the adaptive reuse of the former Robert Bateman High School at a Total Base Building cost of \$61,950,000. An additional gross budget amount of \$10,800,000 was approved by Council for enhanced energy saving features related to decarbonization, subject to approval of a senior government funding application for the Low Carbon Economy Challenge Fund. In early January 2023, staff were notified that that the City's application was not successful. As such, as per EICS-20-22 in the case where the application was not successful, the costs associated with the enhanced energy incentives under which the application was made (\$10.8 million) were not included.

Council also Directed the Executive Director of Environment Infrastructure and Community Services to proceed with next steps for prequalification of General Contractor and tendering of the Phase 1 construction contract in Q1 – 2023 for the renovation to the Robert Bateman Highschool into a community hub.

## **Strategy and Process**

A third-party Quantity Surveyor completed a Class A Cost Estimate prior to tender reflecting the current construction market and labour availability. To help control some of the volatility within the construction market, staff issued a Request for Prequalification (RFPQ) in late 2022. The RFPQ yielded seven (7) submissions and once evaluated, resulted in a shortlist of five (5) prequalified General Contractors, along with their mechanical and electrical subtrades. Of which, three (3) of the five (5) Prequalified General Contractors submitted pricing at time of tender closing. Refer to Appendix A, for a summary of the bids.

## **Project Features**

Phase 1 of the construction project as outlined in report EICS-20-22, will include extensive interior demolition, abatement, and renovations including:

- Upgrades to the base building systems, common spaces, and the main entrance.
- Site and parking adjustments to meet tenant and zoning requirements.
- New front entrance, open collaborative corridors and seating connecting the front to the rear of the facility.
- New central staircase and elevator

The Phase 1 renovations will accommodate the following tenants and uses:

- Brock University
- Burlington Public Library
- TechPlace
- Halton District School Board
- City of Burlington Operations
- Recreation and Community Culture programs involving the Triple gymnasium and amenities

Upon completion of the construction work, the facility will draw-in visitors and will bring together the community and other partner tenants within one space, capturing synergies between each group. The facility will provide public access to Library and common spaces, washrooms, triple gym, existing changerooms, and the existing pool.

### **Construction Schedule**

Subject to council approval of the tender award the following key milestones are anticipated:

- Construction mobilization Q2-2023
- Substantial performance and occupancy Phase 1 - April 30, 2025
- Total completion, including all deficiencies - June 30, 2025.

The above schedule has been communicated with our tenant partners.

### **Options Considered**

The building renovation and operations is designed to include decarbonization measures. A phased approach has been incorporated into the design to allow existing building elements, such as the roof, to achieve existing remaining life cycle and allow opportunity to pursue future energy conservation financial incentives.

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### **Financial Matters:**

As per EICS-20-22, Council approved a total base building construction of \$61.95 million. The total cost for this project at tender award is \$57.9 million, as outlined in Appendix B, resulting in the project being under budget by approximately \$4 million. The recommended financing plan is revised as follows:

**Table 1: Phase 1 Project Budget – Tender Award**

<b>Capital Financing</b>	<b>Budget EICS-20-22 December 2022</b>	<b>Tender Award April 2023</b>
Tenant Capital Contributions (Cash)	\$7,100,000	\$7,100,000
Non-Tax Supported Debt Financing		
Tenant recovery	\$11,750,000	\$11,750,000
Special Circumstance Debt (SCD) Financing	\$4,000,000	\$4,000,000
Tax Supported Debt Financing	\$39,100,000	\$35,064,000
<b>Total Proposed Financing</b>	<b>\$61,950,000</b>	<b>\$57,914,000</b>

The total cost of project is revised to \$57.9 million, and the tax supported debt financing is reduced to \$35.1 million, as per Table 1. This results in an annual tax supported debt payment of \$3.4 million. This City will still be exceeding its debt capacity, however, within the temporary overage parameters as outlined in EICS-20-22.

As mentioned above, Staff submitted an application to the Low Carbon Economy Challenge Fund in 2022. The application was made for \$10.8 million to complete works related to enhanced carbon reduction measures. Since, the application was unsuccessful, the costs associated with the enhanced energy incentives under which the application was made (\$10.8 million) are not included in the total project cost.

### **Other Resource Impacts**

Initial projections for annual operating costs for the facility are difficult to confirm in advance of completing design and construction, as more efficient modern systems are added to the facility. For estimating purposes only, staff has used a rate of \$8.50 per square foot annually which would equate to \$1.8 million annual operating cost, approximately 50% of this cost will be recovered from tenants. For the 2023 budget, the City included additional utility, and ground maintenance costs of \$351,200 related to the acquisition of the property. Additional net operating costs for phase 1 will be incremental to the 2023 budget and will be included in the multi-year simulation and future budgets. An Operational study will be done in 2023 when the full understanding of the design is complete, and building and operational requirements are determined for the needs of the building.

## Climate Implications

The decarbonization strategy for the facility will take place over several phases and projects. The first phase of the decarbonization process is included in this portion of the project.

In order to compare the reduction, the design team has created a “baseline” case for the building to give an example of energy use and GHG emissions for a facility with like for like replacement of equipment to today’s standard and not include upgrades to the envelope.

The baseline energy use and emissions for the facility are as follows:

<b><u>Baseline Scenario</u></b>		
	Energy Use (ekWh/year)	GHG Emissions (kg CO2e/year)
Electricity Usage	1,781,000	53,430
Natural Gas Usage	2,500,000	452,145
Total	4,281,000	505,575

The Energy Reduction Measures included in the current project scope includes the following;

- Upgrade the existing envelope, including additional insulation for walls and replacement of windows.
- Replacement of air handling units and terminal units throughout the building that will utilize ultra-low temperature heating water. Including piping and pumps where required.
- Energy Recovery, demand-controlled ventilation, and other energy efficiency improvements to HVAC systems.
- Addition of heat recovery chiller plant which are capable of heat pump operation to suit future geothermal system.
- A 17% reduction in overall energy use and a 32% reduction in GHG emissions from the baseline.

The reductions achieved through the above measures are shown below:

<b><u>Energy Use and GHG Emissions for Energy Reduction Measures</u></b>		
	Energy Use (ekWh/year)	GHG Emissions (kg CO <sub>2</sub> e/year)
Electricity Usage	1,960,000	58,800
Natural Gas Usage	1,583,000	286,298
Total	3,543,000	345,098

Future phases to the decarbonization of the site include two sections of a geothermal borefield along with additional heat pump chillers, a solar PV array, and roof insulation upgrades from R10 to R35.

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### **Engagement Matters:**

The city is working towards development of a communications and engagement plan for the renovation and conversion of the Bateman site for community uses and open space design. It is anticipated the plan will be brought forward to committee in May 2023 as directed in report EICS-02-23.

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### **Conclusion:**

Staff recommend that the RFT be awarded to Norlon Builders London Limited in the amount of \$51,734,188.44 including H.S.T (13%) for the Renovation and Conversion of the former Robert Bateman High School. The project is well positioned to provide increased economic prosperity and support community growth while supporting sustainable infrastructure. The community hub design incorporates improved accessibility and inclusivity to align with the needs of our community.

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Respectfully submitted,

Michael Otter, P.Eng., Project Manager, EICS on behalf of the Project Team

**Appendices:**

- A. Procurement Information
- B. Budget Summary

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

## Appendix A – Procurement Information

### Details

Advertised / Issue Date:	February 17, 2023
Advertised Method(s):	<input type="checkbox"/> OPBA <input checked="" type="checkbox"/> Bids & Tenders <input type="checkbox"/> Construction Association <input type="checkbox"/> Other (specify)
Closing Date:	April 6, 2023 – 2:00pm ET
Number of Bids Received:	3
Total Number of Compliant bids:	3

### Bid Results

The contract is awarded to the lowest compliant bidder. Provisional Pricing is included in bid total.

No.	Name of Company	Total Bid Including 13% HST
1	<b>Norlon Builders London Limited</b>	<b>\$51,734,188.44</b>
2	Collaborative Structures Limited	\$59,916,442.00
3	PRE-ENG Contracting LTD.	\$68,322,060.00
4		

## Appendix B – Tender Award Budget for Robert Bateman Renovation and Conversion

	PROJECT Dec'22 EICS-20-22 Approved Budget	PROJECT Tender Award April 2023
<b>CONTRACTED CONSTRUCTION</b>		
Contracted Construction	\$ 49,800,000	43,877,467.65
Allowances	\$ 1,813,000	1,905,000.00
HST (1.76%)	\$ 908,400	805,771.43
<b>Subtotal Contracted Construction (Net HST)</b>	<b>\$ 52,521,400</b>	<b>46,588,239.08</b>
Construction Contingency	\$ 3,680,000	4,500,000.00
<b>Total Contracted Construction</b>	<b>\$ 56,201,400</b>	<b>51,088,239.08</b>
<b>INTERNAL COSTS</b>		
Project Management	\$ 920,000	1,165,000
Site Plan & Building Permit, Moving Expenses, etc.	478,600	410,000
FF&E & IT	\$ 500,000	750,000
<b>Total Internal Costs</b>	<b>\$ 1,898,600</b>	<b>2,325,000</b>
<b>EXTERNAL COSTS</b>		
Consulting Fees (includes Commissioning, regulatory and other site related costs)	\$ 3,700,000	4,350,000
Geotechnical, Inspections & Testing	\$ 150,000	150,000
<b>Total External Costs</b>	<b>\$ 3,850,000</b>	<b>4,500,000</b>
<b>TOTAL PROJECT COSTS (ROUNDED)</b>	<b>\$ 61,950,000</b>	<b>57,914,000</b>



## Community Planning Department

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**SUBJECT: By-Law 22-2023, Part Lot Control Exemption By-law for 4880 Valera Road**

**TO:** Mayor and Members of Council

**FROM:** Melissa Morgan, Senior Planner

**Background:**

On March 30, 2023, a by-law (17-2023) was approved for the lands known as 4880 Valera Road (File 511-01/22) for the purposes of exempting the subject lands from Part Lot Control.

The legal description within by-law 17-2023 contains an error. The correct legal description is contained in report PL-31-23, which was approved under delegated authority. The purpose of by-law 22-2023 is to repeal by-law 17-2023 and replace it with by-law 22-2023 which contains the correct legal description, as noted in the staff report.

The Corporation of The City of Burlington

City of Burlington By-Law 19-2023

A By-law to amend By-law 83-2022, being a by-law to establish and impose certain 2023 rates and fess for services, activities, or the use of property

File: 435-03 (F-24-22)

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001*, authorize the City of Burlington to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the City of Burlington; and

Whereas Section 391(1) of the *Municipal Act, 2001*, as amended, authorizes the Corporation of The City of Burlington to impose fees and charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control; and

Whereas on December 13, 2022, Council approved report F-24-22 and passed By-law 83-2022 adopting 2023 Rates and Fees: and

Whereas Council of the City of Burlington has deemed it necessary to amend certain rates and fees in By-law 83-2022; and

Whereas it is desirable to amend Fire Emergency Response and Fire Prevention rates;

Now Therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The section entitled “Fire Emergency Response and Fire Prevention”, pages 47-51 of Schedule A of By-law 83-2022, is hereby deleted and replaced in its entirety with “Fire Emergency Response and Fire Prevention” pages 47-51, attached to this by-law as Appendix A.
2. That in all other respects By-law 83-2022, as amended, be and is hereby confirmed.
3. That this by-law comes into force the day it is passed.

Enacted and passed this 18<sup>th</sup> day of April, 2023.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_

## 2023 SERVICE RATES AND FEES

**Service: Fire Prevention**  
**Service Lead: Karen Roche**

Description of Service or Activity Provided or Use of City Property	2022 Base Rate	2023 Rate Increase	2023 Base Rate	Taxes Applicable
<b>ADMINISTRATION</b>				
Outstanding Work Orders and/or Violations (Property Files)	\$ 102.97	3.0%	\$ 106.06	YES
Fire Incident Report (Lawyer)	\$ 130.95	3.0%	\$ 134.88	YES
<b>FIRE PREVENTION REQUEST INSPECTION / COMPLIANCE</b>				
Non-Compliance Re-Inspection and Subsequent Inspections (Per Hour Rate, Per Inspector) <sup>(1)</sup>	\$ 82.79		\$ 83.62	YES
Fire Inspection 1 to 6 stories	\$ 438.27	0.0%	\$ 438.27	YES
Fire Inspection 7 to 15 stories	\$ 623.98	0.0%	\$ 623.98	YES
Fire Inspection 16+ stories	\$ 895.24	0.0%	\$ 895.24	YES
Occupant Load Determination / Recalculation	\$ 215.02	3.0%	\$ 221.47	YES
Fire Prevention Special Event Inspections (Per Hour Rate, Per Inspector) <sup>(3)</sup>	\$ 82.79		\$ 83.62	YES
Fire Safety Plan - Initial Review and Approval (Annual) (Fire Code Compliance)	\$ -	0.0%	\$ -	
Fire Safety Plan - Second and Subsequent Review(s) (Per Hour Rate)	\$ 82.79		\$ 83.62	
<b>LICENSE / COMPLIANCE INSPECTIONS</b>				
Liquor / Cannabis License Inspection	\$ 350.76	3.0%	\$ 361.28	YES

Day Care (Private Home - max. 5 children underage of 13)	\$ 175.33	1.0%	\$ 177.08	YES
Day Care (Licensed), Foster Care and Group Homes	\$ 359.49	3.0%	\$ 370.28	YES
<b>PROPANE - LICENCE APPLICATION REVIEW</b>				
Existing - 5000 USWG or Less	\$ 253.75	3.0%	\$ 261.36	YES
New/Modified - 5000 USWG or Less	\$ 527.80	3.0%	\$ 543.63	YES
Existing - 5000 USWG or Greater	\$ 507.50	3.0%	\$ 522.73	YES
New/Modified - 5000 USWG or Greater	\$ 1,055.60	3.0%	\$ 1,087.27	YES
Third Party Engineer or Firm - as required (100% cost recovery + propane inspection fee)	100% Cost Recovery + Fee		100% Cost Recovery + Fee	NO
<b>PERMITS</b>				
Open Air Burning Permit - Rural Area - Reference: Open Air Burning Bylaw	\$ -	0.0%	\$ -	
Open Air Burning Permit - Commercial / Landscape / Prescribed Burning - Reference: Open Air Burning Bylaw	\$ 156.32	3.0%	\$ 161.01	YES
Fireworks Pyrotechnic (High - Hazard) - Licensed under Federal Explosives Act - Fire Safety Planning Permit Required - Reference: Fireworks Bylaw	\$ 336.16	3.0%	\$ 346.24	YES
<b>COMPLAINT/CONTRAVENTION OF BYLAW / FIRE CODE</b>				
Complaint/Contravention - Open Air Burning - Rural Area Non- Permitted - Cost Recovery - Per Fire Apparatus - Reference: Open Air Burning Bylaw	\$ 485.00		\$ 543.03	NO
Complaint/Contravention - Open Air Burning - Urban Area Not Allowed - Cost Recovery - Per Apparatus - Reference: Open Air Burning Bylaw	\$ 485.00		\$ 543.03	NO

Complaint/Contravention - Display / Discharge of Family Fireworks - Day/Time/Location Not Permitted - Cost Recovery - Per Fire Apparatus - Reference: Fireworks Bylaw	\$ 485.00		\$ 543.03	NO
Complaint/Contravention - Display / Discharge of High Hazard Fireworks - Not Approved through valid Permit - Cost Recovery - Per Fire Apparatus - Reference: Fireworks Bylaw	\$ 485.00		\$ 543.03	NO
<b>FALSE ALARM RESPONSE <sup>2</sup></b>				
Working on System - Failure to Notify Fire Dept. - Initial & Subsequent Incident(s) - Per Apparatus	\$ 485.00		\$ 543.03	NO
<b>Pull Station, Malfunction, Accidental, Human Error - 1 &amp; 2. below = Per Apparatus</b>				
1. Dispatch of fire apparatus to 1st incident - Fire Prevention Follow-up / Order	\$ -		\$ -	NO
2. Dispatch of fire apparatus to 2nd and subsequent responses to false alarms	\$ 485.00		\$ 543.03	NO

**Notes:**

- When applicable, some fees are subject to additional charges for cost of attending personnel (hourly or overtime rate)

- The Fire Chief (or designate) has the authority to increase, decrease or cancel a fee based on case by case circumstances. All requests for review of fees must be provided in writing to the attention of the Fire Chief

1. Re-inspection fee is applicable for each subsequent inspection due to non-compliance. Hourly rate is based on the current collective agreement remuneration.

2. Per apparatus, per address, per 12-month period (not calendar year). MTO fees are provided by the Ministry of Transportation (MTO) and are subject to in year changes, current rates will be applied.

3. Fire Prevention Inspector rate for special events is based on the current collective agreement remuneration hourly overtime rate.

**Service: Fire Emergency Response**  
**Service Lead: Karen Roche**

Description of Service or Activity Provided or Use of City Property	2022 Base Rate	2023 Rate Increase	2023 Base Rate	Taxes Applicable
<b>EMERGENCY RESPONSE(S)</b>				
Standby Emergency Response Coverage Request (e.g., large special events) (per apparatus) (per attending personnel - overtime \$) (per hour - minimum 3 hours) <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	YES
Emergency Response - Retain Third Party Services - 100% Cost Recovery <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
<b>TECHNICAL RESPONSE(S)</b>				
Motor Vehicle Collision (MVC) Highways/ 407 ETR - Per Apparatus - Ministry of Transportation (MTO) <sup>(2)</sup>	\$ 485.00		\$ 543.03	NO
Motor Vehicle Collision (MVC) Municipal Street - Per Apparatus - Non-Resident <sup>(2)</sup>	\$ 485.00		\$ 543.03	NO
Motor Vehicle Fire (MVF) - Per Apparatus - Non Resident <sup>(2)</sup>	\$ 485.00		\$ 543.03	NO
MTO Administration (ARIS) Fee - Non-Resident - 100% Cost Recovery <sup>(3)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
Hazardous Material Spill Response -100% Cost Recovery <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
Technical Rescue -High Angle, Ice/Water, Confined Space, Trench-Non-Resident - 100% Cost Recovery <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
Environmental Service Calls-Fire remain on scene greater than 1 hour and/or failure of property owner or company to retain third party service or obtain utility service locate. <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO

<b>NON-EMERGENCY RESPONSE(S)</b>				
Fire Attend Special Event Request (festivals, shows, etc.) (per apparatus) (per FF overtime rate) (per hour-minimum 3 hours) <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
Fire Watch / Fire System Malfunction - Fire remain on scene greater than 1 hour (per attending personnel) (per hour) (overtime rate - minimum 3 hours) <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
Replacement of Emergency Response Equipment / Materials <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
Smoke and/or Carbon Monoxide Detector(s) (including Installation) (100% Cost Recovery) <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO
Non-emergency Response -Retain Third Party Services - 100% Cost Recovery <sup>(1)</sup>	100% Cost Recovery	0.0%	100% Cost Recovery	NO

**Notes:**

- When applicable, some fees are subject to additional charges for cost of attending personnel (hourly or overtime rate)

- MTO rates are established by the Ministry of Transportation of Ontario and updated by the province, fees may be increased in year to reflect a current \$ fee provided by the MTO.

- The Fire Chief (or designate) has the authority to increase, decrease or cancel a fee based on individual review. All requests for review of fees must be provided in writing to the attention of the Fire Chief

1. Full cost recovery of apparatus, equipment, supplies used (e.g., spill absorbent), attending personnel, retention of any third-party services (such as contractor, rental of special equipment, specialized services) to determine cause, suppress or extinguish, preserve property, prevent spread, make safe or otherwise mitigate an emergency.

2. Per apparatus, per hour, per additional fees incurred (e.g., spill absorbent), total cost equally divided by all parties involved. Shared charges billed to non-residents only. Rate established by the MTO for all fire services within the Province of Ontario. Fees subject to change as directed by MTO\*.

3. Search fee charged by MTO (Ministry of Transportation) administrative search fee, fee may be changed at anytime, as directed by MTO

The Corporation of the City of Burlington

City of Burlington By-law 20-2023

A by-law to repeal and replace By-law 09-2020 being a by-law to establish and appoint positions of Screening Officer and Hearing Officer  
File: 110-04-1 TS-10-23

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") authorize The Corporation of the City of Burlington to pass by-laws necessary or desirable for municipal purposes; and

Whereas subsection 102.1(1) of the *Municipal Act, 2001* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles; and

Whereas the Province adopted the Administrative Penalties Regulation O.Reg. 333/07 pursuant to the *Municipal Act, 2001* which applies to administrative penalties in respect of the parking, standing or stopping of vehicles; and

Whereas under the Administrative Penalties Regulation a person who receives a Penalty Notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality; and

Whereas under the Administrative Penalties Regulation, a person who receives notice of a decision from a Screening Officer shall have the right to a review of the Screening Officer's decision by a Hearing Officer appointed by the municipality; and

Whereas section 425 of the *Municipal Act, 2001* authorizes The Corporation of the City of Burlington to pass by-laws providing that a person who contravenes a by-law of the City of Burlington passed under that Act is guilty of an offence; and

Whereas the City of Burlington passed the Administrative Penalty By-law 40-2016, as amended, being a by-law to establish a system of administrative penalties respecting the stopping, standing or parking of vehicles in the City; and

Whereas the City of Burlington considers it desirable and necessary to establish the position of a Screening Officer and a Hearing Officer who may be delegated quasi-judicial and other authority under various City By-laws and which are required for the operation of the City's Administrative Penalty By-law.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

## PART 1 - DEFINITIONS

### 1. In this By-law:

“Administrative Penalty” means a monetary penalty imposed for a contravention of a Designated By-law as set out in the Administrative Penalty By-law;

“Administrative Penalty By-law” means the City’s Administrative Penalty By-law 40-2016, as amended or replaced from time to time;

“City” means The Corporation of the City of Burlington;

“City Manager” means the City Manager of the City or their designate;

“Council” means the elected council of the City;

“Person” includes a corporation, partnership or limited partnership;

“Power of Decision” means a power or right, conferred by or under this By-law and the Administrative Penalty By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any Person:

- (a) In the case of a Screening Officer, in respect of a request to review an Administrative Penalty; and
- (b) In the case of a Hearing Officer, in respect of an appeal from a Screening Decision.

“Hearing Officer” means a person from time to time appointed by Council pursuant to this By-law, and is deemed to be a person who is not an employee of the City but who holds an administration position of the City in accordance with section 258 of the *Municipal Act*, 2001;

“Regulation” means the Administrative Penalties Regulation O. Reg. 333/07, as amended;

“Relative” includes any of the following persons:

1. Spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
2. Parent;
3. Child including a step-child and grandchild;
4. Siblings and children of siblings;
5. Aunt, uncle, niece, nephew;
6. In-laws, including mother father sister, brother, daughter, and son; or

7. Any other person who lives with the person on a permanent basis;

“Screening Officer” means a person from time to time appointed by the City Manager pursuant to this By-law; and,

“Screening Decision” means a notice which contains the decision of a Screening Officer.

## **PART 2 – SCREENING OFFICER**

2. The position of Screening Officer is established for the purpose of exercising a Power of Decision in the review of an Administrative Penalty in accordance with the City’s Administrative Penalty By-law.
3. A Screening Officer shall have all of the powers of review as set out in the City’s Administrative Penalty By-law and the Regulation.
4. A Screening Officer shall be appointed by the City Manager for such period and subject to such terms and conditions as may be determined by the City Manager in accordance with the City’s employment or contract policies and guidelines.
5. The following are not eligible for appointment as a Screening Officer:
  - a. A member or Relative of a member of Council of the City;
  - b. A person indebted to the City other than:
    - (a) in respect of current real property taxes; or
    - (b) pursuant to an agreement with the City the terms with which the person is in compliance.
6. City Manager may revoke the appointment of a Screening Officer at any time.

## **PART 3 – HEARING OFFICER**

7. The position of Hearing Officer is established for the purpose of exercising a Power of Decision in the appeal of a Screening Decision in accordance with the City’s Administrative Penalty By-law.
8. The Hearing Officer shall have all of the powers of review as set out in the City’s Administrative Penalty By-law and the Regulation.
9. A Hearing Officer shall be appointed by Council.
10. The following are not eligible for appointment as a Hearing Officer:

- a. A member or Relative of a member of Council of the City;
  - b. An employee or past employee of the City of Burlington; or,
  - c. A person indebted to the City other than:
    - (a) in respect of current real property taxes; or
    - (b) pursuant to an agreement with the City the terms with which the person is in compliance.
11. Hearing Officers shall be appointed from the date the Hearing Officer's appointment is approved by Council, until the earlier of:
- a. The appointment is cancelled or revoked; or,
  - b. the term of that Council ends; or,
  - c. if the term of that Council ends with no successor having been appointed, until the Hearing Officer's successor has been appointed.
12. A Hearing Officer shall be remunerated at the rate from time to time established by Council.
13. Council may revoke the appointment of a Hearing Officer at any time.

#### **PART 4 – GENERAL PROVISIONS**

14. No Person shall attempt to, directly or indirectly, communicate with or influence a Screening Officer or a Hearing Officer respecting the determination of an issue respecting a Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except for:
- a. a Person who is entitled to be heard in the proceeding or the Person's lawyer or licensed paralegal; and
  - b. only by that Person or the Person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises.
15. Section 14 does not prevent a Screening Officer or a Hearing Officer from seeking and receiving legal advice.
16. Every Person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction, to a fine, and such other penalties, as provided for in the Provincial Offences Act, R.S.O. 1990, c. P33, and the *Municipal Act, 2001*, as both may be amended from time to time.
17. The persons listed in Schedule 1 of this By-law are hereby appointed as Hearing Officers.
18. Schedule 1 forms part of this By-law.

19. The Screening and Hearing Officers shall have no authority to further delegate their powers or duties.
20. This By-law may be referred to as the "Screening and Hearing Officer By-law".
21. That By-law No. 09-2020 is repealed as of the date of passing of this By-law.
22. The repeal of By-law No. 09-2020 shall not affect any Screening Officer appointments that were made under that by-law and those shall continue as if By-law No. 09-2020 has not been repealed.

Enacted and passed this 18<sup>th</sup> day of April, 2023.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_

The Corporation of the City of  
Burlington City of Burlington By-law

20-2023

Schedule "1"  
Hearing Officers

NAME	Appointment Date
Diane Hall	30 March 2023
Rosemary Ortiz	30 March 2023
Roberta Craig	30 March 2023

The Corporation of the City of Burlington

City of Burlington By-law 21-2023

A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for a Confidential Land Acquisition  
File: 575-03-N.64 (L-23-22)

Whereas pursuant to subsections 401(1) and (2) and 404(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, a municipality may incur a debt for municipal purposes, whether by borrowing money or in any other way, and may issue debentures and prescribed financial instruments and enter prescribed financial agreements for or in relation to debt and in the case of a lower-tier municipality within a regional municipality a request must be made to the regional municipality to issue debentures on its behalf for the purposes of incurring debt;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The City of Burlington requests that, for the purpose of a confidential land acquisition, the total cost of which is Thirty One Million, One Hundred and Sixty Thousand, Seven Hundred and Fifty Dollars (\$31,160,750), that the Regional Municipality of Halton be requested to raise by the sale of debentures, the equivalent sum of Nine Million, Four Hundred and Twenty Thousand Dollars (\$9,420,000), in non-tax Supported Debt, repayable over a period of ten (15) years at such a rate as the Council of the Regional Municipality of Halton may determine.
2. This by-law comes into force upon enactment.

Enacted and passed this 18<sup>th</sup> day of April, 2023.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_

The Corporation of the City of Burlington

City of Burlington By-Law 22-2023

A By-law to repeal and replace By-law 17-2023, being a By-law to exempt Part of Block 132, Plan 20M1007 designated as Parts 1-112, Plan 20R22365, all in the City of Burlington, in the Regional Municipality of Halton, from the provisions of Part Lot Control under the *Planning Act*, R.S.O. 1990, c. P.13 as amended.  
Adi Development Group  
File: 511-01/22 (PL-31-23, DA-29-23)

Whereas pursuant to subsection 50(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, a municipality may pass a by-law exempting the lands contained in a given registered plan of subdivision from the part lot control provisions of subsection 50(5) of the Act;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Part of Block 132, Plan 20M1007, designated as Parts 1-112, Plan 20R22365 in the City of Burlington, Regional Municipality of Halton, on which it is proposed to create 70 townhouse units, a common element road and associated easements and visitor parking, are hereby exempt from part lot control.
2. That this by-law shall expire two years from the date of its passing.
3. That By-law 17-2023 is repealed.

Enacted and passed this 18<sup>th</sup> day of April, 2023.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_

The Corporation of the City of Burlington

City of Burlington By-law 23-2023

A by-law to confirm the proceedings of the meeting of Council of the Corporation of the City of Burlington held on Tuesday, April 18, 2023

Whereas according to Section 5 of the *Municipal Act*, 2001, c. 25 as it may be amended from time to time, the powers of The Corporation of the City of Burlington are to be exercised by the Council of The Corporation of the City of Burlington and municipal powers are to be exercised by by-law; and

Whereas it is deemed expedient that the actions of the Council of The Corporation of the City of Burlington be confirmed and adopted by by-law;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The actions of the Council of The Corporation of the City of Burlington in respect of:
  - (a) each recommendation in the report of the Committees;
  - (b) Each motion, resolution and other action passed and taken by the Council of The Corporation of the City of Burlington at this meeting are hereby adopted and confirmed as if same were expressly included in this by-law.
2. The Mayor and the proper officials of The Corporation of the City of Burlington are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Burlington referred to in Section 1.

By-law number 23-2023

- 2 -

3. The Mayor, or in the absence of the Mayor, the Deputy Mayor, and the Clerk, or in the absence of the Clerk, the Deputy Clerk,
  - a) are authorized and directed to execute all documents necessary to the action taken by Council as described in Section 1, and
  - b) Are authorized and directed to affix the seal of The Corporation of the City of Burlington to all such documents referred to in Section 1.
4. This by-law comes into force on the day upon which is enacted by the Council of the Corporation of the City of Burlington.

Enacted and passed this 18<sup>th</sup> day of April, 2023.

Mayor Marianne Meed Ward \_\_\_\_\_

City Clerk Kevin Arjoon \_\_\_\_\_