



Environment, Infrastructure and Community Services Committee Meeting
Agenda

Date: June 1, 2023
Time: 9:30 a.m. and immediately following the 1:00 p.m. Council meeting and 6:30 p.m. (if required)
Location: Hybrid meeting- virtual and Council Chambers, City Hall
Contact: Committee Clerk, Suzanne.Gillies@burlington.ca, 905-335-7600, x 7862

Pages

1. Declarations of Interest:

2. Delegation(s):

Standing committee and City Council meetings are held using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person at city hall, 426 Brant St.

Requests to delegate to this hybrid meeting can be made by completing the online delegation registration form at www.burlington.ca/delegate, by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca or by phoning 905-335-7600, ext. 7481 by noon the business day before the meeting is to be held. It is recommended that virtual delegates include their intended remarks, which will be circulated to all members in advance, as a backup to any disruptions in technology issues that may occur.

If you do not wish to delegate, but would like to submit correspondence, please email your comments to clerks@burlington.ca. Any delegation notes and comments will be circulated to members in advance of the meeting and will be attached to the minutes, forming part of the public record.

3. Consent Items:

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to queries on items contained in the Consent Agenda.

- 3.1 Construction and Mobility Management Policy update (ES-05-23) 1 - 15
- Approve amending By-law XX-2023 a By-law to amend Municipal Consent By-law 65-2021, attached as Appendix B to engineering services department report ES-05-23; and
- Approve the Municipal Consent Reserve Fund By-law XX-2023, attached as Appendix C to engineering services department report ES-05-23
- 3.2 Lansdown Park and Palmer Park renewal (ES-26-23) 16 - 21
- Approve the revised scope and increase in project budget for Lansdown Park and Palmer Park Tennis/ Pickleball Court reconstruction as outlined in engineering services department report ES-26-23; and
- Approve the following revised total budgets:
 -\$2.2 million for Lansdown Park (PR0232)
 -\$150,000 for Palmer Park – Tennis/ Pickleball Courts (PR0227); and
- Authorize the additional funding in the amount of \$340,000 from the Capital Purposes Reserve Fund.
- 3.3 Grading and Drainage Clearance Certificate By-law amendment (ES-03-23) 22 - 30
- Approve By-law XX-2023, attached as Appendix A of engineering services department report ES-03-23, a By-law to amend By-law 52-2018 Grading and Drainage Clearance Certificate providing revisions to definitions and policy to prohibit or regulate the placing or dumping of fill, removal of topsoil or fill, alteration of the grades and drainage of residential lands that contain ten (10) residential units or less.
- 3.4 Community gardens update (RCC-06-23) 31 - 39
- Receive and file recreation, community and culture department report RCC-06-23 regarding the Community Garden Program.

3.5 Public tree removal report – 603 Woodland Avenue (RPF-14-23) 40 - 52

Approve the request by the applicant to remove (1) public tree in order to proceed with the proposed two-storey detached dwelling as outlined in roads, parks & forestry report RPF-14-23; and

Instruct the applicant, David Carrothers to provide compensation for the public tree removal by providing cash-in-lieu of replacement totaling \$1,000.00; and

Direct that a tree permit be obtained for the public tree removal and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public tree (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

3.6 Public Tree By-law amendment (RPF-06-23) 53 - 57

Approve amending By-law XX-2023 in Appendix A to roads, parks & forestry department report RPF-06-23, a By-law to amend By-law 68-2013 Public Tree Bylaw.

3.7 Tree planting initiatives (RPF-05-23) 58 - 70

Direct the Director of Roads, Parks, and Forestry to amend Bylaw 55-2020 Tree Planting Initiatives Reserve Fund By-law in consultation with Legal Services and Finance to enhance the useability of the Tree Planting Reserves by including funding for tree establishment and enhancement initiatives; and

Authorize the Manager of Urban Forestry to develop a Community Tree Planting Grant Application and process for community supported tree planting and canopy enhancement initiatives.

4. Regular Items:

- 4.1 Motion Memo - sponsoring delegation to speak regarding use of plastics (EICS-C-02-23) 71 - 72

Receive the delegation from Michelle Break regarding plastic waste reduction in Burlington.

- 4.2 Halton Digital Access Strategy (EICS-09-23) 73 - 88

1. Endorse the following actions:

- a. Adopt the business case in respect of the creation and operation of a Municipal Services Corporation (“**MSC**”) as described in environment, infrastructure and community services report EICS-09-23;
- b. Receive the results of public consultation in respect of the creation and operation of a MSC as described in environment, infrastructure and community services report EICS-09-23;
- c. Endorse the creation and operation of a MSC to be known as “Halton Digital Access Services Corporation” (“**HDASC**”) as described in environment, infrastructure and community services report EICS-09-23;
- d. Adopt the Transfer Policy as described in Attachment 1 to environment, infrastructure and community services environment, infrastructure and community services report EICS-09-23;
- e. Authorize the City Manager to act as an incorporator of HDASC;
- f. Approve the subscription for shares in the capital of HDASC by the City;
- g. Nominate and authorize the City Manager to be City’s representative on the HDASC Board of Directors;
- h. Approve the City entering into the following agreements described in environment, infrastructure and community services report EICS-09-23 all with content satisfactory to the City Manager, and in form satisfactory to the Executive Director of Legal Services and Corporation Counsel:
 - i. Unanimous Shareholders Agreement;
 - ii. HDASC Municipal Pole License Agreement
 - iii. Any such related agreements, forms or other documents that the City Manager deems are reasonably required for the creation or operation of HDASC,

- i. Approve the City, as a shareholder of HDASC, to authorize HDASC to enter into, adopt or approve as the case may be the following all with content satisfactory to the City Manager, and in form satisfactory to the Executive Director of Legal Services and Corporation Counsel:
 - i. Unanimous Shareholders Agreement;
 - ii. HDASC Municipal Pole License Agreements;
 - iii. Loan Agreement and related ancillary documents;
 - iv. Any such related agreements, resolutions, by-laws, forms or other documents the City Manager deems are reasonably required for the creation or operation of HDASC,
- j. Authorize the City Manager, in his capacity as a director of HDASC, to execute any such agreements documents, or forms and to do such other things as are reasonably required as a director of HDASC;
- k. Authorize the Mayor and City Clerk to execute agreements on behalf of the City including in its capacity as a shareholder of HDASC, and to sign such other documents, agreements or forms as are reasonably required of the City including in its capacity as shareholder for the creation and operation of HDASC; and

2. Direct the City Clerk to send a copy of environment, infrastructure and community services report EICS-09-23 to the Region of Halton and the Towns of Halton Hills, Milton and Oakville for their information.

4.3 Former Robert Bateman High School – communication and engagement update (RCC-10-23)

89 - 115

Receive and file recreation, community and culture department report RCC-10-23 Former Robert Bateman High School - Communication and Engagement update; and

Direct the Director of Corporate Communications and Engagement and the Director of Recreation, Community and Culture to execute the communications and engagement tactics included as Appendix A or recreation, community and culture department report RCC-10-23.

- 4.4 Private Tree By-law Program update (RPF-04-23) 116 - 130
- Receive and file the roads, parks and forestry department report RPF-04-23 which provides a program update with respect to the Private Tree By-Law and related activities.
- 4.5 Future vision of the Waterfront Centre (RCC-09-23) 131 - 137
- Direct the Executive Director of Environment, Infrastructure and Community Services to retain a consultant to provide options for the capital renewal and/or replacement of the outdoor amenities at the Waterfront; and
- Authorize the Chief Financial Officer to transfer \$60,000 from the Waterfront Reserve Fund to fund the study as outlined in recreation, community and culture department report RCC-09-23.
- 4.6 Better Homes Burlington Program (EICS-04-23) 138 - 154
- Approve the establishment of the Better Homes Burlington Energy Retrofit Pilot Program to provide a maximum of twenty loans to Burlington homeowners who meet program eligibility criteria to support the implementation of air source heat pumps as outlined in environment, infrastructure and community services report EICS-04-23; and
- Approve By-law No. XX-2023, being the Better Homes Burlington Energy Retrofit By-law, substantially in the form attached as Appendix A to environment, infrastructure and community services report EICS-04-23, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel, or designate; and
- Authorize the Executive Director of Environment, Infrastructure and Community Services, or designate, to execute necessary agreements with each homeowner participating in the Better Homes Burlington Energy Retrofit Program, and any extension thereto, with content satisfactory to the Manager of Environmental Sustainability, or designate, and form satisfactory to the Executive Director of Legal Services and Corporation Counsel or designate; and
- Direct the Executive Director of Environment, Infrastructure and Community Services to monitor and assess the results of the Better Homes Burlington pilot program and report back to council in one year with recommended next steps.

5. 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:

5.1 Confidential Bell Canada project update (ES-28-23)

Pursuant to Section 239(2)(i) of the Municipal Act, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the city or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations if a person, group of persons, or organization.

5.2 Confidential Attachment 2 to Halton Digital Access Strategy regarding a commercial report (EICS-09-23)

Pursuant to Section 239(2)(i) of the Municipal Act, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the city or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations if a person, group of persons, or organization.

6. Rise and Report from Closed Session:

7. Procedural Motions:

8. Information Items:

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:



SUBJECT: Construction and Mobility Management Policy update
TO: Environment, Infrastructure & Community Services Cttee.
FROM: Engineering Services Department

Report Number: ES-05-23

Wards Affected: All

File Numbers: 570.02-1060

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Approve amending By-law XX-2023 a By-law to amend Municipal Consent By-law 65-2021, attached as Appendix B to engineering services department report ES-05-23; and Approve the Municipal Consent Reserve Fund By-law XX-2023, attached as Appendix C to engineering services department report ES-05-23

PURPOSE:

Vision to Focus Alignment:

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

Background and Discussion:

In September 2019, Council approved Capital Works report CW-27-19 which recommended the creation of a Construction and Mobility Management Policy (CMMP) to address impacts on public road allowances resulting from the construction of larger scale developments requiring site plan approval under the Planning Act. The CMMP was amended along with the Grading and Drainage Clearance Certificate By-Law 52-2018 in June 2020 by Council (Capital Works Report CW-15-20) to address impacts from low density residential infill development that is not subject to site plan approval under the Planning Act.

This policy establishes the requirements of construction activities associated with a proposed development to ensure that the construction does not adversely impact public health and safety, public amenities, traffic or the environment in the surrounding area.

The plan may include but not be limited to the following principles:

- Minimize the impacts to sidewalks, cycling facilities, parking and streets during the construction; and
- Manage this construction project in coordination with other developments proceeding concurrently and in close proximity, while maintaining an active city for residents and businesses.

At the April 6,2022 Corporate Services, Strategy, Risk & Accountability Committee, a confidential update report on the Construction Mobility Management Plan (L-12-22) was provided to Council for information.

Strategy/process

City staff believe that a CMMP is a valuable tool in the regulation of construction that occurs throughout the development process, but it could be more efficiently managed through our existing Municipal Consent permit. The Municipal Consent Bylaw 65-2021 regulates the construction, road cuts and road occupancies located on City owned road allowances, or other property under the jurisdiction of the City. In discussions with other Municipalities, the use of this type of permitting allows for clarity with the construction process through a range of all applicant types (Developer/Utility/Resident) and allows for a transparency in the administration, inspection, and enforcement of any submitted plans.

The Municipal Consent Bylaw can be amended to extend to all “street work and publicly owned land”, defined as: Includes any excavating in streets, and installing, repairing, replacing, extending or operating and maintaining any equipment, structure or device located in, on, over, along, across, or under a street. This permit would also be required for “temporary street occupations”, defined as: The occupation of any portion of a street for the placing of any barricade, covered pedestrian walkway, construction site fencing, hoarding, machinery, materials or other objects, hoisting, tower crane, or transporting excess loads, or carrying out any street work that does not require excavating in a street.

Financial Matters:

The creation of a dedicated reserve fund for the Municipal Consent permit fees allows for the recuperation of costs related to any staff time and City resources required for the administration and enforcement of the Municipal Consent Bylaw for work undertaken within the City right of way.

This reserve fund will be fully funded from external revenues and permit fees as updated by Council in the Rates and Fees Bylaw. Funds from the reserve fund will also allow for repairs to the City Infrastructure located within the right of way to be carried out when damaged by third party contractors that are not carrying out work on behalf of the City.

Total Financial Impact

There is no financial impact on the corporation as all costs and fees are recovered through permitting.

Source of Funding

Funding for the delivery of the CMMP will be through revenues from permit fees.

Other Resource Impacts

The additional administrative requirements associated with the inspection and enforcement of Construction & Mobility Management Plans may result in the need for additional staff resources. Staff are currently examining the creation of a Right of Way Corridor group through the Designing and Evolving Our Organization (DEOO) process internally and if additional staff are required, will be bringing a future report to Council for approval. The administration and enforcement of the CMMP will fall within this area of responsibility.

Climate Implications

Through the CMMP staff can better schedule and protect for construction in the public right of way by external parties to ensure that the roadway and city assets are not unnecessarily removed and replaced before their end-of-life cycle thus reducing the amount of waste generated from construction within Burlington.

Engagement Matters:

Not Applicable.

Conclusion:

The proposed bylaw amendments will allow for enforcement of the CMMP policy and improve the City's ability to manage private work occurring within the City owned right of way.

The creation of a dedicated reserve fund for managing third party work within the right of way will allow for proper staffing levels to deliver this service efficiently during the peaks and valleys of construction seasons.

Respectfully submitted,

Scott Hamilton, P.Eng.

Director of Engineering Services

905-335-7600 ext. 7812

Appendices:

- A. CMMP Policy – Amended May 3,2023
- B. Municipal Consent Bylaw 65-2021 amendments
- C. Municipal Consent Reserve Fund Bylaw XX-2023

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

Construction and Mobility Management Policy

Amended: May 3, 2023

The intent of the Construction and Mobility Management Policy is to establish new guidelines for the approval and regulation of construction activities associated with land development and to ensure that land development does not adversely impact public health and safety, amenity, traffic or the environment in the surrounding area.

The policy is based on the following principles:

- Minimize the impacts to sidewalks, cycling facilities, parking and streets during the construction associated with land development; and
- Managing multiple developments, potentially in close proximity, while maintaining an active city for residents and businesses.

The Director of Engineering Services shall be responsible for the administration of this policy. The Director shall be authorized to amend or revise the policy requirements and/or guidelines, from time to time, provided that the policy amendment(s) or revision(s), as the case may be, are in a form satisfactory to the City Solicitor.

Requirements

Developers will be required to provide a Construction and Mobility Management Plan (CMMP), for approval, with every development application (as identified in the City of Burlington Official Plan), such that staff are able to evaluate feasibility and impact to the public road allowance. The CMMP shall be completed in accordance with the CMMP Guidelines in Schedule A and to the satisfaction of the Director of Engineering Services and the Director of Transportation Services.

Schedule A

Construction and Mobility Management Guidelines

The following is an index of the Construction and Mobility Management requirements:

1. General Requirements

- 1.1 Construction and Mobility Management
- 1.2 Additional Requirements
- 2. Public Communication**
- 3. Municipal Consent Permit**
- 4. Securities**

1. General Requirements

An applicant shall pre-consult with Engineering Services and Transportation Services staff prior to submitting a Construction and Mobility Management Plan (CMMP). Through pre-consultation, City staff shall outline CMMP constraints and restrictions, including but not limited to emergency access roads that shall not be impacted and/or sidewalks and/or driving lane closures that will not be permitted.

The requested information shall be provided in writing or on a drawing as agreed upon with staff for low density residential development.

For Mid/High Density Construction, the CMMP shall be a drawing that is plotted on a 24" x 36" sheet and to an acceptable scale. The proposed works shall be underlain by a legal survey. The CMMP shall indicate all existing property lines as well as any required road widening(s) and/or daylight and visibility triangle(s).

1.1 Construction and Mobility Management

The following construction management information shall be shown on the CMMP:

- Proposed limits of construction;
- Proposed construction staging areas, including any staging areas required on the City's road allowance for concrete pours, material deliveries, site servicing, etc. and written justification for any construction staging areas on the City's road allowance;
- Show all existing above/below grade services and/or utilities;
- Show the limits of underground parking and dimension distance from the property lines. All elements of the underground parking structure (i.e. walls, foundation drains, shoring, etc.) are required to be within the limits of the subject property;
- Proposed temporary/permanent encroachments on the City's road allowance and written justification for any required encroachment on the City's road allowance;
- Should there be private encroachments onto adjacent properties, a letter (agreeing to such an encroachment from the affected party) shall be submitted to the City;
- Proposed location of mud mat and vehicle wash down area;

- Proposed location of site trailer, material storage and sanitary facilities prior to, during and following excavation for the underground parking structure;
- Written notification of construction sequence including start-finish for any occupancies/closures; and
- Proposed location of crane assembly and swing radius.
- Proposed truck haulage route, location of truck stacking and trades parking (Parking Management Plan may be required);
- Proposed traffic control measures, specifically addressing signage and/or any lane closures/restrictions (All related signing as per OTM Book 7);
- Pedestrian control measures, specifically addressing signage, sidewalk closures/restrictions and pedestrian routing; and
- Temporary and permanent asset removals and relocations (i.e. street lights, parking meters, street signs, etc.);
- Full street and/or lane closures shall be strongly discouraged and generally not permitted, unless extenuating circumstances (which have been mutually agreed to by the developer and the Director of Transportation Services) exist;
- Sidewalk closures are not permitted unless extenuating circumstances (which have been mutually agreed to by the developer and the Director of Transportation) exist. Closure of sidewalks adjacent to Arterial streets is not permitted under any circumstance;
- Loss of on-street parking is not permitted unless extenuating circumstances (which have been mutually agreed to) exist and financial compensation for loss of parking may be required;
- Hoarding and protection shall be provided to safe-guard pedestrians;
- Shoring and formwork must be contained within the limits of the development site. This will result in the potential elimination of “Zero set-backs”. No formwork encroachments will be allowed on City property or road allowances; and
- Anchor rods will be permitted to encroach into the road allowances, but will be subject to an Encroachment Agreement, agreeable to the Director of Engineering Services

1.2 Additional Requirements

- The developer shall be responsible to provide a staging and mitigation plan, to be approved by the City and implemented by the developer;
- Coordination of closures between existing and/or proposed adjacent developments as well as other construction projects (i.e.: City and/or Region of Halton projects, utility company projects and City events) must occur. The developer in consultation with the City will be responsible to coordinate financial or otherwise with the above mentioned, to the satisfaction of the City;
- Any encroachments/obstructions shall be progressively removed as the project proceeds including but not limited to moving construction

containers/offices/sanitary facilities into the site once construction is above ground, reinstating/repairing sidewalks, curbs and asphalt). The City may request removal of the above at its sole discretion;

- If site dewatering is required, dewatering equipment and method (quantity/quality controls) shall be shown on the drawing;
- Waste management (dumpster/totes) would need to be located on-site or off-site and within staging areas with plan showing pickup and access routes.

2. Public Communication

The applicant/builder shall be responsible to provide the following:

- Preconstruction written notices shall be sent to schools and the school boards, where construction traffic will be passing school properties;
- Include all project information on a sign at the project site (including but not limited to phone number, email address, fax, website, etc.). Additionally, include the project schedule (anticipated completion date) and general working hours.

In addition to the Public Communication requirements listed above, Mid/High Rise Developers shall be responsible to submit for approval a Public Communication Plan. The Plan shall include, but not be limited to, the following:

- A preconstruction written notice shall be sent out to all adjacent properties and along the construction access routes, all Emergency agencies (fire, police, and ambulance) as well as any impacted bus authorities (Burlington Transit, GO Transit and School Boards);
- An onsite supervisor shall be appointed and a phone number shall be posted onsite and to adjacent residents;
- 48 hours of written notice shall be provided to adjacent properties should any construction operations produce impacts beyond the normal day-to-day operations of the site (including but not limited to excessive noise and/or vibration, unanticipated construction traffic including large-type deliveries, temporary road closures, any disruption to public transit, etc.);
- Informing of the Mayor and Ward Councillor, business community, residents;
- A link to the development website and social media, to provide construction updates and contact information; and
- Indicate on-site emergency protocols (shall comply with the Ministry of Labour requirements).

3. Municipal Consent Permit

Prior to starting the project, a Municipal Consent Permit shall be obtained from Engineering Services for any temporary occupation of City public property, City owned road allowance or right-of-way, including but not limited to construction staging or equipment/material storage.

4. Securities

Securities for damage to the right of way and ongoing maintenance required during the construction are already a requirement of the Municipal Consent permitting process. These securities are retained until permit closeout. Additional securities may also be taken for road damage along the proposed haulage route during excavation and construction.

The Corporation of the City of Burlington

City of Burlington By-law XX-2023

A by-law to amend By-Law 65-2021 being a by-law to regulate the construction, road cuts and road occupancies located on City owned road allowances, or other property under the jurisdiction of the City.

File: XXX-XX CM-XX-23 and BB-XX-23

Whereas pursuant to Section 44(1) of the *Municipal Act, 2001*, the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge; and

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, paragraphs 4, 5, 6, 8 of subsection 11(2) authorize by-laws respecting public assets of the municipality, the economic, social and environmental well-being of City, the safety and well-being of persons, the protection of persons and property; and

Whereas the City of Burlington is responsible for ensuring that:

- Persons are protected from injury;
- property is protected from damage; and
- disruption is minimized for those using the road as well as for abutting properties,

when work is carried out and equipment is installed on, in or under its roads or city owned property; and

Whereas the *Municipal Act, 2001* authorizes the City of Burlington, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work;

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

1. Part 1 “Definitions” section of By-law 65-2021 is amended by adding the following definitions in alphabetical order, with the other subsections renamed/renumbered accordingly:

“**Administrative Monetary Penalties By-law**” means the Administrative Penalties By-law of the City of Burlington, as amended or replaced from time to time.

“**Administrative Penalty**” means an administrative penalty established by this By-law

and specified in the Administrative Monetary Penalties By-law;

“city owned property” means any property under ownership temporary or permanent by The Corporation of the City of Burlington.

“temporary occupation” means the temporary occupation of any portion of city owned property for the placing or operation of any machinery, vehicles, storage containers, waste bins, materials, mobile cranes, construction safety fencing, overhead construction safety fencing, temporary/mobile construction officer trailers, hoists and platforms, temporary construction driveway accesses, crane booms extending from other land into the airspace over a road and such other objects or property set out and described in the City Standards from time to time;

2. Part 1 “Definitions” section of By-law 65-2021, is amended by amending the following definitions:

“equipment” is amended by adding the words “mechanical equipment, hoarding” immediately after the words “limited to”.

“excavation” is amended by adding the words “or city owned property” directly after the words “of a road”.

“road” is amended by adding the word “easement” directly after the word “driveway”.

“work” is amended by adding the words “any temporary road occupation or” directly after the word “means” and adding the words “city owned property” directly after the word “affects any” and adding the words “engineering, investigation” directly after the words “includes any”.

3. Section 3.1 of By-law No. 65-2021 is amended by adding the words “and city owned property” directly after the word “roads”.
4. Section 3.3 of By-law No. 65-2021 is amended by adding the words “and their designate” directly after the word “Director”.
5. Section 4.1 of By-law No. 65-2021 is amended by adding the words “and their designate” directly after the word “Director”.
6. Section 5.1(1) of By-law No. 65-2021 is amended by adding the words “or occupy any city owned property” directly after the words “any work” and by deleting the words “or alter, obstruct, damage, or engage in any activities which may result in an alteration, obstruction or damage of a road” which appear directly before the words “without first obtaining” and adding the words “and the City Standards.” directly after the word “By-law”.

7. Section 5.9 of By-law No. 65-2021 is amended by adding the words “and/or city owned property” directly after the words “on a road”.
8. Section 6.1 of By-law No. 65-2021 is amended by adding the words “meets all the requirements of the City Standards and” directly after the words “Director that” and directly before the word “includes” and insert the words “but is not limited to:” directly after the word “includes”.
9. Subsection (d) of section 6.1 of By-law No. 65-2021 is amended by adding the words “partial or full” directly after the word “proposed” and adding the words “bicycle lane, multi-use path” directly after the word “closure”.
10. By-law No. 65-2021 is amended by deleting section 6.3 in its entirety and replacing with the following new sections 6.3:

6.3 The Director may refuse to issue a permit if any one or more of the following circumstances apply:

- (a) The application for a permit;
 - (i) Is incomplete or inaccurate
 - (ii) Is not in compliance with this By-law or the City Standards; or
- (b) In the reasonable opinion of the Director having regard to public safety, the efficient administration, use and protection of the road or city owner property:
 - (i) There is no available space to accommodate the work proposed in the application for a permit;
 - (ii) The work proposed in the application for a permit conflicts materially with other existing or planned work that has already been approved for another applicant or the City; or
- (c) if the person responsible for the work:
 - (a) is not in compliance with this By-law or the City Standards;
 - (b) is not in compliance with other municipal by-laws which apply to the proposed work, including but not limited to paying the required fees or security;
 - (c) has been notified of non-compliance with verbal or written direction given under this By-law in the last two years, and in the reasonable opinion of the Director, having regard to the past performance, where applicable, will be unable to perform the work proposed in the application for a permit in a safe manner;
 - (d) is not in compliance with this By-law or City Standards with respect to another permit; or
 - (e) has not paid any penalty or court awarded costs resulting from a legal proceeding relating to the By-law.

11. Section 8.2 of By-law No. 65-2021 is amended by deleting the words “of the road which restores the road” which appear directly after the word “repair” and by adding the words “in the City Standards” directly after the word “City”.
12. Section 8.6 of By-law No. 65-2021 is amended by deleting the words “of a road” which appear directly after the word “restoration”.
13. Section 8.8 of By-law No. 65-2021 is amended by deleting it in its entirety including the title and replacing with the following section 8.8:

Damage to the City Owned Property or City Equipment

- 8.8. Any person who causes damage to city owned property or to City equipment shall be responsible for reimbursing the City for any and all costs incurred by the City to restore the city owned property or City equipment to the standards prescribed by the City within 30 days after receipt of an invoice.
14. Part 10 of By-law 65-2021 is amended by inserting the words “AND PENALTIES” immediately following the word OFFENCES in the title and inserting new sections 10.8 and 10.9 as follows:

Administrative Monetary Penalties System

- 10.8 This by-law in its entirety is designated as a by-law to which the City Administrative Monetary Penalties By-law applies.
 - 10.9 Every person who contravenes any provision of this By-law, and each registered owner, when given a Penalty Notice in accordance with the City’s Administrative Penalties By-law, shall be liable to pay the City an Administrative Penalty in the amount specified in the Administrative Monetary Penalties By-law, and any fees related thereto.
15. Despite amendments being made to By-law No. 65-2021, By-law No. 65-2021 as it read before the amendments in sections 1-14 above, shall continue to apply to proceedings in respect of offences that occurred before its amendment.
 16. Subject to the amendments made in this By-law, in all other respects, in all other respects By-Law No. 65-2021 be and is hereby confirmed.
 17. This By-law comes into force on the date of its passing.

PASSED this 13th day of June 2023.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER XX-2023

**A by-law to establish a reserve fund and guidelines for the utilization
of the Municipal Consent Reserve Fund**

WHEREAS the *Municipal Act*, S.O. 2001, c.25, as amended, authorizes municipal councils to establish reserve funds for any purpose for which it has authority to spend money; and

WHEREAS the Council for the Corporation of the City of Burlington has provided for the establishment of reserve funds.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON
HEREBY ENACTS AS FOLLOWS:

1. THAT the Municipal Consent Reserve Fund be established; and
2. THAT the Municipal Consent Reserve Fund be funded from any resulting annual net surplus of revenues collected over operating expenses under the Municipal Consent program; and
3. THAT the Municipal Consent Reserve Fund be utilized to alleviate the impact of unforeseen or uncontrolled fluctuations in Municipal Consent revenues, to address workload issues during times of increased development activity as approved by Council, or to fund the repair of municipal infrastructure resulting from development activity and construction occurring within the public right of way.; and
4. THAT the Municipal Consent Reserve Fund be credited with interest at the average rate from the general investments of the Corporation.

ENACTED AND PASSED THIS 13th day of June, 2023.

MAYOR: _____

CITY CLERK: _____



SUBJECT: Lansdown Park and Palmer Park renewal
TO: Environment, Infrastructure & Community Services Cttee.
FROM: Engineering Services Department

Report Number: ES-26-23

Wards Affected: 4

File Numbers: 570.02-1053

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Approve the revised scope and increase in project budget for Lansdown Park and Palmer Park Tennis/ Pickleball Court reconstruction as outlined in engineering services department report ES-26-23; and

Approve the following revised total budgets:

- \$2.2 million for Lansdown Park (PR0232)
- \$150,000 for Palmer Park – Tennis/ Pickleball Courts (PR0227); and

Authorize the additional funding in the amount of \$340,000 from the Capital Purposes Reserve Fund.

PURPOSE:

The purpose of this report is to provide an update to the pre-tender cost estimate for the redevelopment of Lansdown Park and Palmer Park Tennis/ Pickleball Courts and recommend with pre-authorizing an increase in capital funding in order to proceed with construction this year.

Vision to Focus Alignment:

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

Background and Discussion:

As a potential cost and time savings measure, the refurbishment of the Palmer Park tennis/ pickleball courts and Lansdown Park renewal were bundled together as they are adjacent spaces with similar types of work.

Lansdown Park

Lansdown Park public engagement and design took place in 2022 and includes new water and electrical services, splash pad, shade pavilion, accessible pathways connecting all park amenities to the park entrances at Palmer Drive and Hannibal Road. The design also includes an upgrade the size of the existing natural grass soccer field and removal of smaller underutilized ball diamond. As part of the feedback from the community, a recreational trail loop around the perimeter with intermittent workout stations and shaded seating opportunities was highly desired. This is a new item. In 2022, the city negotiated a \$400,000 donation for a new splash pad from the Patrick J. McNally Foundation (RCC-05-22) which is tied to a 2023 construction timeframe.

The city has refined the design drawings to include feedback from the community and is tender-ready however higher than anticipated pretender cost estimates is not allowing the project to move forward. With the inclusion of the community-desired recreational walking trail and significant inflationary increases, there is a budget shortfall of \$290,000. The majority of the cost increase is due to inflation of \$195,000 and the expanded recreational trail (new) is estimated at \$95,000.

Palmer Park

The Palmer Park tennis facility was closed in October 2021, as the condition of the play surface was deemed not safe by city operations staff. Burlington residents have not had access to this facility for 20 months. Since that time, there has been an increased demand for pickleball. The Palmer Park tennis court project changes this facility from two tennis courts to one tennis court and four pickleball courts. With the significant inflationary increases, there is budget shortfall of \$50,000.

Combined Projects

Between the two projects, there is an overall of shortfall of \$340,000. Of that total, approximately \$245,000 is a result of inflation and \$95,000 as result of scope increase.

Strategy/process/risk

The total approved combined budget for Lansdown Park (\$1.91 million) and Palmer Park – Tennis Courts (\$0.1 million) is \$2.01 million. The city has spent approximately \$95,000 to-date for consulting design fees, geotechnical services, Conservation Halton permit, Burlington Hydro work order, surveys, Arborist reports and staff time.

Included in the \$1.91 million budget for Lansdown Park is the Patrick J. McNally Foundation donation for the splash pad in the amount of \$400,000. This donation will be provided to the city once the Lansdown Park construction tender is closed and awarded.

Options Considered

In order to move these projects forward, four options were considered.

Option 1: Defer to the 2024 Budget Process

Defer all Lansdown Park construction to 2024 and include additional funding under 2024 capital budget. Proceed with only Palmer Park tennis court resurfacing and re-design to include pickleball.

- Reputational risk with delaying project delivery
- Additional cost to City: suspected continuing material and labour inflation cost
- Potential loss of external funding from Patrick J. McNally Foundation: funds allotted for 2023 construction
- Conservation Halton permit issued for 2-year period: extended construction from 2024 to 2025 would require request for permit extension and possible additional funds
- Palmer tennis/ pickleball completion: allow courts to open by 2024

Option 2: Phase Construction (park closure) over 2 years

- Park closure to construct splash pad and pathways in 2023: completion by end of splash pad season 2023, park opens for winter, then closed again in 2024 to start phase 2 construction
- Local residents without park over 2 years
- Additional cost to City for staff time/resources tender process: contractor costs to duplicate construction mobilization/demobilization and restoration

Option 3: Pre-Authorize Funding for inflationary costs only for 2023 Construction

- The perimeter recreational walking trail will **not be** included in the construction (value \$95,000)

- Park closed for construction Summer-Fall 2023: park open late 2023 for use through winter and fully operational in 2024
- City can resume soccer field rentals after 2023 construction: one scheduling season lost rather than two
- Tender package ready and current cost information available

Option 4: Pre-Authorize Funding for 2023 Construction (preferred)

- Community expectations met
- Park closed for construction Summer-Fall 2023: park open late 2023 for use through winter and fully operational in 2024
- City can resume soccer field rentals after 2023 construction: one scheduling season lost rather than two
- Complete all new park assets: consideration for all age groups and uses for a multi-use park
- Tender package ready and current cost information available

Financial Matters:

Of the four options considered, Option 4 is the preferred direction given it meets expectations from the community, minimizes park down-time and minimizes the risk of losing the \$400,000 Patrick J. McNally Foundation donation tied to the 2023 new splash pad at Lansdown Park.

The approved budget for Lansdown Park is \$1.91 million, which includes the \$400,000 Patrick J. McNally Foundation donation. The revised total cost for this project (Option 4) is \$2.2 million, leaving a project shortfall of \$290,000.

The approved budget for Palmer Park - Tennis Court reconstruction project is \$100,000. The revised total cost for the Palmer Park – Tennis/ Pickleball Courts project (Option 4) is \$150,000, leaving a project shortfall of \$50,000.

The total funding shortfall in the amount of \$340,000, will be funded from the Capital Purposes Reserve Fund. The uncommitted reserve fund balance as of December 31, 2022, for the Capital Purposes Reserve Fund prior to the recommended draw was approximately \$5.9 million.

Climate Implications

Park redevelopment will provide some relief in extreme heat events with access to park assets as result of new water service at the splash pad and new drinking fountain with bottle filler and pet fountain. Increasing shade and protection from weather elements at new shade structure and reduced heat island effect with the planting of over 70 new trees.

Engagement Matters:

Public engagement was completed in 2022 with commitment to build new splash pad, an upgraded full-size soccer pitch, accessible pathways, shade structure and fitness equipment in 2023. With the increase in demand for adult or full-size fields, Lansdown Park is one of the few remaining green spaces that can accommodate a large sports field. It will reduce the gap in terms of adult-play and provide more versatility compared to smaller soccer fields. The walking and fitness track adds another dimension and improved accessibility to the park as highly desired by the local community.

Conclusion:

Splash pad funding from the Patrick J. McNally Foundation was awarded to Lansdown Park on the premise that construction would begin in 2023. With high inflationary costs and a minor increase of scope following community engagement, there is still an opportunity to proceed with construction this summer following approval of a budget increase of \$340,000 for Lansdown Park and Palmer Park Tennis/ Pickleball Court combined.

Respectfully submitted,

Kim Napier
Landscape Architect
Parks Design & Construction,
Engineering Services
Ext. 7900

Marion Rabeau
Manager Parks Design & Construction
Engineering Services
Ext. 7716

Page 6 of Report Number:

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: Grading and Drainage Clearance Certificate By-law Amendment

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Engineering Services Department

Report Number: ES-03-23

Wards Affected: All

File Numbers: 110-04-1, 815-01

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Approve By-law XX-2023, attached as Appendix A of engineering services department report ES-03-23, a By-law to amend By-law 52-2018 Grading and Drainage Clearance Certificate providing revisions to definitions and policy to prohibit or regulate the placing or dumping of fill, removal of topsoil or fill, alteration of the grades and drainage of residential lands that contain ten (10) residential units or less.

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

In 2018, Council approved the Grading and Drainage Clearance Certificate (GDCC) By-law 52-2018 to replace the eliminated site plan control process for grading and drainage approval for single detached dwellings, duplex dwellings and semi-detached dwellings on low density residential lands.

In 2020, Council approved an amendment to the GDCC By-law to provide for terms and conditions for “as-constructed” certifications and drawings, to the satisfaction of the Director.

In 2022, the province introduced Bill 23, the *More Homes Built Faster Act*. On November 28, 2022, Bill 23 received Royal Assent by the legislature with some proposed changes coming into force immediately, including residential building that contain ten (10) residential units or less being exempted from site plan control and the regulatory provisions of the Planning Act.

In order to respond to the challenges presented by Bill 23, municipalities and supporting agencies need to amend and improve application processes.

Strategy/process

As a result of Bill 23, staff recommend the GDCC By-law be further amended to regulate grading and drainage for all residential buildings exempted from site plan control. Such an amendment will enable the Engineering Services Department to regulate grading and drainage for all residential buildings exempted from site plan control.

Options Considered

Staff reviewed all current engineering processes and recommend the GDCC By-law be further amended to apply the current engineering processes for pre-construction review/clearance, during-construction site management and post-construction site compliance to all residential buildings exempted from site plan control, because of Bill 23.

A more detailed review of the GDCC By-law, as amended, and the current engineering processes is already underway. The current processes are intended to provide improved customer experience and valuable community service by identifying and resolving development issues prior to implementation by residential landowners. A detailed review of the GDCC By-law, as amended, and the current engineering processes will ensure delivery on this intent while also ensuring alignment with recently introduced provincial legislation.

Financial Matters:

Prior to November 28, 2022, when Bill 23 received Royal Assent by the legislature, engineering fees for the processing, administration and inspection of all residential buildings, except single detached dwellings, duplex dwellings and semi-detached

dwellings on low density residential lands, were collected by way of Site Plan Application Fees, in accordance with the City's Rates and Fees By-law.

Moving forward, it will be necessary to collect engineering fees for residential buildings that contain ten (10) residential units or less by way of the GDCC By-law. Currently the GDCC By-law requires fees for the processing, administration and inspection of the GDCC and for the preparation, registration and disbursement for a Drainage System Appurtenance Agreement, in accordance with the City's Rates and Fees By-law.

The GDCC By-law also currently requires securities to ensure proper maintenance of private and public lands during construction and to secure performance of the GDCC.

At this time, no new or amended fees or securities are being recommended. The impact of some residential buildings being exempted from Site Plan Control and the need for any new or amended GDCC fees or securities will be reviewed in 2023.

Total Financial Impact

The impact of some residential buildings being exempted from Site Plan Control and the need for any new or amended GDCC fees or securities will be reviewed later in 2023. If new or amended fees or securities are necessary to accommodate residential buildings that contain ten (10) residential units or less, those fee and security recommendations will be detailed in a subsequent GDCC By-law amendment likely in Q4 2023.

Source of Funding

Development Services staff positions are currently funded from the Operating Budget and fully supported by revenues from development application fees.

Climate Implications:

The impacts of climate change are affecting our weather year-round, resulting in more frequent high intensity, short duration storms as well as an increased frequency of freeze-thaw cycles in the winter. The recommended amendments will provide the City with mechanisms to regulate grading and drainage for all residential buildings exempted from Site Plan Control. This is an important component in providing resiliency to protect our community from flooding events because of climate change.

Other Resource Impacts

The recommended amendments will not require additional staff resources, as current staff have already been reviewing residential development applications that contain ten (10) residential units or less, by way of the Site Plan Control process.

Conclusion:

The further amendments to the GDCC By-law 52-2018 will provide staff with the capability to review and approve grading and drainage works prior to construction, manage works during construction and ensure by-law compliance following construction for all residential building exempted from site plan control.

Respectfully submitted,

Jeff McIsaac, C.E.T.

Coordinator of Development Engineering

905-335-7600 x7679

Appendices:

- A. By-law XX-2023 – Amendments to By-law 52-2018, as amended

Notifications:

Jamie Tellier, Acting Director of Community Planning, City of Burlington
jamie.tellier@burlington.ca

Scott Hamilton, Director of Engineering Services, City of Burlington
scott.hamilton@burlington.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.

APPENDIX A

The Corporation of the City of Burlington

City of Burlington By-law XX-2023

A By-law to amend By-law 52-2018, as amended, being a by-law for regulating the altering of grades or drainage on Residential Lands
File: 110-04-01, 815-01 (ES-XX-23)

Whereas Section 142 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that the Council of a local municipality may pass By-laws prohibiting or regulating the placing or dumping of fill, removal of topsoil or fill, alteration of the grades and drainage of land in any defined area or on any class of land;

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

1. By-law 52-2018, as amended, is hereby further amended by REMOVING the following item:

Whereas Council determines it necessary to enact a By-law for regulating the altering of grades or drainage on low density residential lands within the City of Burlington to limit interference and damage to watercourses, drainage systems and water supplies, to regulate unanticipated grading and drainage alterations, to limit the use of improper fill and potential environmental impacts, to limit erosion arising from such changes and to limit impacts on neighbouring and surrounding properties; and

2. By-law 52-2018, as amended, is hereby further amended by ADDING the following item:

Whereas Council determines it necessary to enact a By-law for regulating the altering of grades or drainage on residential lands within the City of Burlington to limit interference and damage to watercourses, drainage systems and water supplies, to regulate unanticipated grading and drainage alterations, to limit the use of improper fill and potential environmental impacts, to limit erosion arising

from such changes and to limit impacts on neighbouring and surrounding properties; and

3. By-law 52-2018, as amended, is hereby further amended by REMOVING the following item from “Definitions” in Section 1:

- 1.01.25 “Grading and Drainage Plan” and “GDCC” means a drawing or drawings pursuant to Section 6 of this By-law, that details the Site Engineering to the satisfaction of the Director;

4. By-law 52-2018, as amended, is hereby further amended by ADDING the following item to “Definitions” in Section 1:

- 1.01.25 “Grading and Drainage Plan” means a drawing or drawings pursuant to Section 6 of this By-law, that details the Site Engineering to the satisfaction of the Director;

5. By-law 52-2018, as amended, is hereby further amended by REMOVING the following item from “Definitions” in Section 1:

- 1.01.28 “Low Density Residential Lands” means all Lots that are intended for any single detached dwelling, duplex dwelling or semi-detached dwelling used solely for residential use;

6. By-law 52-2018, as amended, is hereby further amended by ADDING the following item to “Definitions” in Section 1:

- 1.01.28 “Residential Lands” means all Lots that are intended for any dwelling used solely for residential use;

7. By-law 52-2018, as amended, is hereby further amended by REMOVING the following item from “Definitions” in Section 1:

- 1.01.32 “Place”, “Placed” and “Placing” means the distribution of Fill on Low Density Residential Lands to establish a Finished Grade higher than the originally Existing Grade;

8. By-law 52-2018, as amended, is hereby further amended by ADDING the following item to “Definitions” in Section 1:

1.01.32 “Place”, “Placed” and “Placing” means the distribution of Fill on Residential Lands to establish a Finished Grade higher than the originally Existing Grade;

9. By-law 52-2018, as amended, is hereby further amended by REMOVING the following item from “Definitions” in Section 1:

1.01.38 “Site” means the Low Density Residential Lands which are the subject of an application for a Certificate pursuant to this By-law;

10. By-law 52-2018, as amended, is hereby further amended by ADDING the following item to “Definitions” in Section 1:

1.01.38 “Site” means the Residential Lands which are the subject of an application for a Certificate pursuant to this By-law;

11. By-law 52-2018, as amended, is hereby further amended by REMOVING the following item from “Definitions” in Section 1:

1.01.39 “Site Engineering” means:

1.01.39.01 the Placing, Dumping, Cutting or Removal of Fill from Low Density Residential Lands;

1.01.39.02 the alteration of the Grade of Low Density Residential Lands by any means including Placing, Dumping, Cutting or Removal of Fill, clearing and grubbing, the compaction of Soil or the creation of impervious surfaces;

1.01.39.03 the alteration of the Drainage, Drainage System and/or Drainage System Appurtenances of the Low Density Residential Lands; or

1.01.39.04 any combination of these activities.

12. By-law 52-2018, as amended, is hereby further amended by ADDING the following item to “Definitions” in Section 1:

1.01.39 “Site Engineering” means:

- 1.01.39.01 the Placing, Dumping, Cutting or Removal of Fill from Residential Lands;
- 1.01.39.02 the alteration of the Grade of Residential Lands by any means including Placing, Dumping, Cutting or Removal of Fill, clearing and grubbing, the compaction of Soil or the creation of impervious surfaces;
- 1.01.39.03 the alteration of the Drainage, Drainage System and/or Drainage System Appurtenances of the Residential Lands; or
- 1.01.39.04 any combination of these activities.

13. By-law 52-2018, as amended, is hereby further amended by REMOVING the following item from “Authority” in Section 2:

2.03 This By-law shall apply to Site Engineering on all Low Density Residential Lands.

14. By-law 52-2018, as amended, is hereby further amended by ADDING the following item to “Authority” in Section 2:

2.03 This By-law shall apply to Site Engineering on all Residential Lands.

15. By-law 52-2018, as amended, is hereby further amended by REMOVING the following items from “Securities” in Schedule A:

- 1. For Grading and Drainage Clearance Certificates for new housing development and large additions (floor area increases of 75m² or greater) on Low Density Residential Lands:

1.01 Security = \$5,000 minimum

- 2. For Grading and Drainage Clearance Certificates for small additions (floor area increases of less than 75m²) and accessory buildings/decks/etc. on Low Density Residential Lands:

2.01 Security = \$5,000 minimum

16. By-law 52-2018, as amended, is hereby further amended by ADDING the following items to “Securities” in Schedule B:

1. For Grading and Drainage Clearance Certificates for new housing development and large additions (floor area increases of 75m² or greater) on Residential Lands:

1.01 Security = \$5,000 minimum

2. For Grading and Drainage Clearance Certificates for small additions (floor area increases of less than 75m²) and accessory buildings/decks/etc. on Residential Lands:

2.01 Security = \$5,000 minimum

17. That in all other respects By-law 52-2018, as amended, be and is hereby confirmed.

18. This amended by-law shall come into force and take effect on enactment.

PASSED this _____ day of _____, 2023.

Marianne Meed Ward, Mayor

Kevin Arjoon, City Clerk



SUBJECT: Community Gardens

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Recreation, Community and Culture

Report Number: RCC-06-23

Wards Affected: N/A

File Numbers: 930-01

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Receive and file recreation, community and culture department report RCC-06-23 regarding the Community Garden Program.

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Delivering Customer Centric Services with a Focus on Efficiency and Technology Transformation

Background and Discussion:

The benefits of any community garden provision are well documented in social, mental and physical health materials. The residents of Burlington also agree as we continue to see increased demand for the community garden program. Further, throughout the pandemic years, there has been a substantial increase in those seeking a garden plot.

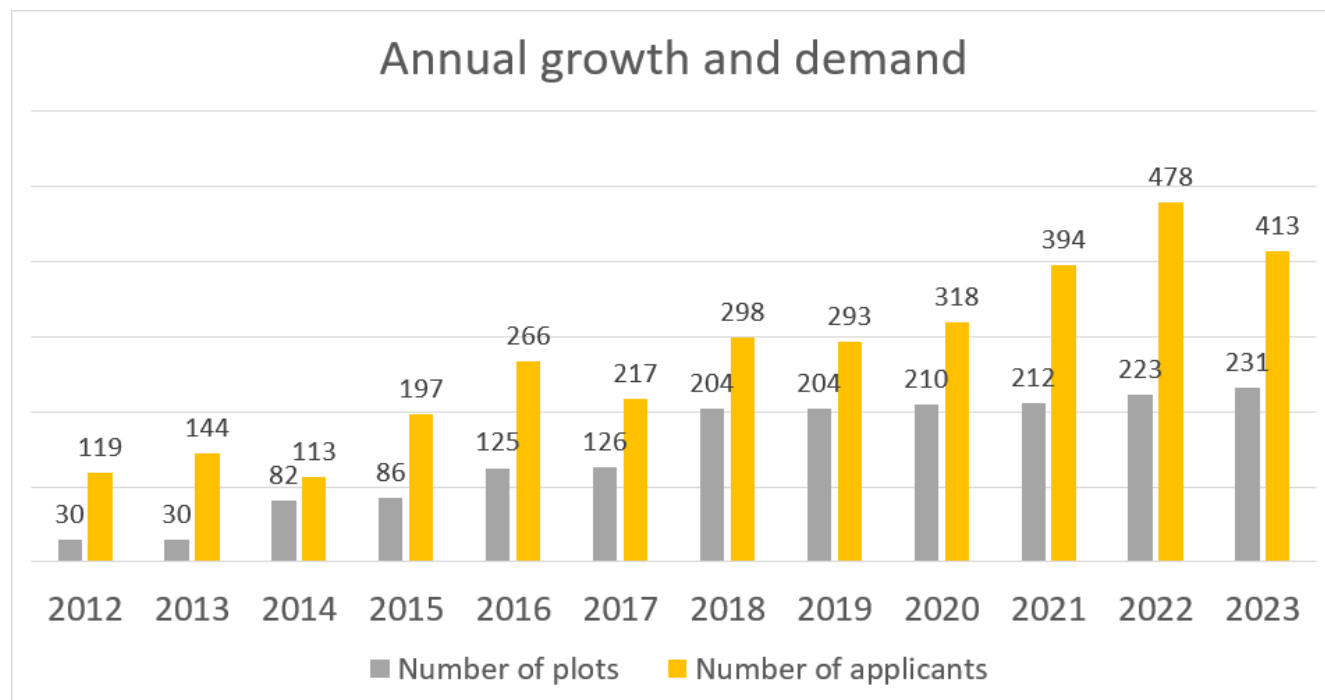
Below are a few samples of testimonies given by participants to validate the benefits of the program:

- “So grateful for the opportunity to grow together and learn about gardening and seeking the right recipes then preparing and cooking. With our very own veggies. Getting to know the other gardeners was a gift also. I'm so appreciative to the city for making this all possible, for people like us who wouldn't otherwise to be able to have our own space outside. To call our own for a few glorious months. And to your dedication in keeping, it afloat. It truly was a soul enhancing journey! Absolutely devastated, it's over. Trying to see the bright side of seasons change. So throughout the winter I will carry with me my internal garden.”
- “The community garden was easily the single greatest help for my sanity during covid, especially living alone in 700sq ft with no outdoor space. I cannot say enough good things about the entire experience! I am so grateful.”
- “We're sure hoping we get lucky and can continue our gardening together next year...it's such a bonding experience to do this with my granddaughter. We've both learned a lot, and I find we are eating even more varieties of vegetables as we read and experimented.”
- “We love having the vegetable garden which we wouldn't be able to have otherwise, and enjoyed sharing the extra produce with the Meal Bag Program at Wellington Square where we both volunteer.”
- “My wife was emotional and crying as she has a hard time letting go of what was a wonderful season for her. She longs for next year already. What a testimony of the power of gardening to better health and quality of life for someone. So amazing!”
- “If you ever wonder if your profession makes a difference in peoples' lives, I assure you that it does. Thank you again.”

City community gardens started as a two-year pilot project in 2012 with one 30-plot garden operated by Burlington Green Environmental Organization on City-owned land. At the conclusion of the pilot in 2013, operational management shifted to the City and two more gardens were added to the inventory. The success of the program and citizen demand led to the expansion of plots within existing gardens where possible and the building of new gardens. Currently the City's community garden program has in its inventory; five gardens containing a total of 231 rentable plots and supported by one Community Garden Coordinator (1 FTE).

The charts below outline the accommodation rate of people successful in receiving a garden plot per year and the total number of applications received.

Annual applications received and number accommodated



Annual accommodation rate (%) based on applications received and number of gardens operating

Annual Growth & Demand	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Number of Gardens	1	1	3	3	4	4	5	5	5	5	5	5
Accommodation Rate	25%	21%	73%	44%	47%	58%	69%	70%	66%	54%	47%	56%

Note: 8 plots are assigned to food security organizations such as the Burlington Food Bank and Next Door Social Space.

With increased urban density reducing suitable land available for home gardens, the added demand for community garden plots on public land will continue to increase. The current five gardens have expanded to their capacity. Over the past few years, staff have undertaken various efforts aimed at easing the demand pressure, these include the following initiatives:

- In 2021 and 2022, staff focused marketing of the Neighbourhood Community Matching Fund to encourage community to lead small projects around gardens being built in housing complexes and private lands.

- In 2021 staff updated the zoning by-law to allow food gardens on any property, private or public; thus removing any zoning barriers to residential, institutional, or commercial property where people would like to have a food garden.
- Staff offered consultation services to develop new gardens, for instance: with schools to establish school-based gardens i.e., Holy Rosary, condo and apt buildings i.e., Brantwell Village and 5166 Lakeshore, faith land resulting in Glad Tidings community garden at Mount Nemo Farm, Faith Church, expansion at St. Christopher's, and available developer land (i.e., Molinaro land) resulting in the Grow4Change urban farm at Brant & Ghent.

Operating Model

The expansion of the community gardens program is also limited due to operating resources capacity. The current operating model has become unsustainable due to the current number of gardens and only one dedicated staff person. Roads, Parks and Forestry (RPF) staff maintains the infrastructure and delivers materials annually in the spring but does not have the capacity to play a role in the day-to-day maintenance operations at the gardens. Any new expansion of community gardens would require additional funding for operating and capital support.

In addition, there are many competing interests for the limited green space in City Parks. The Parks, Recreation and Culture Assets Master Plan (PRCAMP) update will assess the variety of community needs for green space and make the comparison on asset other municipalities to assess comparable service levels.

During the 2020 COVID Experience, the community garden service was the first to re-open by June with brand new COVID protocols. Four part-time Garden Assistant positions were created for four months when POA staff were redeployed to the community gardens. This experience highlighted the need for Garden Assistant positions as the maintenance of the garden areas and friendly customer service were much improved by their efforts.

In 2021 and 2022, the service levels have gone back to pre-pandemic levels without additional staff assistance beyond the one dedicated Garden Coordinator. In 2022, residents that neighbour the gardens and gardeners complained that there was insufficient on-site maintenance. Attempts to rectify included:

- In 2021, Park Ambassadors were instructed to add the community gardens to their routes to provide customer service, however, this was very minimal.

- In 2022, a summer student Sports Field Ambassador was co-opted to become a part-time Garden Assistant. The additional 15-20 hours per week was unfortunately insufficient even though the student was excellent.
- The deteriorating maintenance situation created anxiety and stress for staff. The Recreation, Community and Culture (RCC) department sourced \$8,500 unbudgeted funds to pay a local landscaping company to provide a one-time maintenance fix due to the complaints.

Strategy/process/risk

For 2023, the following service improvement efforts will be piloted to compensate for no approved increase in the operational or capital budget for the service:

- A volunteer opportunity via Better Impact will be piloted. This may prove helpful if there is enough interest, however, any volunteers must be supervised by city staff so a coordinated schedule will be required between volunteers and the Garden Coordinator and depend on volunteer availability.
- RCC staff are investigating offering camp staff the opportunity to work in May and June as Garden Assistants prior to the July/August camp season. Staff have reallocated funds from other areas to make this possible; however, this model of reallocation is not sustainable long term. Grant applications to Canada Summer Jobs and the Ontario Parks and Rec Association have been submitted for three Garden Assistant positions to help with short term need for current service. This is dependent on whether submissions are approved and sourcing and redirecting RCC funds to supplement wages such as only providing 50% of wages. A long term solution still would be needed for future years and any expansion.

There is a demonstrated desire to expand the community garden program. However, to do this, there needs to be additional funds added to the current operating dollars to maintain the current inventory for maintenance and staff and/or a change to the operating model with the alignment of the required budget to expand the garden service.

Options Considered

To maintain a sustainable community garden program the following options are being considered. Any future expansion of the program would require further resources.

Option 1 - Community Group Based

The Community Group Based option is considered when there is an identified group willing to deliver a community gardens service – This was negotiated with BurlingtonGreen in 2013/14 which provided a proposal to act as a vendor to provide this service to the City. However, the negotiations were not successful, hence operation moved to City’s care and control for the 2014 season and since.

Option 2 – Service Provider

The Service Provider option is considered when there is an identified vendor willing to provide some of the community gardens service – This model would split the responsibilities between City staff and a vendor with the maintenance expertise. City staff would manage the plot registration and assignment, customer experience and oversee community garden development. The service provider such as a landscape company would provide the necessary maintenance and upkeep the garden inventory.

Option 3 – Enhanced City Direct Operation

The Enhanced Model for Operation by adding in financial and HR resources and a mechanism for moving to a sustainable model for delivery – This model would be scalable and would manage the current demand and future growth of community garden service. It would consist of the following additions to the current model:

- A team of four Garden Assistants for summer student positions.
- Build a robust garden volunteer program.
- Bring current operating dollars to a sustainable value for the service with continually inflationary costs added to subsequent budgets.

Staff are looking to move to an enhanced model of regular operation for summer 2024 and beyond as the most sustainable model for operating community gardens in current state.

For any capital garden projects, develop a capital planning process for expansion with the appropriate operating dollars for supplies, equipment and staff also factored into the project.

Financial Matters:

Total Financial Impact

Council makes both capital and operating investments in the community garden program. The section below is a high-level overview of the investment per garden, the overall annual operating cost and annual revenues.

Source of Funding

Current Operating

Annual operating costs include the Community Garden Coordinator, operating costs to cover supplies costs provided by the Roads, Parks and Forestry department (RPF) and revenues from the plot rental. For 2023, the total net impact is \$78,822.

2023 Approved Operating Budget	
Human Resource Costs (1 FTE)	\$72,338
Operating Costs (RCC and RPF)	\$15,184
Total Expenditures	\$87,522
Total Revenues	\$8,700
Net Impact	\$78,822

Capital Investment

Capital renewal of the asset happens every 5 years with a budget of \$30,000 per site.

For any capital expansion such as a new garden, capital costs include the total project budget consisting of design, construction and associated project costs. For example, \$170,000 is the planned project budget for a new garden at Nelson Park with 37 plots forecasted in 2024.

Proposed Estimation for Business Case

In order to maintain the existing service level, an estimation for additional funding would be \$25,000 - \$40,000 for items to support daily operations, to include:

- 4 PT seasonal staff (\$25,000 - \$36,000)
- Inflationary increases for supplies and equipment (\$4,000)

For 2025, any additional funds required to cover operating costs (staff, supplies and equipment) will be requested for the Nelson Garden expansion. Any further garden

builds will be pending the outcome of the PRCAMP strategy to guide any expansion requirements and site selection. As mentioned, any new capital investments will include operating budget dollars for equipment, supplies and PT staffing dollars.

Other Resource Impacts

Staff from RPF, part-time summer day camps staff from recreation and customer service from recreation support the community garden's ongoing operations in addition to the full-time Community Garden Coordinator. In addition, the community garden also uses the support of the RCC marketing team and corporate communications to assist in getting information out about the gardens and program for resident awareness. In addition, the water cost is covered within the park maintenance budget.

Staff will be putting forward a business case through the 2024 RCC and RPF operational budgets.

Climate Implications:

Community gardens increase biodiversity by attracting pollinators from previously monoculture grass turf that would require diesel-fueled mowing. Petroleum power tools are not used beyond construction and delivering soil, woodchips and compost. People grow their food organically without synthetic pesticides and fertilizers and lessen their contribution to food miles associated with buying non-local and imported food. The gardens assist with stormwater absorption. Participants are more likely to travel to their garden plot by cycling or walking when the garden is less than 1km from their home.

Engagement Matters:

Data from applications reveals the consistently high demand for garden plots. Success for the service is revealed in user testimonies and participant returning interest rates. Broad community engagement in 2015 revealed the most desired locations. Local community engagement occurs prior to the construction of new gardens. Most recently, the Nelson community and field user groups were consulted for the next garden location behind Nelson Arena.

Conclusion:

RCC and RPF staff will review the most economical option to improve the service maintenance level by increasing staff complement for the community garden service in the 2024 operating budget. This would be in alignment with for the next needed

community garden at Nelson Park in ward four in the 2024 capital forecast. This next garden would take demand pressure off the Central Park community garden and expand the service into the south-east area. With the current five gardens and potential for a sixth community garden additional staff are needed to properly maintain these assets.

Respectfully submitted,

Michelle Bennett

Community Garden Coordinator

michelle.bennett@burlington.ca

289-983-6527

Jennifer Spence

Supervisor, Sport and Neighbourhood Development

Jennifer.spence@burlington.ca

906-335-7600, ext 6251

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: Public tree removal report – 603 Woodland Avenue
TO: Environment, Infrastructure & Community Services Cttee.
FROM: Roads, Parks and Forestry Department

Report Number: RPF-14-23

Wards Affected: 2

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Approve the request by the applicant to remove (1) public tree in order to proceed with the proposed two-storey detached dwelling as outlined in roads, parks & forestry report RPF-14-23; and

Instruct the applicant, David Carrothers to provide compensation for the public tree removal by providing cash-in-lieu of replacement totaling \$1,000.00; and

Direct that a tree permit be obtained for the public tree removal and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public tree (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate

PURPOSE:

Vision to Focus Alignment:

Delete this line and the areas that do not apply.

- Support sustainable infrastructure and a resilient environment
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The subject property is located on the Northern bend on Woodland Avenue just south of Courtland Drive within Ward 2 (See Fig. 1).



Figure 1: Subject Property, 603 Woodland Avenue

A consolidated pre-building permit application has been submitted to construct a two-storey dwelling on an existing lot. To facilitate the removal of a public tree as part of their proposed build, council approval is required to proceed with issuance of a tree permit. In accordance with the City of Burlington’s Public Tree By-law 68-2013, Section 1.19 states, “*The City Arborist shall not issue a Tree Permit for Trees located on Public Property immediately abutting Private Property for which a development application has been submitted, until such time as the development application has been approved and Council has also approved the removal of these trees*”.

Strategy/process/risk

One (1) public tree is proposed to be removed due to conflicts with the proposed driveway as follows:

1. Tree No. M1: Multi-stemmed Red Fox Katsura (*Cercidiphyllum japonicum* ‘*Rotfuchs*’): 7, 8, 6, 10, 5, 10.5 = 19.6 cm DBH and about 3 meters in height.

The subject tree conflicts with the proposed development and water lateral replacement as the tree is growing directly on top of the water connection. Forestry is in support of

the removal under the provision that cash-in-lieu of replacement in the amount of \$1000.00 is provided to the City as compensation for canopy loss.

Additional private trees are expected to be impacted by the proposed build and those elements will be reviewed under the Private Tree By-law as part of the consolidated pre-building application review process.

Refer to Appendix A – Tree Inventory and Compensation Form completed by City staff, Appendix B – Supporting Documents for additional details.

Options Considered

Forestry staff conducted a comprehensive review of the proposed plans with the applicant.

Financial Matters:

A total of \$1000.00 shall be paid by the applicant as compensation for the public tree removal. These funds will be utilized to replace the loss in canopy within the City. In addition to the cash-in-lieu fee, a tree permit fee will be required as prescribed in the City's Rates and Fees By-law (as amended). The total cost of tree and stump removal will also be borne entirely by the applicant.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications:

The removal of trees is always a concern as they provide the most cost-effective measure of carbon sequestration, in addition to providing a host of other ecological benefits associated with climate change. It is critical that in cases where trees must be removed, they are sufficiently compensated for in the interest of replacing the canopy loss long-term.

Engagement Matters:

Not applicable.

Conclusion:

The City's Forestry section has reviewed the proposed tree removal and supports the removal as per the recommendations listed above.

Respectfully submitted,



Melissa Torchia

Supervisor, Forest Protection

(905) 333-6166 ext. 6121

Appendices:

- A. Tree Inventory and Compensation Form
- B. Supporting Documents

Notifications:

Name : David Carrothers

Email : dcarrothers@carrothersandassociates.com

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.

Site:	603 Woodland Avenue
-------	---------------------

Existing Tree Information					Replacement Tree Information	Condition Factors	Total Caliper Replacement (cm)	# of 50mm trees required	Cash-in-lieu required	
Tree Number	Common Name	DBH (cm)	Condition Rating (%)		Comments	Total cm to Replace	Avg Condition Rating (Health & Structure)			
			Health	Structure						
1	Red Fox Katusra	19	70%	35%	M1	10.0	53%	10	2	\$ 1,000.00

1. Total cm to replace is based on average condition rating and size of the tree
2. # of trees req. to be replaced is based on a 50mm caliper replacement
3. Cash-in-lieu of replacemet is based on \$500 / replacement tree required

Tree Condition Considerations

Based on Tree Condition Assessment

Rating:	Factor:
Excellent	90-100%
Good	70-89%
Fair	50-69%
Poor	25-49%
Very Poor	0-24%



THIS REPORT IS STILL UNDER
REVIEW BY STAFF AND IS NOT
CONSIDERED THE FINAL
APPROVED DOCUMENT.

THIS DOCUMENT IS PROVIDED
FOR INFORMATIONAL PURPOSES
TO SUPPORT THE PUBLIC TREE
REMOVAL REPORT TO COUNCIL
RPF 14-23 FOR TREE #M1.

Prepared for:

Carrothers & Associates
505 York Boulevard
Hamilton, ON
905-574-1504

Project Address:

603 Woodland Avenue, Burlington, Ontario
DENG File # n/a

Data Collection and Report Prepared by:
Stephen Shelton ON-0542AT, TRAQ 1589
steve@summitsks.ca

1 April 2022

Revised 12 October 2022

Arborist Report - 603 Woodland Avenue, Burlington, Ontario

Project Overview	3
Municipal Trees	3
Neighbouring Trees	4
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Arborist Report - 603 Woodland Avenue, Burlington, Ontario

Summit SKS Limited have been retained by the property owner to prepare this Arborist Report and Tree Protection Plan for 603 Woodland Avenue in Burlington, Ontario. The owner intends to demolish the existing house and build a new one. The tree assessment was completed on the 26th day of March 2022. All field and appraisal work was conducted by qualified consultants in accordance with Public Tree By-law (68-2013) and the Private Tree By-law (02-2020).

The purpose of this report is to inventory and assess trees 15cm in diameter, measured at breast height and larger on the subject property, in the city road allowance adjacent to the property and any trees within 6m of the property line.

There are two (2) existing trees that are recommended for removal as a result of this proposed construction. The City of Burlington will require four (4) compensatory trees to be replanted or cash in lieu in the amount of \$1000.00 (\$250/tree).

Municipally Owned Trees

Tree number M1 is a 9, 9, 9, 10cm dbh Maple Red (soft maple) that is growing on the municipally owned boulevard. This tree is in fair condition and requires a tree protection zone of 2.4m.



Tree Number	Tree Species	Diameter of Appraised Tree (cm)	Area Of Appraised Tree (cm)	Diameter of Replacement Tree (cm)	Area of the Replacement Tree (cm)	Cost of Replacement Tree	Basic Price	Species Rating	Basic Value	Location Rating	Conditions Rating	Appraised Value
M1	Red Maple	20	314	6	28.26	850	30.07785	61.00%	6092.611	80.00%	80.00%	3899.27111

Arborist Report - 603 Woodland Avenue, Burlington, Ontario

Neighbouring Trees

Tree number N1 is a 25, 26cm dbh Mulberry White that is growing near the west property line in the backyard of 602 Waterloo Street. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number N2 is a 35cm dbh Pine Eastern White that is growing near the south property line in the backyard of 2160 Courtland Drive. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number N3 is a 40cm dbh Pine Eastern White that is growing near the south property line in the backyard of 2160 Courtland Drive. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number N4 is a 20cm dbh Cedar Emerald Green that is growing near the east property line in the back yard of 605 Woodland Avenue. This tree is in fair condition and requires a tree protection zone of 2.4m.

Neighbour permission (in writing) will be required by the City of Burlington to issue any tree permit for injury or removal of shared or neighbouring trees.

Privately Owned Trees

Tree number P1 is a 15cm dbh Cedar White that is growing near the east property line of the subject property. This tree is in fair however it is recommended for removal due to development impacts.

Tree number P2 is a 15cm dbh Cedar White that is growing near the east property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P3 is a 12, 17cm dbh Elm Siberian that is growing near the east property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P4 is a 15cm dbh Cedar White that is growing near the east property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P5 is a 15cm dbh Cedar Emerald Green that is growing near the east property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P6 is a 24cm dbh Maple Norway that is growing near the north property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P7 is a 12cm dbh Maple Norway that is growing near the north property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P8 is a 18, 18, 25, 25cm dbh Mulberry White that is growing near the north property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P9 is a 15cm dbh Hemlock Eastern that is growing near the north property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P10 is a 15cm dbh Hemlock Eastern that is growing near the west property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P11 is a 15cm dbh Hemlock Eastern that is growing near the west property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P12 is a 15cm dbh Cedar White that is growing near the north property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P13 is a 15cm dbh Cedar White that is growing near the north property line in the backyard of the subject property. This tree is in fair condition and requires a tree protection zone of 2.4m.

Tree number P14 is a 12, 15, 16cm dbh Japanese Lilac that is growing near the west side of the front yard on the subject property. This tree is in poor condition and is recommended for removal due to its current state and development impacts.

All protective tree hoarding shall be installed prior to commencement of any construction activities as per City of Burlington specifications.

Arborist Report - 603 Woodland Avenue, Burlington, Ontario

Misidentification of species.

Tree #	Common Name	Latin Name	DBH (cm)	Height (m)	Crown Reserve (m)	Crown Height (m)	Canopy Cover Area (m)	Health	Structure	TPZ (m)	Site Plan Results
M1	Maple Red (soft maple)	Acer rubrum	19	6	3	6	9	fair	fair	2.4m	preserve
N1	Mulberry White	Morus alba	36	9	7	5	49	fair	poor	2.4m	preserve
N2	Pine Eastern White	Pinus strobus	35	12	7	9	49	fair	poor	2.4m	preserve
N3	Pine Eastern White	Pinus strobus	40	18	10	15	100	fair	fair	2.4m	preserve
N4	Cedar Emerald Green	Thuja occidentalis 'emerald'	20	8	3	8	9	fair	fair	2.4m	preserve
P1	Cedar White	Thuja occidentalis	15	5	3	5	9	fair	fair	2.4m	remove
P2	Cedar White	Thuja occidentalis	15	4	3	4	9	fair	fair	2.4m	preserve
P3	Elm Siberian	Ulmus pumila	21	8	5	4	25	fair	fair	2.4m	preserve
P4	Cedar White	Thuja occidentalis	15	5	3	5	9	fair	fair	2.4m	preserve
P5	Cedar Emerald Green	Thuja occidentalis 'emerald'	15	7	1	7	1	fair	fair	2.4m	preserve
P6	Maple Norway	Acer platanoides	24	11	7	6	49	fair	fair	2.4m	preserve
P7	Maple Norway	Acer platanoides	12	9	5	4	25	fair	poor	2.4m	preserve
P8	Mulberry White	Morus alba	31	11	7	7	49	fair	poor	2.4m	preserve
P9	Hemlock Eastern	Tsuga canadensis	15	5	4	5	16	fair	fair	2.4m	preserve
P10	Hemlock Eastern	Tsuga canadensis	15	5	4	5	16	fair	fair	2.4m	preserve
P11	Hemlock Eastern	Tsuga canadensis	15	5	4	5	16	fair	fair	2.4m	preserve
P12	Cedar White	Thuja occidentalis	15	4	3	4	9	fair	poor	2.4m	preserve
P13	Cedar White	Thuja occidentalis	15	4	3	4	9	fair	poor	2.4m	preserve
P14	Japanese Lilac	Syringa reticulata	25	5	4	3	16	poor	poor	2.4m	remove

Tree ownership is indicated by the tree naming system, tree names beginning with the letter M are municipally owned, tree names beginning with the letter N are on neighbouring properties within 6m of the property line and tree names beginning with the letter P are privately owned and on the subject property.

Arborist Report - 603 Woodland Avenue, Burlington, Ontario

Limitations of Assessment

It is the policy of Summit SKS Limited to attach the following clause in regards to limitations. This is to ensure that the client is fully aware of what is technically and professionally realistic in the preservation and assessment of trees in the urban environment.

The assessment of the trees in this report has been done in conjunction with and according to accepted arboriculture methods and techniques. These include an examination of the above ground parts of the tree for structural defects, scars, cracks, the overall condition of the visible root structures, the severity and direction of lean (if any), the general condition of the trees and the surrounding environment, external indications of decay such as fungal fruiting bodies, evidence of attack by insects, symptoms of infestation and pathogens, discoloured foliage, and the proximity of potential targets should a tree fail. Except where specifically noted, the trees not cored, probed or climbed and there was no detailed inspection of the root crowns involving excavations, or samples taken to be scientifically tested.

Notwithstanding the recommendations and conclusions presented in this report, it must be acknowledged that trees are living organisms. They are not immune to changes in site conditions, dramatic weather events or seasonal variations in climate. Therefore it should always be recognized that trees are ever evolving and their health and vigour constantly vary over time. While all reasonable efforts have been made to ensure that the subject trees are healthy, no guarantees are offered or implied that these trees or part(s) of any trees will remain intact.

It is professionally and practically impossible to predict with absolute certainty the behaviour of any tree or its component parts under all circumstances and variables. Most trees have the potential for failure under adverse weather conditions and the risk can only be completely eliminated if the tree is removed. Inherently, a standing tree will always pose some level of risk. Although every effort has been made to ensure that this assessment is reasonably accurate, trees should be re-assessed periodically. The assessment presented in this report is valid at the time of inspection.

The report is the property of Summit SKS Limited and/or its agents and may not be used until payment is made in full unless written permission is granted to do so. Summit SKS Limited reserves the right to withdraw this report and its recommendations, if any requirements are not met. All details and graphics are copyright of Summit SKS Limited.

On Behalf of Summit SKS Limited



Stephen Shelton,
Certified Arborist ON-0542AT





The International Society of Arboriculture

Hereby Announces That

Stephen W. Shelton

Has Earned the Credential

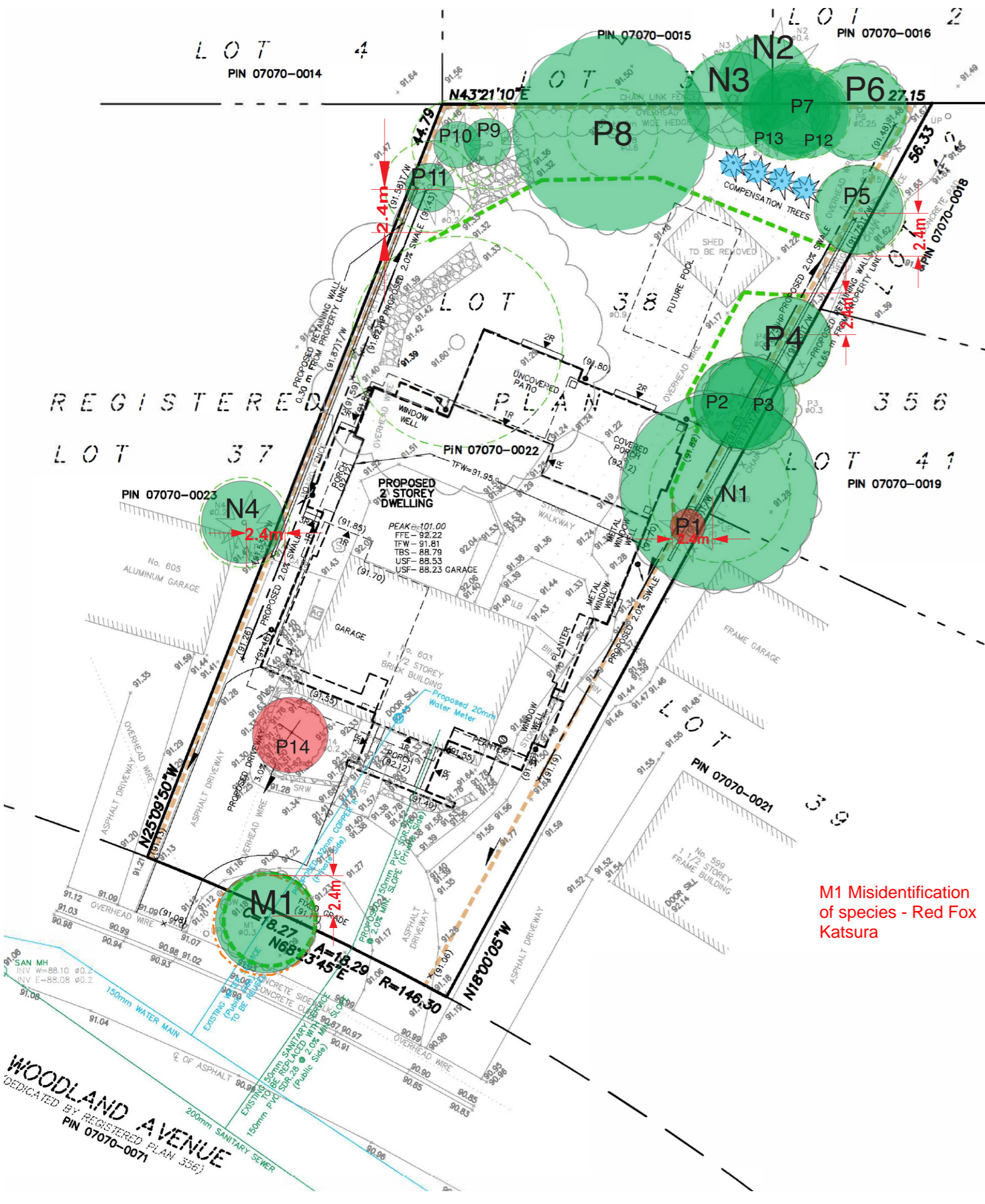
ISA Certified Arborist ®

By successfully meeting ISA Certified Arborist certification requirements through demonstrated attainment of relevant competencies as supported by the ISA Credentialing Council

Caitlyn Pollihan
Caitlyn Pollihan
CEO & Executive Director

18 March 2000	30 June 2024	ON-0542AT
Issue Date	Expiration Date	Certification Number



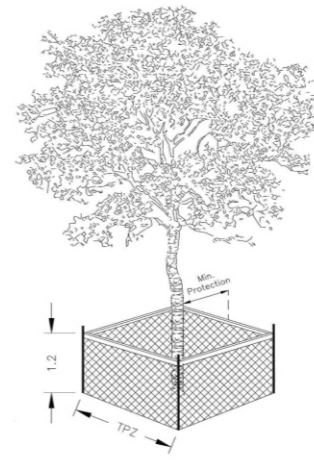


M1 Misidentification of species - Red Fox Katsura

2m

- LEGEND**
- property line
 - existing tree number (refer to chart)
 - existing vegetation to remain
 - existing vegetation to be removed
 - minimum tree protection zone (mtpz) - as per Town of Oakville guidelines
 - compensation trees
 - tree protection

Tree Protection and Preservation Specification No.: SS12A



Detail TP-1 - Tree Protection Detail.

Trunk Diameter (DBH) ¹	Minimum Tree Protection Zone (MTPZ) Distances Required ²	Critical Root Zone (CRZ) Distances Required ^{3,4}
< 10 cm	1.8 m	1.8 m
11 - 40 cm	2.4 m	4.0 m
41 - 50 cm	3.0 m	5.0 m
51 - 60 cm	3.6 m	6.0 m
61 - 70 cm	4.2 m	7.0 m
71 - 80 cm	4.8 m	8.0 m
81 - 90 cm	5.4 m	9.0 m
91 - 100+ cm	6.0 m	10.0 m

NOTES:

- The roots of a tree can extend from the trunk to approximately 2-3 times the distance of the drip line.
- Diameter at breast height (DBH) is the measurement of tree trunk taken at 1.4 metres above ground.
- Minimum Tree Protection Zone and Critical Root Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work and is subject to Section 6 of this specification.
- Where work is being performed beyond the Minimum Tree Protection Zone but within the Critical Root Zone the works are subject to Section 8 of this specification.

NOTE: Vegetation inventory undertaken by Stephen Shelton, ISA Certified Arborist (ON-#0542A1)

REVISIONS/ SUBMISSIONS

#	DATE	DESCRIPTION
1	1 April 2022	1st Submission
2	25 OCT 2022	2nd Submission
3		
4		
5		

CERTIFICATIONS

TRAQ 1589

ON-0542A1

CLIENT
Carrothers + Associates

MUNICIPALITY
City of Burlington

PROJECT
Private Residence
603 Woodland Avenue

MUNICIPAL FILE NUMBER
#-

SHEET
Tree Protection Plan

Tree Number	Common Name	Latin Name	DBH (cm)	Height (m)	Crown Reserve (m)	Crown Height (m)	Canopy Cover Area (m)	Health	Structure	TPZ (m)	Site Plan Results
M1	Maple Red (soft maple)	Acer rubrum	10	6	3	6	9	fair	fair	1.8m	preserve
N1	Mulberry White	Morus alba	36	9	7	5	49	fair	poor	2.4m	preserve
N2	Pine Eastern White	Pinus strobus	35	12	7	9	49	fair	poor	2.4m	preserve
N3	Pine Eastern White	Pinus strobus	40	18	10	15	100	fair	fair	2.4m	preserve
N4	Cedar Emerald Green	Thuja occidentalis 'emerald'	20	8	3	8	9	fair	fair	2.4m	preserve
P1	Cedar White	Thuja occidentalis	15	5	3	5	9	fair	fair	2.4m	remove
P2	Cedar White	Thuja occidentalis	15	4	3	4	9	fair	fair	2.4m	preserve
P3	Elm Siberian	Ulmus pumila	21	8	5	4	25	fair	fair	2.4m	preserve
P4	Cedar White	Thuja occidentalis	15	5	3	5	9	fair	fair	2.4m	preserve
P5	Cedar Emerald Green	Thuja occidentalis 'emerald'	15	7	1	7	1	fair	fair	2.4m	preserve
P6	Maple Norway	Acer platanoides	24	11	7	6	49	fair	fair	2.4m	preserve
P7	Maple Norway	Acer platanoides	12	9	5	4	25	fair	poor	2.4m	preserve
P8	Mulberry White	Morus alba	44	11	7	7	49	fair	poor	3m	preserve
P9	Hemlock Eastern	Tsuga canadensis	15	5	4	5	16	fair	fair	2.4m	preserve
P10	Hemlock Eastern	Tsuga canadensis	15	5	4	5	16	fair	fair	2.4m	preserve
P11	Hemlock Eastern	Tsuga canadensis	15	5	4	5	16	fair	fair	2.4m	preserve
P12	Cedar White	Thuja occidentalis	15	4	3	4	9	fair	poor	2.4m	preserve
P13	Cedar White	Thuja occidentalis	15	4	3	4	9	fair	poor	2.4m	preserve
P14	Japanese Lilac	Syringa reticulata	25	5	4	3	16	poor	poor	2.4m	remove

SUMMIT
PROFESSIONAL CONSULTING ARBORISTS

5-871 Equestrian Court
Oakville, ON L6L 6L7
1.289.830.8900
www.summits.ca



SUBJECT: Public Tree By-law amendment

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Roads, Parks and Forestry Department

Report Number: **RPF-06-23**

Wards Affected: All

File Numbers: 820-01

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Approve amending By-law XX-2023 in Appendix A to roads, parks & forestry department report RPF-06-23, a By-law to amend By-law 68-2013 Public Tree Bylaw.

PURPOSE:

The purpose of this report is to amend the City's Public Tree bylaw as it relates to public tree removal requests associated with development applications, in order to streamline and expedite the review process.

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Municipalities are given the authority under section 135 of the Municipal Act to create tree bylaws to prohibit or regulate the injury or removal of publicly owned trees. The City's Public and Private Tree Bylaws have been created under this authority and afford protection for public and privately owned tree assets respectively, as well as providing a framework for compensation should trees be required to be removed.

Public trees are considered for removal by staff when they present a risk to public safety, present a terminal condition (decline in health), and/or present a conflict with

major public and private construction projects, including but not limited to development related projects.

As part of the development application process, Forestry staff conduct a comprehensive review of submissions in collaboration with planning and site engineering staff. This work includes the evaluation of arborist reports and tree preservation plans, and as part of this process, staff confirm that retained trees are sufficiently protected in accordance with the City's specifications, while trees that require removal are sufficiently replaced either through replacement tree planting, or cash in lieu of replacement.

In addition to the staff review, any removal of public trees associated with a development application must be approved by Council in advance, as per section 1.19 of the public tree bylaw, which states:

“The City Arborist shall not issue a Tree Permit for Trees located on Public Property immediately abutting Private Property for which a development application has been submitted, until such time as the development application has been approved and Council has also approved the removal of these trees.”

Strategy/process/risk

The requirement to submit a staff report to support the removal of publicly owned trees per section 1.19 of the bylaw was likely incorporated to provide a final review opportunity, but it adds an additional layer of approval in the development application process. Furthermore, these reports take an average of 8-12 hours of staff time to produce, taking them away from their ability to review other development files. Moreover, the requirement to integrate report submissions into the committee calendar, often extends approval timeframes a minimum of 8 weeks.

In the interest of streamlining the development application review process, staff recommend amending section 1.19 of the Public Tree Bylaw, to eliminate this requirement as follows:

“The City Arborist shall not issue a Tree Permit for Trees located on Public Property immediately abutting Private Property for which a development application has been submitted, until such time as the development application has been approved ~~and Council has also approved the removal of these trees.~~”

Options Considered

This amendment to the bylaw supports changes to development application review timelines per Bill 109 and aligns with the corporate direction of cutting through unnecessary red tape in the development process. In addition, other clauses still exist in

section 1.20 of the City's Public Tree Bylaw that provide Council sufficient oversight, to "direct that any Tree or Trees be protected, removed, relocated or trimmed."

Financial Matters:

Not applicable

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Climate Implications

Trees contribute towards the City's climate change goals both through their role in climate mitigation, sequestering carbon, adaptation by reducing the heat island effect, promoting infiltration and interception of rainwater, and improving air quality. Trees also improve the overall environment through their aesthetic qualities, providing habitat, reducing noise pollution, contributing to stress reduction, as well as screening and privacy. The continued preservation and protection of trees within the City is an important measure to aid in the fight against climate change.

Engagement Matters:

Forestry staff consulted with departments associated with the development services, specifically planning and development engineering. Through these discussions, it was supported by all groups to eliminate section 1.19 of the bylaw in the interest of streamlining the development application review process. Additionally, Legal services has been consulted and authored the proposed amendment to the City's Public Tree Bylaw.

Conclusion:

As part of the development application process, Forestry staff conduct a comprehensive review of all tree removal proposals to ensure compliance with the City's public tree bylaw and alignment to the City's Policy for Canopy Protection and Enhancement. Staff have identified section 1.19 of the City's public tree bylaw as a step within the development process which adds unnecessary workload for staff, increases project timeframes, and yields minimal value to the development process. As such, staff support amending the City's public tree bylaw to remove this clause.

Respectfully submitted,

Steve Robinson, BCMA OALA
Manager, Urban Forestry / City Arborist
(905) 335-7777 ext. 6167

Appendices:

- A. City of Burlington Bylaw XX-2023

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.

The Corporation of the City of Burlington

City of Burlington By-law XX-2023

A by-law to amend By-law 68-2013, being a by-law to regulate planting, maintenance and preservation of trees on or affecting public property.

File: _____ (XX-XX-XX)

Whereas Council of The Corporation of the City of Burlington deems it in the public interest to protect and preserve trees growing upon or located upon City-owned land;

Whereas The Corporation of the City of Burlington, pursuant to Section 135 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, may by by-law prohibit or regulate the injuring or destruction of trees;

Whereas Council of The Corporation of the City of Burlington enacted By-law 68-2013, a by-law to regulate planting, maintenance and preservation of trees on or affecting public property; and,

Whereas Council of The Corporation of the City of Burlington has deemed it necessary to amend By-law 68-2013 to update approval requirements that pertain to the issuance of public tree permits associated with development applications.

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

1. That Section 1.19 of By-law 68-2013 is amended by deleting the words “and Council has also approved the removal of these Trees”.
2. Subject to the amendments made in this By-law, in all other respects, By-law 68-2013 be and is hereby confirmed.
3. This By-law shall come into force on the date of its passing.

Enacted and passed this _____ day, of June, 2023.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____



SUBJECT: Tree planting initiatives

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Roads, Parks and Forestry Department

Report Number: RPF-05-23

Wards Affected: All

File Numbers: 820-05

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Direct the Director of Roads, Parks, and Forestry to amend Bylaw 55-2020 Tree Planting Initiatives Reserve Fund By-law in consultation with Legal Services and Finance to enhance the useability of the Tree Planting Reserves by including funding for tree establishment and enhancement initiatives; and

Authorize the Manager of Urban Forestry to develop a Community Tree Planting Grant Application and process for community supported tree planting and canopy enhancement initiatives.

PURPOSE:

This report provides an update on the Community supported tree planting initiatives funded by cash in lieu dollars received through the private tree bylaw administration. In addition, the report provides rationale for updating the existing tree Planting Initiatives Reserve Bylaw and details future opportunities related to community supported programming to support canopy establishment and enhancement.

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The City’s forestry section plants several thousand trees on an annual basis as part of a council-approved tree replacement program. This program can be organized into three discrete streams: non-emerald ash borer (EAB) replacements; EAB replacements; and Community supported planting initiatives. The latter will be the focus of this report; however, staff have included details regarding the other two planting streams for Council’s awareness and understanding that all three streams are administered by the same team. Both the non-EAB and EAB replacement tree programs are funded annually through the Operating budget, while the community supported tree planting initiatives are funded from cash in lieu revenue generated from the City’s Private Tree By-law, and from the Forestry operating budget.

Table 1: Tree Planting Programs at a Glance

Program Type	Annual Quantity (3 yr Avg)	Size	Location	Funding Source
Annual Tree Replacement Program (non-EAB)	1020	50 mm wire basket (12’ height)	Streetside and manicured parks	Operating
EAB Replacement Program	750	50 mm wire basket (12’ height)	Streetside and manicured parks	Operating
Community Supported planting Initiatives	2450	1 – 5 gal. pots (2-5’ height)	Manicured parks; giveaways	Tree Planting Initiative Reserves and Operating

Program Successes to Date

Free Tree Giveaways

In 2022, the Cash in Lieu funding from the Private Tree Bylaw facilitated the distribution of 725 trees to residents. The goal of these initiatives is to grow the City of Burlington's tree canopy on private property and build awareness of urban forestry issues within the community.

In April 2022, 200 trees were given away as part of an Earth Day collaboration with Climate Resilient Burlington and Burlington Green. In September, an additional free tree giveaway event was held where 500 trees were given away to residents, and a raffle of 25 trees was held in collaboration with Burlington Green during National Forest Week.

In 2023, 500 trees were given away in April, and 500 trees are planned to be given away in September.

The spring and fall tree giveaways have been able to be administered in a cost-effective manner. For the spring giveaway, the total cost represented \$50 per tree. In contrast, the fall giveaway had substantially lower costs of approximately \$30 per tree, as more than double the number of trees were given away in the same amount of time, as a result of ongoing process improvements. (this includes all expenses associated with the event). It is important to note that approximately 72% of the combined total program cost is for the procurement of nursery stock. Specific information related to the spring and fall giveaways is noted in Figure 1 and 2 below. Procurement of trees is funded from the Tree Planting Initiatives Reserve. There are additional costs associated with administering these programs, including staff time, and equipment costs which are absorbed within the Forestry Operating budget rather than recovered from the tree planting initiatives reserve.

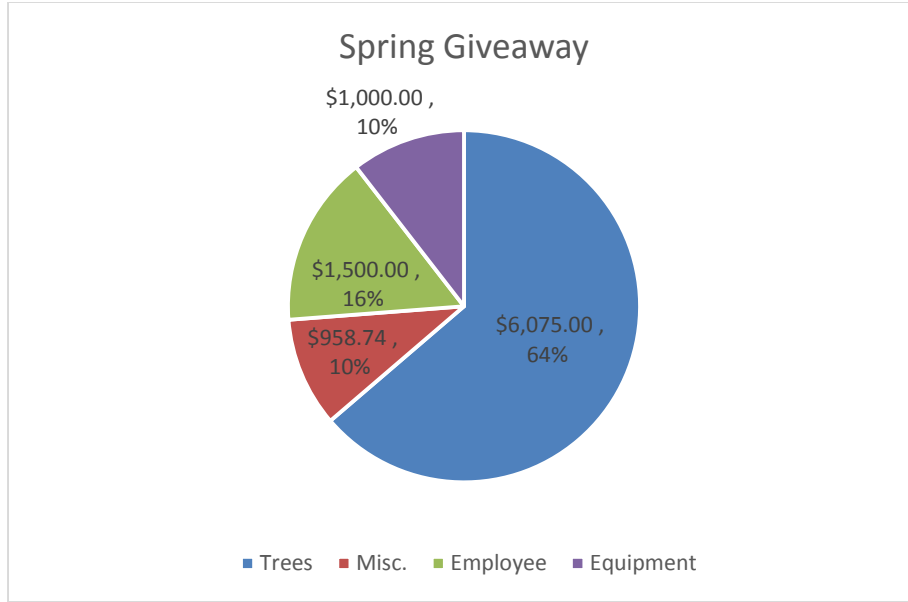


Figure 1: Average Tree Giveaway Cost Breakdown (Spring)



Figure 2: Average Tree Giveaway Cost Breakdown (Fall)

Spring Community Planting Event

As a continuation of Earth Day celebrations, Forestry staff, in collaboration with Burlington Green and 200 community volunteers, planted 500 trees at Millcroft Park. Forestry staff were responsible for site selection and preparation, and the procurement and delivery of all nursery stock. Burlington Green took the lead role of communicating and marketing the event, as well as registration of 200 volunteers. Costs associated with the Spring Community Planting Event are noted in Figure 3 below.

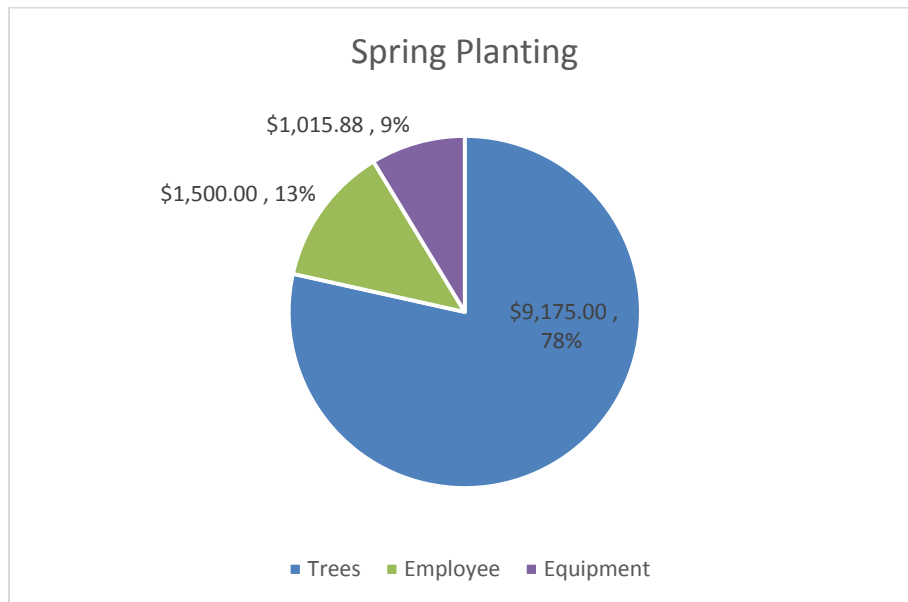


Figure 3: Spring Tree Planting Cost Breakdown

Research and Innovation

Greening the Landscape Research Consortium

Forestry has actively pursued research opportunities with a focus on reducing tree mortality rates immediately after planting, as well as maximizing survivorship for trees 5-years post-planting, which is considered established. The City has been actively involved in the Greening the Landscape Research Consortium which is an interdisciplinary group of industry professionals ranging from nursery growers, landscape contractors, conservation authorities, and other municipalities, led by the Vineland Research and Innovation Center (Vineland). This research focusses on developing solutions associated with the tree value chain from grower to end user, to ensure long-term survivability.

Colin Alton Parkette Soil Study

This project, in partnership with Vineland, is meant to evaluate how soil health influences tree performance. Currently, trees are planted in heavily compacted soils which are of low quality, making it difficult for trees to become established.

The Colin Alton Parkette project has allowed Forestry the opportunity to compare different quality levels of soil and their relationship to newly planted trees. Preliminary results have shown that soil quality is just as important as tree stock in new tree establishment, and that investment in improved soil will pay dividends in growing the City's tree canopy faster, while minimizing new tree problems and service requests related to young tree dieback.

Juniper Ave & Tremineer Ave Canopy Recovery Project

Both Juniper Ave and Tremineer Ave were heavily impacted by EAB infestation because these streets were monocultured with ash.

In an effort to replace the significant loss in tree canopy and to demonstrate the importance of biodiversity, through evidence-based practice, Forestry teamed up with Vineland to conduct an experiment on whether the addition of various soil inoculants (beneficial bacteria and fungi) support improved tree establishment in urban areas, as well as highlight the positive impact that regular watering and assessment of trees has in the years following planting, yielding significantly less incidences of young tree mortality. Due to current resource limitations, this level of attention and due diligence is not present throughout the rest of the City of Burlington's planting programs.

If successful in the Juniper Ave and Tremineer Ave neighbourhoods, Forestry staff intend to expand this program on a wider scale across the city, leading to bigger, healthier trees, less young tree mortality, and faster establishment after planting.

Current Program Limitations

- Both the free tree giveaways and community planting event programs are well received by the residents, and there is significant interest in increasing the scope of either of the programs with the help of our community partners. However, these programs require an extensive number of resources to perform well, and often operate successfully at the expense of other programs given current staffing resources. Other municipalities that run tree giveaway programs of this scope are successful because they are run by full time, dedicated staff.
- The concept of 'tree planting' should be reframed to 'tree establishment'. Through this reframe, proper attention to site and soil preparation, as well as after-care and maintenance are integral parts to ensure long term tree establishment. The existing wording within the Tree Planting Initiatives Reserve

is rigid in its utility, and there is an opportunity to improve long term program objectives by modifying the wording to address the pre- and post-planting activities.

- There is currently no method of tracking trees once they have been given away as part of the tree giveaway events. Although residents must register, there are no resources to follow up to ensure trees have survived the first year. This means there are minimal metrics to report on program success
- Maintenance after planting is critical for both public support and tree establishment. At this point due to resourcing issues there is *no* maintenance of newly planted trees after warranty. Trees planted within the City's right of way are presently absorbed within Forestry's grid maintenance program, which could mean new trees are not maintained for another 6-8 years after warranty. Trees planted as part of a community supported initiative do not have a formal maintenance program, which can lead to high levels of mortality.

Program Plans 2024 and beyond

- As part of the Designing and Evolving the Organization, a dedicated resource has been identified within Forestry as a Community Outreach and Engagement Coordinator. Their role will include all engagement as it relates to community supported tree planting programs, including but not limited to the planning of free tree giveaways, community planting events, and long-term, the review and approval of grant applications.
- Staff are investigating the feasibility of a backyard tree planting program with a third-party non-profit organization that will assist in the replacement tree program by installing trees and monitoring them overtime. This will allow us the ability to track the success of the plantings and to better manage the canopy over time, and ensure those trees are maintained and not removed. The establishment of a backyard tree planting program can also assist customers in planting new trees to ensure the right tree is planted in the right place; ensuring long-term success.
- There is great interest from the community to plant more trees on private property, including residential, commercial, and institutional lands. Forestry staff are investigating the feasibility of a grant application program whereby community groups can apply for financial and technical support ranging in size and scope that is suited to their unique and specific interests and skill sets.
- Continue to build on key relations with larger-sized community partners (e.g. Conservation Halton, Burlington Green, Tree Canada) through the development of formalized agreements.
- Develop a tree establishment program for streetside planting, and community planting events to demonstrate to the public Forestry's commitment to tree

establishment. Leverage Tree Equity Scores and other insights from the Urban Forest Master Plan (UFMP) to strategically pursue planting opportunities in areas with low canopy scores

- Pursue relationship building with other Non-Government Organizations (NGO's) such as the Tree Trust, which helps to maintain large urban trees on private land – an avenue which solves several complex problems for canopy maintenance on private property. Future use of the reserve funds may include fixed maintenance subsidies to offset costs of pruning, cabling, fertilizing, and other practices related to tree maintenance.

Strategy/process/risk

The research that Forestry staff have participated in, as well as a growing body of industry research, supports the need for greater resource inputs in the pre- and post-planting activities to support long term tree survivorship. In addition, there is a demonstrated interest from the Burlington community to actively participate and contribute to growing the City's urban forest.

Proposed Tree Planting Initiative Reserve Bylaw Amendments:

The tree planting initiatives reserve bylaw is regulated by bylaw 55-2020. The current wording within the bylaw restricts the use of the funds to *“tree planting and/or replacement on city and privately owned properties”*. In addition, there is no direct route for staff to access these funds outside of the normal budget process. Through the review and revision of the bylaw, it is recommended the wording is revised to encompass a greater range of tree establishment and enhancement activities, such as pre- and post-planting activities in the interest of improving long-term tree survivorship as well as fixed cost maintenance subsidies to support significant tree retention. Finally, the revised wording within the bylaw will provide the Director of Finance and the Executive Director of EICS, or their designate, the ability to in year commitments against the reserve fund. Consultation with both Finance and Legal is required as part of this process.

Risk

Since the launch of community supported tree planting initiatives, there have been significant improvements made in community engagement, general awareness of urban forestry issues, as well as positive contributions to canopy growth on both public and private property. At this point, the Forestry section is over capacity with respect to the ongoing administration of these programs, which presents a number of risks:

- 1) Without adequate access to funds, newly planted trees from community planting events are not sufficiently maintained, which leads to increased likelihood of tree mortality due to lack of water and other care.

- 2) Additional growth potential for future community partnerships across the City is limited due to lack of staffing resources.
- 3) Increasing workload of staff creates the potential for burnout and if left unremedied will lead to retention issues of technical staff.

Options Considered

Third Party Giveaways and Planting Programs

Through collaboration with local environmental NGOs, Forestry staff could outsource all or a portion of tree giveaways and community supported tree planting programs. This is not recommended by staff as there would be little to no oversight to manage critical urban forestry metrics such as biodiversity, location, quality and survivorship. Further, tree planting events would still require staff coordination of site selection and application pre-planting preparation. Costs for this program framework are unknown at this time.

Financial Matters:

The Tree Planting Initiatives Reserve is funded primarily from cash in lieu dollars received through both the Public and Private Tree By-laws. At present, the account has a total \$689,603. In 2022, \$69,870 was transferred from the reserve to cover costs of tree giveaways, community planting events, third party planting on City lands, and research projects.

Table 2: Summary of Reserve Fund Allocation

Activity	Recovery from Reserve
Spring Giveaway	\$6,075
Spring Community Planting Event (Millcroft Park)	\$9,175
Fall Giveaway	\$12,110
Third Party Planting (Conservation Halton / Tree Canada)	\$15,850
Maintenance (Tree Loving Care event with Burlington Green)	\$3,050
Colin Alton Parkette	\$16,180
Juniper Ave / Tremineer Ave	\$7,430
Total:	\$69,870

Total Financial Impact

Average Tree giveaways cost approximately \$15,000 for 500 trees (\$30 per tree). On average, 72% of the total program costs are recovered through the Tree Planting Initiatives Reserve with the remaining funded by the Forestry Operating budget.

Average tree planting events cost approximately \$10,000 to \$15,000 per event (Approximately \$25 per tree in 2 gallon pots). This includes the supply and delivery of tree stock, site preparation, and applicable human resources and equipment costs. Approximately 50% of the costs are recovered through the Tree Planting Initiatives Reserve with the remaining funded by the Forestry Operating Budget.

All human resource costs and equipment allocation costs are absorbed within the existing Forest Health operating budget.

There is currently no established level of service or budget allocation for maintenance of any newly planted trees for both community supported and city administered programs (streetside replacements).

Source of Funding

The Tree Planting Initiatives Reserve Fund Bylaw is the primary source of funding for community supported planting initiatives. The current fund balance is \$689,603.

Other Resource Impacts

Due to the current reserve fund bylaw, the Tree planting initiatives reserve account only covers the cost for site preparation and procurement of trees for the events. Costs for internal staffing, program administration and other operational needs to support these events are all borne through the Forest Health operating budget.

Climate Implications

The climate implications surrounding canopy growth are extensive. The majority of land within the City of Burlington is privately owned and having the opportunity to have trees planted on private land allows us an even greater opportunity to grow the canopy of the city overall.

Our planting events also help to improve the resilience of our cities in the face of significant wet weather events. As well, our woodlots and parks play a critical role in reducing the impact of stormwater runoff through infiltration and retention.

Residents have also recognized the ability of trees to sequester carbon.

Engagement Matters:

Forestry has been working with community partners to facilitate planting events and collaborate on volunteer resourcing as noted below and in Figure 3:

- Burlington Green has been a regular partner for the City’s Earth Day planting events in 2022 and 2023. Earth day 2022 was the first planting event since 2019 due to the pandemic.
- Conservation Halton has been a regular partner for canopy growth and has facilitated the relationship between Burlington Forestry and Tree Canada. Conservation Halton helped plant 1,000 trees with the city of Burlington in 2022 and have organized planting events for 2000 trees in 2023.
- Field and Stream Rescue Team has taken part in creek cleanups across Burlington and are working with other departments in the City. In 2022, they planted over 750 trees in creeks. They are uniquely suited for stream cleanup, and replanting.

Table 3: 2022 Community Supported Planting Events

Date	Number of Trees	Location	Partner
April	500	Millcroft Park	Burlington Green
September	100	Thorpe Park	Ikea and Tree Canada
October	1000	Millcroft Park	Conservation Halton, Boehringer Ingelheim, and Tree Canada
November	125	Lowville Park	Ontario Federation of Anglers and Hunters
Total	1725		

Conclusion:

Community supported tree planting programs are integral to the growth and long-term success of the Urban Forest. These programs foster a sense of ownership, raise awareness to Urban Forestry issues that face the City, as well as contribute to net canopy growth on both public and private land.

By modifying the use of the Tree Planting Initiatives Reserve Bylaw to encompass Tree Establishment and Enhancement, Forestry staff will be better able to address challenges associated with tree planting to improve the health and survival of newly planted trees, and more effectively engage with members of the public to grow the Urban Forest.

Respectfully submitted,

Steve Robinson

Manager, Urban Forestry / City Arborist

(905) 335-7777 x. 6167

Kyle McLoughlin

Supervisor, Forest Planning & Health

(905) 335-7777 x. 6145

Appendices:

- A. Bylaw 55-2020 Tree Planting Initiative Reserve Fund (Reference)

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.

The Corporation of the City of Burlington

City of Burlington By-law 55-2020

A by-law to establish a reserve fund and guidelines for the utilization
of the Tree Planting Initiative Reserve Fund
File:450-04, F-28-20

Whereas pursuant to the *Municipal Act*, 2001, S.O. 2001, a municipal council may establish reserve funds for any purpose for which it considers necessary; and

Whereas the Council for the Corporation of the City of Burlington has provided for the establishment of reserve funds;

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

1. That the Tree Planting Initiative Reserve Fund be established; and
2. That the source of revenue for the reserve fund shall be made from donations, tree replacement compensation and cash-in-lieu payments; and
3. That the Tree Planting Initiative Reserve Fund be credited with interest at the same rate earned by the other City of Burlington reserve funds; and
4. That the accumulated funds, including any interest earned thereon, be utilized to fund tree planting and/or replacement on city and privately owned properties.

Enacted and passed this 22nd day of June 2020

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____



Motion Memorandum

SUBJECT: Delegation from Michelle Break and Mind Your Plastics
TO: Mayor and Members of Council
FROM: Councillor Rory Nisan, Ward 3
Date to Committee: June 1, 2023
Date to Council: June 13, 2023

Motion for Council to Consider:

Receive the delegation from Michelle Break regarding plastic waste reduction in Burlington.

Reason:

I would like to sponsor Mind Your Plastics delegation so they are able to make a presentation to Environment, Infrastructure & Community Services Committee regarding plastic pollution policy opportunities.

Outcome Sought:

Inform committee members, staff and the public about plastic waste issues surrounding large events and to receive recommendations on how we can reduce plastic waste at large events. Support environmental sustainability.

Vision to Focus Alignment:

(check those that apply)

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Motion Seconded by: as required
Share with Senior Staff

Approved as per form by the City Clerk,

Reviewed by the City Manager - In accordance with the Code of Good Governance, Council-Staff Relations Policy and an assessment of the internal capacity within the City to complete the work based on a specific target date (quarter/year).

Comments:

City Clerk: Approved as per form

City Manager: Approved



SUBJECT: Establishment of the Halton Digital Access Services Corporation

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Environment, Infrastructure and Community Services

Report Number: EICS-09-23

Wards Affected: All

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

1. Endorse the following actions:

- (a) Adopt the business case in respect of the creation and operation of a Municipal Services Corporation ("**MSC**") as described in environment, infrastructure and community services report EICS-09-23;
- (b) Receive the results of public consultation in respect of the creation and operation of a MSC as described in environment, infrastructure and community services report EICS-09-23;
- (c) Endorse the creation and operation of a MSC to be known as "Halton Digital Access Services Corporation" ("**HDASC**") as described in environment, infrastructure and community services report EICS-09-23;
- (d) Adopt the Asset Transfer Policy as described in Attachment 1 to environment, infrastructure and community services environment, infrastructure and community services report EICS-09-23;
- (e) Authorize the City Manager to act as an incorporator of HDASC;
- (f) Approve the subscription for shares in the capital of HDASC by the City;
- (g) Nominate and authorize the City Manager to be City's representative on the HDASC Board of Directors;
- (h) Approve the City entering into the following agreements described in environment, infrastructure and community services report EICS-09-23:
 - i. Unanimous Shareholders Agreement;
 - ii. HDASC Municipal Pole License Agreement;

- iii. Any such related agreements, forms or other documents that the City Manager deems are reasonably required for the creation or operation of HDASC,
All with content satisfactory to the City Manager, and in form satisfactory to the Executive Director of Legal Services and Corporation Counsel.
- (i) Approve the City, as a shareholder of HDASC, to authorize HDASC to enter into, adopt or approve as the case may be the following:
 - i. Unanimous Shareholders Agreement;
 - ii. HDASC Municipal Pole License Agreements; and
 - iii. Loan Agreement and related ancillary documents; and
 - iv. Any such related agreements, resolutions, by-laws, forms or other documents the City Manager deems are reasonably required for the creation or operation of HDASC, all in content satisfactory to the City Manager, and in form satisfactory to the Executive Director of Legal Services and Corporation Counsel.
- (j) Authorize the City Manager, in his capacity as a director of HDASC, to execute any such agreements documents, or forms and to do such other things as are reasonably required as a director of HDASC;
- (k) Authorize the Mayor and City Clerk to execute agreements on behalf of the City including in its capacity as a shareholder of HDASC, and to sign such other documents, agreements or forms as are reasonably required of the City including in its capacity as shareholder for the creation and operation of HDASC; and
2. Direct the City Clerk to send a copy of environment, infrastructure and community services report EICS-09-23 to the Region of Halton and the Towns of Halton Hills, Milton and Oakville for their information.

Executive Summary

- Report EICS-09-23 (Re: Establishment of Halton Digital Access Services Corporation) provides recommendations regarding the creation of a new Municipal Services Corporation to be known as Halton Digital Access Services Corporation (HDASC) to provide a “one-window” Telecommunications permitting service.
- The exponential growth in the demand for mobile services has led to major advancements in wireless network technologies every 10 years, resulting in the emergence of groundbreaking 4G networks in 2010 and now leading to 5G technology which presents significant economic opportunities for the City and Halton Region.
- 5G technology implementation is expected to be a key economic driver over the next decade generating significant economic growth, and it is important that Halton Region be positioned to benefit from that growth.
- The next generation of 5G connectivity will rely on both a comprehensive fibre network as well as a 5G wireless network across all of Halton Region. There are currently significant gaps in the fibre network in Halton Region which will need to be

- addressed to achieve the benefits of 5G technology.
- A 5G network implementation requires the attachment of wireless transmitting devices to poles and buildings (“**Vertical Assets**”) typically along road rights-of-way.

There is a potential opportunity to use municipal street light poles and hydro poles for these 5G device attachments.

- Report No. CM-21-22 re: “Halton Digital Access Strategy Implementation” outlined how the City of Burlington, The Region of Halton, the Town of Halton Hills, the Town of Milton and the Town of Oakville, along with the four local Hydro companies (the “**Hydro Companies**”) could implement a new Municipal Service Corporation (MSC) to coordinate the deployment of 5G technology in Halton with Telecommunications services providers (the “**Telcos**”).
- The purpose of the new MSC would be to provide a “one-window” service to efficiently process the Telcos’ permits to attach their 5G equipment to Vertical Assets owned by the Municipalities and Hydro Companies throughout Halton. Consultations with several Telcos confirm the industry’s support for a “one-window” permitting service.
- The City of Burlington, the Region of Halton, the Town of Halton Hills, the Town of Milton and the Town of Oakville would share ownership of the new MSC and would each have a member on the Board of Directors. The four local Hydro Companies would also each have a representative on the Board of Directors. The Halton Municipalities and Hydro Companies would be required to enter into agreements to grant the new MSC access to Vertical Assets to allow centralized 5G attachments permitting to Telcos.
- As described in Report EICS-09-23, and as required in the *Municipal Act, 2001*, the Halton Municipalities collected feedback on Halton.ca from the public consultation on the proposed Halton Digital Access MSC from November 23 to December 14, 2022. The public consultation was supported by social media, local newspapers and Halton.ca communication.
- The public consultation yielded a significant engagement with approximately 2,000 reviews of the initiative overview on Halton.ca, 171 “yes/no” submissions and 94 comments. Themes within the comments included: Health concerns related to cellular technology, support for accelerating 5G rollout in Halton, and support for broadband and 5G in rural areas. With respect to health concerns, according to Health Canada, based on the available scientific evidence, there are no health risks from exposure to the low levels of radiofrequency electromagnetic fields emitted by 5G devices.
- The creation of HDASC will require the City, the Region and the other Municipal and Hydro partners to enter into several legal agreements, including a “Unanimous Shareholders Agreement” (which governs the relationships between the 9 partners), and a “Pole License Agreement” (which assigns HDASC the rights to license positions on streetlight and hydro poles to the Telcos).

- Based on the estimated rate of 5G microcell installation in Halton, and the estimated operating costs of HDASC, it is projected that HDASC costs will exceed its revenues in the first year of operation, and that revenues will exceed costs in subsequent years. To assist with the start-up costs, and to cover the first year's estimated shortfall,

Halton Region is proposing to advance a \$500,000 start-up loan to HDASC.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Council at their meeting of September 20,2022 passed the following:

Receive and file city manager's office report CM-21-22 providing an update regarding the Halton Digital Access Strategy review; and Approve, in principle, an implementation plan for a one-window plan to support the implementation of 5G technology in Burlington, as part of a region-wide approach, "Halton Digital Access Strategy Implementation Plan"; and Delegate authority to the City Manager to negotiate and present for future Council consideration, the governance framework, associated multiyear financial plan, including incremental net revenue forecast, and related operating and other agreements in consultation with the Executive Director of Legal Services and Corporation Counsel and the Chief Financial Officer.

The long-standing need for reliable broadband connectivity has been amplified during the COVID-19 pandemic as residents and businesses required reliable broadband access in order to work, learn, access health care services, conduct business, and communicate with friends and family.

The experience through the COVID-19 pandemic has further demonstrated that broadband is an essential service. Halton Region continues to advocate to the Provincial and Federal Governments to increase and accelerate broadband connectivity, quality and affordability in Halton's communities. The current CRTC 50Mbps/10Mbps Rural Broadband target, although helpful for minimal viable connectivity in areas without connectivity, is not sufficient to support next-generation technology and applications, such as smart vehicles, remote machinery control and public safety communications.

The next-generation broadband capabilities will rely on new 5G technologies that will transform national and regional economies. These technologies will include a fully integrated fibre-based wire line and 5G wireless network.

To implement 5G wireless technology, network operators such as Bell, Rogers and others need to create a network of small cells (antennas) to deliver the technology to mobile devices. These small cells (or microcells) are essential for 5G network capability as they allow the operators to support more users with faster speeds, without the need to acquire additional wireless spectrum. Small cells are mini cellular towers (antennas), which are roughly the size of a standard laptop and can be installed on top of buildings, streetlights, and hydro poles. In this context, the Local Municipalities and Hydro Companies can leverage their existing Vertical Assets to facilitate faster deployment of 5G network capability.

In the spring of 2021, the Halton CAOs were presented an opportunity from the Hydro Company Chief Operating Officers to utilize Vertical Assets throughout the Region for the deployment of 5G attachments by the Telcos.

On April 19, 2022, City Council received ReportCM-01-22: “Halton Digital Access Strategy Status Update”, which provided an overview of the economic benefits of widespread 5G access. In addition, it provided an overview of Halton Region’s commitment to 5G technology to ensure residents and businesses have access to the internet services required to support both the economy and quality of life. The Digital Access Strategy also calls for a unified broadband service using fibre to the home technology, which ensures that the Halton Municipalities are appropriately positioned to allow residents and businesses to benefit from 5G technology.

The Digital Access Strategy advocates for enhanced broadband services in both the rural and urban areas through a framework in which the Halton Municipalities and Hydro Companies could efficiently service requests from Telcos to deploy wireless 5G device attachments on Vertical Assets throughout Halton.

Amongst the five Halton Municipalities and the four Halton Hydro Companies, ownership of Vertical Assets is diversified. With respect to 5G, if Halton Region, the Hydro Companies and Local Municipalities opted to individually provide permitting for only those Vertical Assets that each party owns, the Telcos would have to approach each of the nine parties separately, facing varying permitting and licensing requirements, as well as varying processes and timelines. A “one-window” permitting service model whereby the Telcos would apply through a centralized permitting service has the potential to help the Telcos expedite their 5G implementation plans across Halton Region

In addition, during the course of this research, staff have determined that several Telcos support a one-window approach which would help support their 5G deployments.

Through Report CM-21-22 Council authorized staff to report back with details of the Hydro Companies’ proposal to provide a “one-window” service whereby Telcos could access the Vertical Assets of the Halton Municipalities and the Hydro Companies through a centralized 5G permitting service through a proposed new Municipal Services Corporation through the provisions of the *Municipal Act, 2001*.

A Municipal Services Corporation can only provide a system, service or thing that a municipality is entitled to provide, which would include the 5G pole attachment permitting service described in this report.

Through the provisions of the *Municipal Act, 2001*, a Municipal Services Corporation, owned

by Halton Region together with each of the Local Municipalities, could be established to operate the “one-window” services consistent with the above key principles. A MSC can provide these centralized 5G permitting and management services, including:

- initial permit application and ongoing access licenses for Telcos’ use of poles for 5G attachments;
- municipal and Hydro Company licenses to manage 5G pole attachment rights to the MSC; and,
- facilitation or coordination services to the Telcos, including engineering, installation, maintenance and removal of cell attachments.

In addition, the proposed structure could allow the MSC to eventually provide additional services beyond 5G, including a “one-window” approach for all non-5G Telecommunications permits, should that be considered desirable by the MSC partners,

Overall, a Municipal Services Corporation approach should create favourable conditions for the rollout of 5G across Halton Region. This will accelerate the delivery of 5G connectivity for local residents and businesses, bringing with it the associated economic and social benefits.

Given the distributed ownership of Vertical Assets (i.e. that no party owns more than 17 percent of the total assets), it will be important to establish the appropriate governance to deliver a “one-window” approach to support 5G deployment. Key principles identified for developing a governance structure for municipal consideration were as follows:

- ownership of the poles is not transferred by the owner to the MSC;
- municipalities and Hydro Companies will license rights to the MSC to manage Telcos’ one-window access to Vertical Assets;
- 5G equipment and maintenance must not interfere with the primary purpose of the Vertical Asset;
- each Vertical Asset owner will take part in the governance of the MSC; and,
- fees charged to Telcos should be based on rates that at a minimum must cover all operating costs associated with one window service and allow for full cost recovery for the owner of the Vertical Asset.

The *Municipal Act, 2001* sets out several statutory requirements that must be met prior to the creation of a Municipal Services Corporation, including the following:

- Business case study - A municipality must adopt a business case study before it establishes a Municipal Services Corporation either alone or with one or more other municipalities.
- Asset transfer policies - A municipality must adopt and maintain policies on asset transfers to corporations, even though no asset transfers to HDASC are currently contemplated (i.e. the ownership of the pole infrastructure would remain with the

individual municipalities and the Hydro Companies).

- Public participation – a municipality must consult with the public about the proposal to establish the MSC prior to such corporation's establishment. There are no specific rules governing the nature of the public consultation. The Halton Municipalities have met this obligation of the *Municipal Act, 2001* through the process described in the Public participation section of this report.

The remainder of this report describes the work undertaken, and the proposed approach to implementing a Municipal Services Corporation, to be known as Halton Digital Access Services Corporation (HDASC).

Strategy/process

Under direction of the Halton CAOs, staff, working jointly with our Municipal partners, the four local Hydro Companies, consultants, and external legal counsel, have completed the

necessary preparations for consideration of a proposed one-window centralized 5G permitting service through a new MSC. These preparations include meeting the requirements of the *Municipal Act, 2001* described above, as well as completing drafts of the foundational agreements, governance, and planning specific to the purpose of the proposed new MSC, as described in the following sections of this report.

Operating Model / Business Case

In the proposed HDASC, the Region and the four Local Municipalities would each own 20 percent of the shares in HDASC and would each have one representative on its Board of Directors. Each of the four local Hydro Companies would also have a representative on the board.

Each of the nine HDASC partners would license space on their respective Vertical Assets to HDASC, who in turn would be able to license space on these poles for 5G microcell equipment to Telcos (e.g. Bell and Rogers). HDASC would:

- work with the Telcos to understand their business plans for 5G roll-out in Halton;
- accept applications from Telcos for the installation of 5G equipment on poles;
- review these permit applications (in consultation with the pole owners if necessary);
- issue licenses for the equipment installation (with appropriate conditions) to the Telcos; and
- ensure the equipment is installed properly and does not interfere with the primary pole uses.

HDASC is intended to be a very “lean” organization, and to leverage the capabilities and expertise of its nine partners as needed. It would have a very small staff, currently contemplated to consist of a part-time General Manager, a part-time Manager of Permits and Approvals, and a part-time Manager of Finance and Administration. HDASC would enter into service contracts as needed for the provision of support services, legal and technical support, and the creation and ongoing support of digital systems to deliver its services.

HDASC would charge the Telcos a permit application and review fee, which would cover

the costs associated with reviewing applications, issuing permits and conducting inspections (if necessary). Depending on the volume and complexity of permit applications, it is possible that HDASC will contract with one or more consultants or contractors to assist with the permitting process.

HDASC will also charge the Telcos an annual fee for each pole license. This annual fee would be consistent for all poles – regardless of the pole type or owner, and would be based on typical “market rates”. The revenue generated by these fees would be used for several purposes, including:

- distribution to the hydro pole owners (on a market-rate basis) for each pole licensed (less HDASC administration fees charged to the hydro pole owner);
- distribution to the municipal pole owners (on a cost recovery basis) for each pole licensed; and
- covering HDASC operating costs, including maintaining a contingency reserve.

Any additional revenues would be distributed to the municipal shareholders on a pro-rated basis based on the number of municipal Vertical Assets licensed to the Telcos.

A key factor affecting HDASC revenue will be the pace at which 5G equipment is installed on Vertical Assets in Halton. Based on discussions with Telcos, and corresponding estimates of revenues and operating costs, it is estimated that HDASC costs will slightly exceed revenues in the first year of operation, and that revenues will exceed costs in every year thereafter. A confidential Commercial Report has been prepared by NE&S documenting key assumptions and is distributed to Committee and Council under separate cover.

To provide for appropriate funds to cover operating costs during the start-up phase of HDASC, until it reaches a positive cash flow position, it is proposed that Halton Region provide a \$500,000 start-up loan to HDASC. The details of this loan and repayment provisions are described further in the Financial Implications section.

In the absence of creating a Municipal Services Corporation to provide a “one window” permitting service, each of the nine pole owners would need to negotiate a separate agreement with each Telco if they wished to license 5G microcells on their poles. They would also need to establish their own processes to review and approve permits, and to collect the appropriate fees. Establishing nine separate processes would be cumbersome for both the pole owners and the Telcos, and would likely slow the rate of 5G deployment in Halton.

Federal 5G Standards, Approvals and Regulation

Ontario Municipalities do not have jurisdiction over the provisioning of broadband and cellular services by the Telcos, including 5G technology.

The provision of broadband internet is the responsibility of the Federal Government through the Canadian Radio-Television and Telecommunication Commission (CRTC) which regulates the Telcos, including implementations of 5G networks in Halton.

Cell phone towers and 5G transmitters emit radiofrequency electromagnetic fields similar to

energy used by AM/FM radio and television signals. The equipment is usually installed high above ground level, often on towers and utility poles.

In Canada, Innovation, Science and Economic Development Canada approves the use of 5G and sets stringent standards for radio frequency emissions for all emitting devices including cell phones and towers, which align with those of prominent international organizations such as the Institute of Electrical and Electronics Engineers, the International Telecommunication Union and the Federal Communications Commission. Similarly, Health Canada sets radio frequency standards for devices under its Safety Code 6 within its public health mandate. Innovation, Science and Economic Development Canada tests and approves the use of 5G devices before they can be used in Canada.

According to Health Canada, based on the available scientific evidence, there are no health risks from exposure to the low levels of radiofrequency electromagnetic fields emitted by 5G devices.

In addition, Public Health Ontario continues to study the environmental public health effects of radio frequency exposure in Ontario and in September 2022 published [Focus On: Health Effects of Radiofrequency Electromagnetic Fields, Including 5G](#) which anticipates that with the expanded use of wireless technology, exposures to radio frequencies may increase, but are expected to remain under regulatory limits.

Process to Create and Implement HDASC

There are a number of legal and practical steps that need to be taken to formally create HDASC as a Municipal Services Corporation, and to get HDASC to an operational state. Some of the key steps and legal agreements include the following:

- All nine partner organizations enter into a Unanimous Shareholders Agreement
- Formation of the Board of Directors
- Filing of Articles of Incorporation
- All nine partner organizations enter into Pole License Agreements with HDASC

Each of these steps is described briefly below.

Unanimous Shareholders Agreement

The Unanimous Shareholders Agreement describes and governs the relationship between the nine parties to the agreement. It describes the role of the Municipalities as shareholders of HDASC, and the Hydro Companies as participants in HDASC. It includes numerous provisions required by law, such as: the size, composition, and decision-making processes of the Board of Directors; rights of the parties to receive unaudited and audited financial statements; confidentiality; provisions related to the issuing of shares; and provisions related to parties exiting the agreement.

Board of Directors

It is proposed that each of the nine partners would have one member on the Board of Directors, and that the Chair of the Board would be Halton Region's representative on the Board. It is also proposed that the representative of each partner organization would be the organization's senior staff person (CAO, CEO or COO) or designate. These senior executives have acted as the Steering Committee, which has guided the formation of

HDASC to this point, and they would bring that background and knowledge to their roles on the Board. At some point in the future, once HDASC has achieved an operational “steady state”, they may choose to delegate their role on the Board of Directors to another representative from their organization.

Any matters requiring a Board decision would require a two-thirds majority of Board members casting votes to pass. In addition, there are certain matters (such as amending the Unanimous Shareholders Agreement or winding up the business) which would require a “Special Approval”, which consists of consent of at least all but one of the municipal representatives on the Board of Directors.

Articles of Incorporation

The formal, legal step required to create HDASC as a Corporation is the filing of Articles of Incorporation. The Articles of Incorporation describe the share capital of the corporation. It is proposed that HDASC would issue 100 common shares to each incorporating shareholder municipality, with the shares valued at \$1 each.

Pole License Agreements

The primary focus for HDASC is to provide “one window” access to the Vertical Assets owned by the nine HDASC partners. In order for HDASC to have the ability and authority to license space on these poles to Telcos, each of the pole owners must first grant a “license” to HDASC for space on the poles. It is proposed that each pole owner will enter into a pole license agreement with HDASC, which will grant HDASC the ability to license space on the poles to Telcos. The pole license agreement describes the rights and responsibilities of HDASC and the pole owners, and it ensures that the primary purpose of the poles (for municipal or hydro purposes) is protected. In return for the pole owner granting a license to HDASC, HDASC agrees to share revenues from the Telcos with the respective pole owners, as described in previous sections of this report.

Other key elements of the pole license agreement include the following:

- The agreements will be for an initial term ending December 31, 2032, with automatic successive five-year renewal terms until terminated
- After the initial term any party can terminate the agreement on 12 months’ notice
- HDASC is required to indemnify the municipality for any damages incurred by the municipality that arise out of or are related to HDASC’s performance or non-performance of the agreement

Recommendation/Next Steps

Each of the Local Municipalities and Hydro Companies are taking reports to their Councils/Boards in late May / early June seeking the necessary approvals to proceed with implementing HDASC. Once all of the necessary approvals are in place, then the Articles of Incorporation will be filed, formally creating HDASC as a legal entity. The Board of Directors will then convene for their inaugural meeting, and they will take all the necessary steps to get HDASC “up and running”. Important early activities for the Board will be hiring the initial (part-time) HDASC General Manager, finalizing pole license agreements with the Telcos, and developing the necessary operational systems and processes to process pole permit applications efficiently and effectively. It is expected that licensing and installation of 5G attachments on poles would commence later this year.

Financial Matters:

Asset Transfer Policy

As noted earlier in this report, one of the requirements of the *Municipal Act, 2001* is that a municipality must have an asset transfer policy in place prior to creating a Municipal Services Corporation, even if there is no intention to transfer assets to the Corporation. Because the City currently does not have an asset transfer policy in place, it is recommended that the City adopt the Asset Transfer Policy included in **Attachment #1**. The proposed Asset Transfer policy permits Council to transfer assets to a Municipal Services Corporation, but requires that “Any Asset transfer must be approved by the Council in advance of the transfer”, and allows Council to attach conditions to such a transfer.

Although it is proposed that the City license space on its poles to HDASC there is no intention that the City (or any of the pole owners) transfer ownership of their poles to HDASC.

FINANCIAL/PROGRAM IMPLICATIONS

Halton Region has engaged legal, consulting and project management services to assist with the implementation of the new MSC and related agreements on behalf of the Halton Municipalities and Hydro Companies.

As noted earlier in this report, HDASC will incur operating costs before it receives any revenues from Telcos. It is anticipated that for the first full year of operation, HDASC costs will exceed its revenues; thereafter, revenues are expected to exceed costs. To provide working capital to support the HDASC start-up, and to offset the expected revenue shortfall in its first year of operation, it is proposed that Halton Region provide a loan to HDASC in the amount of \$500,000. The terms of the loan would be specified in a loan agreement between HDASC and the Region (the “**Loan Agreement**”). Key elements of the proposed Loan Agreement include the following:

- The loan is interest-free
- HDASC will repay the principal amount in equal yearly payments of \$100,000 commencing no later than the 5th anniversary of the date the Loan Agreement is executed
- HDASC has the right to pay the loan off earlier without penalty

Total Financial Impact

Although it is premature to comment on projected multi-year net incremental revenues for the City, once agreements are in place with Telcos, staff will be in a better position to provide aggregated information and also will look into include a 10 year forecast in conjunction with the Multiyear Community Investment Plan (MCIP) including recommendations on where any incremental revenue should be allocated to address long term City financial needs. As noted previously in this report a Confidential Commercial Report has been prepared by NE&S detailing 5G small cell installation forecasts calculated in consultation with Telco providers, and forecast costs and revenues over a

ten year period planning period. Due to the commercially sensitive information in this report and yet to be finalized negotiations with the Telco's this report is provided to members of council as further background information as a confidential report under separate cover.

Source of Funding

Halton Region has collaborated with all area municipalities and the four hydro companies in the Region and fully funded the Halton Digital Access Strategy initiative including external consulting work to-date.

The costs associated with the formation of the Municipal Services Corporation have been budgeted by Halton Region. As such, there are no financial implications associated with this report to the City.

Other Resource Impacts

Work in establishing the HDASC has involved staff resources including Legal, Finance, Engineering and Transportation Services. Once established and operational it is anticipated that using the one-window approach to 5G deployment will minimize the requirement for staff involvement in a permitting process.

RISKS

As noted in previous sections of this report, there are many advantages to expediting the roll-out of 5G technology in Halton Region, and HDASC is expected to help facilitate and expedite the roll-out of 5G microcells by the Telcos. However, there are also risks with the proposed approach that are important to acknowledge. Some of these risks include the following:

- Federal or Provincial governments or regulatory agencies could decide to regulate 5G pole attachment fees at a lower rate than currently contemplated in the HDASC business plan. This would reduce HDASC's revenue, which could jeopardize its ability to cover its operating costs, and its ability to pay back the \$500,000 start-up loan from Halton Region.
- The rate of roll-out and installation of 5G microcells by the Telcos could be slower than assumed in the business plan (based on information provided by the Telcos). This would also reduce HDASC's revenue, which could jeopardize its ability to cover its operating costs, and its ability to pay back the start-up loan.
- HDASC costs to deliver its services could be higher than currently budgeted. This would impact HDASC's profitability and potentially affect its ability to distribute the anticipated revenue to the various pole owners, and potentially affect its ability to pay back the start-up loan.

Although it is important to acknowledge that these risks exist, in staff's view none of the risks are significant enough to outweigh the benefits of expedited 5G roll-out that is likely to be achieved through the services that will be provided by HDASC.

Climate Implications:

The experience through the COVID-19 pandemic has further demonstrated that broadband is an essential service enabling many services and activities to be undertaken remotely, reducing the need to commute and the resulting in reduced GHG emissions from transportation sources. New 5G technologies will accelerate this trend transforming economies and the way services across a broad range of sectors are delivered, further reducing travel demand associated with these activities.

Engagement Matters:

As outlined in the *Municipal Act, 2001*, it is a statutory requirement to conduct public consultation prior to establishing a Municipal Services Corporation. The purpose of the Halton Municipalities consultation was to outline the benefits, ownership, governance, operation and purpose of the proposed MSC and to provide an opportunity for the public to provide comments regarding the proposed MSC.

The Halton Municipalities collected feedback from the public on the proposed creation of a Municipal Services Corporation, including the ownership, governance, operation, and purpose, from November 23 to December 14, 2022. The proposed [Halton Digital Access Municipal Services Corporation content on Halton.ca](#) provided an overview of the business case including how the MSC would be owned and operated, and the benefits to Halton. In addition, the Region provided Federal Health information regarding the health implications of 5G in the form of a video. Residents were invited to complete a short survey asking if they support the creation of the proposed MSC and they were given an opportunity to submit comments.

The public consultation was supported by social media, local newspapers and Halton.ca communication campaigns. These communication campaigns resulted in a significant engagement with approximately 2,000 reviews of the initiative overview on Halton.ca which yielded 171 “yes/no” submissions and 94 comments. All feedback was received exclusively through the survey response channel.

Themes within the comments included: Health concerns related to cellular technology, support for accelerating 5G rollout in Halton, and support for broadband and 5G in rural areas. Within the survey results, support was fairly evenly split between those supporting the creation of the Halton Digital Access Municipal Services Corporation to accelerate 5G deployment and those not supporting the acceleration of 5G deployment due to health concerns.

It should be emphasized that the approval of the use of 5G devices is a federal responsibility, outside of the purview of municipal governments or Hydro utilities. The recommendations in this report relate to the creation of a “one window” approach which would facilitate the installation of 5G equipment on Vertical Assets. Should this “one window” approach not proceed, individual municipalities and hydro companies could license the installation of 5G equipment on their own poles, and Telecommunications companies could also install 5G microcells on other vertical assets including buildings, and on their own

poles or towers. Further, Both Innovation, Science and Economic Development Canada and Health Canada have concluded that 5G devices approved for use in Canada are compliant with Safety Code 6 and do not pose a danger to the public.

Conclusion:

Report EICS-09-23 has provided recommendations for the formation of a Municipal Corporation, Halton Digital Access Strategy Corporation, as a means to efficiently and effectively coordinate the deployment of 5G small cell antenna infrastructure on Municipally owned and Hydro owned vertical assets across Halton Region. The Benefits of this strategy to the Residents and business in the Region include an accelerated deployment of this technology for the social and economic benefit of the Region and providing the municipalities with a commercial return for the utilization of their vertical infrastructure.

Respectfully submitted,

Allan Magi, P.Eng.,

Executive Director Environment, Infrastructure and Community Services.

Appendices:

Attachment 1: Asset transfer to a Municipal Services Corporation Policy

Attachment 2: Confidential Commercial Report – Municipal Vertical Infrastructure for 5G Deployment, NE&S (distributed under separate cover)

Report Approval:

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

Attachment 1: Asset transfer to a Municipal Services Corporation Policy

1. Policy Statement

This policy is intended to address asset transfers to corporations as required under section 7 of Ontario Regulation 599/06 under the Municipal Act, 2001, as amended from time to time.

2. Objectives

The purpose of this policy is to permit transfers of municipal assets to municipal services corporations incorporated by the Municipality, alone or in partnership with other municipalities, under the authority of the *Municipal Act, 2001*, as amended from time to time.

3. Applicability

This policy applies to the transfer of any Asset between the Municipality and a Corporation. Assets may be transferred to a Corporation at any time, and from time to time, as authorized by Council, on such terms and conditions as Council may determine.

4. Definitions

Act – *Municipal Act, 2001*, including Regulations made under it, as amended from time to time.

Asset(s) – A resource with economic value with an expectation that it will provide a future benefit. An asset can include real and personal property, monies, securities, equipment, intellectual property, and any resource that could deliver a prospective profit and/or benefit.

Corporation - a corporation incorporated in accordance with section 203 of the Act and Section 3 of Ontario Regulation 599/06 made under the Act.

Council – the Municipal Council of The Corporation of the City of Burlington.

Municipality -The Corporation of the City of Burlington.

Transfer- A change of ownership from one party to another.

5. Policy

The Municipality may transfer such Assets as it sees fit to Corporation on the following terms:

5.1. The Municipality shall ensure that all applicable legislation, including but not limited to the Municipal Act, 2001, is adhered to in any Asset transfer;

5.2. Any Asset transfer must be approved by the Council in advance of the transfer;

5.3. Council shall be permitted to attach such terms and conditions to the Asset transfer as it deems necessary, including but not limited to:

- a) Specifying the permitted use of the Assets;
- b) Providing for an obligation on the Corporation to transfer back to the Municipality the Asset upon the happening of an event or events;
- c) Restricting or prohibiting further transfers of the Assets by the Corporation;
- d) Attaching a purchase price of the Asset, to be paid or owed to the Municipality by the Corporation;
- e) Such other terms or conditions as the Council deems advisable and appropriate.



SUBJECT: Former Robert Bateman High School – Communication and Engagement update

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Recreation, Community and Culture

Report Number: RCC-10-23

Wards Affected: all

File Numbers: 925-01

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Receive and file recreation, community and culture department report RCC-10-23 Former Robert Bateman High School - Communication and Engagement update; and

Direct the Director of Corporate Communications and Engagement and the Director of Recreation, Community and Culture to execute the communications and engagement tactics included as Appendix A or recreation, community and culture department report RCC-10-23.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The City of Burlington has purchased the former Robert Bateman High School building and site. With sustainability and community-building in mind, the City of Burlington is repurposing the existing Robert Bateman High School into a City-owned multi-purpose

community-focused asset that will align with the City's objective of being net-zero carbon by 2040. The reuse and conversion of the former secondary school will have extensive interior renovations including renewal of all major building systems and exterior site and building modifications required to support the intended community uses.

When the renovation is complete, tenants including Brock University, Burlington Public Library, Halton District School Board, Tech Place and City of Burlington will move into the building and begin offering services. There is currently parking, a small woodlot associated with the adjacent Appleby Creek Valley and a track with a football field (inside the track) located on the site. The building and property will remain in public ownership. In addition to the existing pool and gymnasiums and the new enhanced common areas of the building there will be approximately 21,000 square feet of new dedicated community recreation space and approximately 9,000 square feet of temporary recreation space that do not have defined uses at this time and that would form part of Phase 2 of the project.

At the Environment, Infrastructure and Community Services Committee meeting of March 2, 2023; council provided staff with various staff directions:

SD-11-23: "Direct the Executive Director of Environment, Infrastructure & Community Services to report back to committee in Q2 with an overall timeline of tender, construction, and decision points for committee and council, for both phase 1 and phase 2."

SD-09-23: "Direct the Director of Communications and Engagement and Director of Recreation, Community and Culture to pause engagement with the community on the greenspace until a fulsome public engagement plan for the project is developed.

Direct the Director of Communications and Engagement and Director of Recreation, Community and Culture to commence simultaneous engagement with the community on the indoor uses of the facility and create a plan to be brought back for approval no later than May 2023. The plan should include the addition of, but not limited to, a series of no less than two in person/hybrid information and documented feedback sessions, as well as other methods to be held by end of Q3 2023 to ensure the public is well informed and engaged on both Phase One and Phase Two of the Robert Bateman Community Hub Project."

In this report, staff are bringing forward for council's awareness a draft communication and engagement plan addressing tactics, including, and not limited to, those outlined in SD-09-23.

Project Schedule

On April 18, 2023, council approved the tender award for the Renovation and Conversion of the Former Robert Bateman High School (EICS-23-09). The high-level project timelines are as follows:

Phase 1 Projected Project Schedule

Timeline	Deliverable
May 2023	Contract award / construction mobilization
June 2023 - April 2025	Phase 1 interior construction
October 2023	Parking options report
November 2023 - March 2024	Phase 1 amended site design & site plan approval
April 2024 - April 2025	Phase 1 exterior site works
April 30, 2025	Substantial performance and occupancy Phase 1
May 2025 - August 2025	Tenant fit up
June 30, 2025	Phase 1 construction contract total completion, including all deficiencies
September 2025	Phase 1 tenant program commencement

Phase 2 Anticipated Project Schedule – Subject to Budget Approval

Timeline	Deliverable
Q3 2023	Public visioning sessions (as per Appendix A)
Q3 - Q4 2023	Request for Expressions of Interest (RFEI) for community use of indoor space
Q1 2024 - Q1 2025	Design, site plan, building permit
Q2 2025	Tender Phase 2 construction
Q3 2025 / 18 months prior to occupancy	Space Allocation for community use
Q3 2025 - Q4 2026	Phase 2 construction mobilization
Q1 2027	Substantial performance and occupancy Phase 2
Q2 2027	Total completion, including all deficiencies

The communication and engagement tactics and milestones are structured around these construction critical dates. In addition to this, there are other various engagement opportunities for the community as it relates to recreation programs and indoor/outdoor recreation amenities. In this report, and specifically in Appendix A, staff have outlined the connections with the Parks and Recreation Cultural Assets Master Plan (PRCAMP) and the Direct Delivered Program Review and wherever possible are drawing synergies between these various engagement opportunities.

Specifically, Appendix A identifies the engagement tactics as it relates to allocation of space for community use. Staff are planning a visioning exercise followed by a Request for Expression of Interest (RFEI). The RFEI will look for alignment with the community and council's vision for the facility and will be open to organizations looking for exclusive or dedicated space. The process will require interested parties to briefly state their space interest at the new community centre. Following the RFEI, staff will review the interest and provide an update to council. Subsequently and 18 months prior to the expected construction completion date, staff will begin the process of allocating space with the goal of striking a balance between existing user group expansion, new community offerings and expansion and/or re-allocation of various city direct-delivered programs; all with the goal of realizing the community vision. In the event of competing interest, staff may wish to proceed with a Request for Proposal (RFP).

Strategy/process/risk

Engaging people on issues that affect their lives and their city is a key component of a democratic society. Public involvement encourages participation, actions, and personal responsibility. Burlington's commitment to public engagement is reflected in its [Community Engagement Charter](#), adopted by City Council. The Charter establishes the commitments, responsibilities, and concepts of the relationship between the City of Burlington and the residents of Burlington related to public engagement. The goal of community engagement is to lead to more informed and, therefore, better decision-making.

Staff appreciate council's wish to roll out comprehensive and extensive engagement efforts with the community on this project. Specifically, in Appendix A, staff have outlined a chart for both indoor and outdoor engagement opportunities respectively; the chart includes timing, milestone, messages, stakeholders, and level of engagement expected. Engagement efforts began in Spring 2022 with the development of a project page on the City's engagement portal [Get Involved Burlington](#). In addition to the project page, residents have been kept updated on the project including seven media releases and five staff reports. Upcoming milestones include various visioning exercises with the community (in person and virtual) over the summer months and will be followed by a Request for Expression of Interest (RFEI) in early fall where community groups will be

invited to share their interest in space at the new community centre. Engagement efforts for the indoor space will be centered around the spaces identified for community use; this space includes:

- ~ 14,000 square feet of open community space located near the back of the building.
- ~ 7,000 square feet of shop space located on the west side of the building.
- Potential Additional ~ 9,000 square feet of shell space that would be temporarily available to the community. It is intended to be used as expansion space by one of the partners in the next few years.

A map of these various spaces, with exact dimensions, is included in Appendix B.

Engagement on the outdoor amenities is currently paused and scheduled to resume following the investigation for accommodating additional parking as indicated in SD-08-23

“Direct the Executive Director of Environment, Infrastructure & Community Services, to work with the Director of Transportation, and the Executive Director of Community Planning Regulation and Mobility to report back to council by Q4 2023 with costs and timelines related to alternatives to accommodate additional parking for the Project inclusive of Phases 1 and 2 that minimizes impact to the existing greenspace, including but not limited to:

1. Amending the city-wide zoning bylaw related to parking or granting council Public Authority to amend the requirements where circumstances warrant.
2. Construct structured parking on the existing built area of the site.
3. Providing layby parking on New Street in front of Bateman.
4. Exploring shared and leased parking options with nearby sites.
5. Providing time limited on-street parking signed for the community centre uses.
6. Provide additional parking requirements utilizing permeable materials.

Other options”.

Options Considered

This project represents a significant investment by the City to retain this site in public ownership for a variety of community uses and to address the current and future recreation needs of our community. As such, it is important that this investment is accompanied by a thorough and complete communication and engagement plan (Appendix A). In developing the plan, staff considered working through existing and established engagement efforts to maximize the potential reach; examples of this include the various master plans and reviews mentioned in the background section of

this report as well as community events such as Food for Feedback, connections with Council advisory groups and community and sport user groups, to name a few.

Financial Matters:

Total Financial Impact

Communication and engagement tactics that will be rolled out for phase 1 and 2 of this project, including but not limited to the ones identified in Appendix A will require funding. Staff estimate the cost to be approximately \$100,000 and it will be funded from prior approved capital.

Other Resource Impacts

This project is a large undertaking for City staff, as is the engagement and communication efforts. Various staff members will be engaged and required to carry out the various efforts outlined in Appendix A, including but not limited to staff from:

- Recreation, Community and Culture
 - Communications and Engagement
 - Customer Experience
 - Engineering
 - Parks Design and Construction
 - Transportation
 - Transit
-

Climate Implications

The impacts of climate change will be considered carefully as part of the construction project and engagement efforts. The project aligns with the Council approved Climate Action Plan and our commitment to reducing our carbon footprint by building more efficient - low carbon buildings, using renewable energy, accommodating electric powered vehicles and equipment, improving recycling practices, reducing the use of paper for promotional material and other strategies and practices.

Engagement Matters:

Staff are bringing forward this report to share with council the detailed plan for communication and engagement tactics related to the Former Robert Bateman High

School adaptive reuse project. As outlined in Appendix A, various groups will be engaged along the way, including, but not limited to community user groups, community members, partners outlined in the background section, Council advisory groups, council, City staff, and others, etc.

Conclusion:

This report has provided information on Phase 1 and Phase 2 to the project schedule and presented a robust plan to engage the community, groups and organization regarding the uses, layout, and program offerings at this new recreation centre.

Respectfully submitted,

Emilie Cote

Director of Recreation, Community and Culture

Ext. 7353

Kwab Ako-Adjei

Director of Corporate Communications and Engagement

Ext. 7747

Appendices:

- A. Former Bateman Communication and Engagement Plan (May 2023)
- B. Former Bateman Floor Plans (May 2023)

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.

Former Bateman High School Engagement Plan

All communications and engagement tactics and strategies in this plan are subject to change based on council direction, new opportunities, and potential changes to budget, timelines and priorities

Redevelopment of former Bateman Property Public Engagement and Communications Plan

Revised April 25, 2023

Background

The City of Burlington has purchased the former Robert Bateman Highschool building and site. With sustainability and community-building in mind, the City of Burlington is repurposing the existing Robert Bateman High School into a City-owned multi-purpose community-focused asset that will align with the City's objective of being net-zero carbon by 2040. The reuse and conversion of the former secondary school will have extensive interior renovations including renewal of all major building systems and exterior site and building modifications required to support the intended community uses.

When the renovation is complete, tenants including Brock University, Burlington Public Library, Halton District School Board, Tech Place and City of Burlington will move into the building and begin offering services. There is currently parking, a small woodlot associated with the adjacent Appleby Creek Valley and a track with a football field (inside the track) located on the site. The building and property will remain in public ownership. In addition to the existing pool and gymnasiums and the new enhanced common areas of the building there will be approximately 21,000 square feet of new dedicated community recreation space and approximately 9,000 square feet of temporary recreation space that do not have defined uses at this time and that would form part of Phase 2 of the project. The community will be able to use the track until the end of 2023.

Engaging people on issues that affect their lives and their city is a key component of democratic society. Public involvement encourages participation, actions, and personal responsibility. Burlington's commitment to public engagement is reflected in its [Community Engagement Charter](#), adopted by City Council. The Charter establishes the commitments, responsibilities, and concepts of the relationship between the City of Burlington and the residents of Burlington related to public engagement. The goal of community engagement is to lead to more informed and, therefore, better decision-making.

The following plan provides a roadmap of the engagement and communication activities that will take place, highlighting at which points in the process engagement will occur, who will be engaged and the level of engagement. The plan also clearly defines which aspects of the process the City and public can influence throughout the engagement.

Former Bateman High School Engagement Plan

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Project Overview

- In June 2021, HDSB trustees approved a plan to declare the former Robert Bateman High School facility surplus to its needs and retain an interest in a portion of the facility to relocate the Burlington Gary Allan Learning Centre.
- [In June 2021, the City of Burlington announced that an expression of interest would be submitted to the HDSB to purchase the Robert Bateman site through a partnership with Brock University.](#)
- In Dec. 2021, Council provided direction to staff to submit a formal offer to purchase the Robert Bateman High School site.
- [In Feb. 2022, the HDSB accepted the City's offer to purchase the Robert Bateman High School site.](#)
- [June 24, 2022, Burlington City Council gives go-ahead to purchase Robert Bateman High School site](#)
- [Nov. 1, 2022, City of Burlington purchases the former Bateman High School](#)
- Dec. 8, 2022, A comprehensive [staff report](#) for the redesign of the adaptive reuse of the recently acquired Robert Bateman High School (RBHS) incorporating the results of a recent cost estimate, prepared by a third-party cost surveyor, along with a multi-year capital financing plan was presented to the [City's Environment, Infrastructure and Community Services \(EICS\) committee.](#)
- March 2, 2023, [Update report](#) was presented to the Environment, Infrastructure and Community Services Committee.
- April 18, 2023, [Tender approval report](#) was presented to Council.

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Decision Statement

At the beginning of an engagement process, it is helpful to know, “what is the decision to be made?” The decision statement clearly identifies:

- What decision needs to be made
- Who is the decision maker
- When the decision is required

Decisions Statements – When looking at deciding what recreation programming and uses will occur in both the interior and exterior space, there will be significant engagement which includes stakeholders, feedback/results from engagement projects such as the Parks, Recreation, Cultural Asset Master Plan (PRCAMP), Direct Delivery Review, and the Request for Expressions of Interest, Council, room size/availability and guidance from the previously Council approved recreation framework and space allocation plan. All these inputs will influence staff recommendations to Council.

- The Design of the facility will be influenced by the outcome of the community visioning exercises, the PRCAMP, Direct Delivery Review and Request for Expressions of Interest. The use of space and program mix will be determined Recreation, Community and Culture staff using the Recreation Framework and will be reflective of city-wide recreational facilities and service delivery.
- The renewal of the outdoor greenspace will be influenced by the outcome of the PRCAMP and the parking options review that has been directed by council, then prioritized in the Parks Capital program for Council approval. There may be a future opportunity to reimagine Frontenac Park as part of the renewal process of the outdoor greenspace.

Summary of Stakeholders

A stakeholder is anyone who has an interest or concern about a specific topic. In determining who the stakeholders are, a mapping process will occur to capture all the people who will be affected by the work, those who have influence or power over the work and those that have an interest in its outcome. Some individuals or groups who staff will be connected with are:

- Burlington Residents (city-wide)
- Neighbouring residential and school properties
- Community organizations that offer recreation, community, and cultural programs
- Indigenous communities

Former Bateman High School Engagement Plan

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- Newcomers
- Youth
- Young families
- Seniors
- Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.)
- Arts and Culture Council of Burlington
- Joint venture groups as required
- Businesses and business groups
- Site lease holders
- City staff
- Elected officials
- Media

Engagement and Communications Goal

Inform and engage residents and community partners on the community uses of the former Robert Bateman High School and greenspace.

Objectives of Engagement and Communications

The following objectives provide a clear understanding of what the public engagement will strive to achieve through the community discussion and communications about the Former Bateman High School property and open space.

- Provide relevant information about the project, decision-making process and how the public can provide input and feedback;
- Provide multiple channels for people to provide meaningful input, both online and in person, at appropriate decision points;
- Create an ongoing record of what is said during engagements and make it available to the public throughout the process, so they can track the progress of the project, including reports back to the community to highlight how feedback was or was not incorporated into the final recommendation to Council;
- Gather meaningful input from members of the community whose voices are historically underrepresented in conversations about city issues;
- Establish www.getinvolvedburlington.ca as the main online platform for up-to-date information about the project and upcoming engagement opportunities;
- Keep all residents and stakeholders informed of key decisions, milestones and final outcomes;
- Use clear, plain language to inform the public about which aspects of the process are out of our control and cannot be influenced.
- Inform and engage residents and community partners on the final uses of the former Robert Bateman High School and greenspace.

Former Bateman High School Engagement Plan

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Project Milestones and Engagement Level

The key milestones for the project are presented below. For each milestone, the engagement plan identifies where public input will take place, who will be involved in the engagement and what level of engagement will occur. The different levels of engagement are based on the [International Association of Public Participation \(IAP2\)'s Public Participation Spectrum](#), which is also a component of Burlington's [Community Engagement Charter](#).

Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
Spring 2022	Project page on the City's engagement portal – Get Involved Burlington	The online space for the public to learn about the project, find engagement opportunities and progress of the project.	<ul style="list-style-type: none"> • All 	Inform, Consult, Involve
Summer 2023- Winter 2024	Parks, Recreation and Cultural Assets Master Plan (PRCAMP)	Long term city wide strategic framework for the development and enhancement of parks, recreation, cultural assets, and facilities in Burlington. The plan will be driven by existing and forecasted data, influenced by community needs and informed by industry leading best practices.	<ul style="list-style-type: none"> • Burlington Residents (city-wide) • Community organizations that offer recreation, community, and cultural programs • Indigenous Communities • Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.) • Joint venture groups as required • Businesses and business groups • Site lease holders • City staff • Elected officials 	Inform, Consult, Involve

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Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
Spring/Summer 2023	Ad hoc meetings with agencies, businesses, and community partners	<p>Create awareness of the project and processes for providing input or expressing interest with participating in the future services delivered at this location</p> <p>Inform stakeholders about the project, timelines and current studies being done, how they are linked and how stakeholders can engage in those projects</p> <p>Consult with stakeholders on their vision for the new community centre, including the community space, lobby, etc.</p>	<ul style="list-style-type: none"> • Businesses and business groups • Community organizations that offer recreation, community, and cultural programs • Joint venture groups • Site lease holders 	Inform, Consult, Involve
Spring 2023	Direct delivery program review	This is a city-wide review of programs directly delivered by the City’s changing community interest and need. Outcomes from this review may lead to changes and/or an evolution to program variety and quantity throughout the city, including at the Bateman location.	<ul style="list-style-type: none"> • Burlington Residents (city-wide) • Community organizations that offer recreation, community, and cultural programs • Indigenous Communities • Advisory Committees of Council (Accessibility, 	Inform, Consult, Involve

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Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
		Identification of community needs through recreation and how the city meets those needs.	Inclusivity, Seniors, Cycling etc.) <ul style="list-style-type: none"> • Joint venture groups as required • Businesses and business groups • City staff • Elected officials 	
June 2023	Share information to Advisory committees of Council	Inform about the project, timelines, and opportunities to engage.	<ul style="list-style-type: none"> • Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.) 	Inform
Summer/Fall 2023	Public -Virtual and In-person Information and visioning sessions	Inform residents about the project, timelines and current studies being done, how they are linked and how residents can engage in those projects. Consult with residents on their vision for the new community centre, including the community space, lobby, etc.	<ul style="list-style-type: none"> • Burlington Residents (city-wide) • Neighbouring residential and school properties • Community organizations that offer recreation, community, and cultural programs • Indigenous Communities • Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.) • City staff • Elected officials 	Inform, Consult, Involve

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Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
Fall 2023	Request for Expressions of Interest (RFEI)	Expressions of interest from individuals and community groups for space or exclusive use at Bateman.	<ul style="list-style-type: none"> Community organizations that offer recreation, community, and cultural programs 	Consult, Involve
Spring and Summer 2023	Pop-up engagement at existing events – such as at Movies in the Park, neighborhood parks etc.	Inform residents about the project, timelines and current studies being done, how they are linked and how residents can engage in those projects	<ul style="list-style-type: none"> Burlington Residents (city-wide) with particular focus on newcomers, young families, youth and seniors 	Inform
Sept 16, 2023	Food for Feedback event – engagement with residents city-wide	Inform residents about the project, timelines and current studies being done, how they are linked and how residents can engage in those projects	<ul style="list-style-type: none"> Burlington Residents (city-wide) Indigenous Communities Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc) City staff Elected officials Newcomers 	Inform
Various dates	Recommendations to Council through reports	Evaluation of public engagement – information sessions, surveys, PRCAMP, Direct Delivery Review, RFEI, Reports to Council	Staff and Consultants	N/A
Winter/Spring 2024		Engagement on RFEI results Present the results of the RFEI to the community and ask the community to prioritize these		Inform, Consult

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Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
		activities/uses to best meet the needs of residents today and tomorrow.		
Outdoor Space				
Summer 2023- Winter 2024	Parks, Recreation and Cultural Assets Master Plan (PRCAMP)	<p>Long term strategic framework for the development and enhancement of parks, recreation, cultural assets, and facilities in Burlington.</p> <p>The PRCAMP to identify emerging outdoor recreation needs and how they might be accommodated at the Bateman site</p>	<ul style="list-style-type: none"> • Burlington Residents (city-wide) • Community organizations that offer recreation, community and cultural programs • Indigenous Communities • Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.) • Joint venture groups as required • Businesses and business groups • Site lease holders • City staff • Elected officials 	Inform, Consult, Involve
Spring 2024	Visioning Exercise – Survey	Visioning and use of outdoor space	<ul style="list-style-type: none"> • Burlington Residents (city-wide) • Community organizations that offer recreation, community, and cultural programs • Indigenous Communities 	Inform, Consult, Involve

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Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
			<ul style="list-style-type: none"> • Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.) • Joint venture groups as required • City staff 	
Spring 2024	Visioning Exercise – in-person opportunities	Visioning and influence design and use of outdoor space	<ul style="list-style-type: none"> • Burlington Residents (city-wide) • Community organizations that offer recreation, community, and cultural programs • Indigenous Communities • Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.) • Joint venture groups as required • City staff 	Inform, Consult, Involve
Fall 2024	Evaluation of public engagement (visioning)	Evaluation of public engagement – surveys, workshops, followed by creation of design concepts	Staff	N/A
Winter 2025	Design Concepts	Design Concepts presented to stakeholders for feedback	<ul style="list-style-type: none"> • Burlington Residents (city-wide) 	Inform, Consult, Involve

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Timing (WHEN)	Milestone	Message (WHAT)	Stakeholders (WHO)	Level of Engagement
			<ul style="list-style-type: none"> • Community organizations that offer recreation, community, and cultural programs • Indigenous Communities • Advisory Committees of Council (Accessibility, Inclusivity, Seniors, Cycling etc.) • Joint venture groups as required • City staff 	
Spring 2025	Evaluation of public engagement (design concepts)	Evaluation of public engagement on the design concepts	Staff	
Spring 2025	Recommendation report	Recommendation report to Committee and Council outlining recommended design and uses of the outdoor space	Staff, Council and the public (delegation)	Inform, Consult, Involve

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Policies and Factors That Cannot be Influenced

In every public engagement process, it is important to be aware of the things that cannot be influenced: either because they are beyond the City's control (for example things that are required by regional or provincial policy or law), or because they are outside the scope of the project as set out in the Council-approved terms of reference. The following aspects of the project are considered 'givens' and will not be included in engagement activities:

1. The property has been purchased by the City of Burlington and lease agreements have been signed. Major tenants have been confirmed, namely, Brock University, Halton District School Board, Burlington Public Library and TechPlace.
2. Due to the expanded use of the facility, it is anticipated that additional parking will be required, which may result in some loss of greenspace.
3. The gyms, pool, and other additional new space totaling 21,000 square feet will stay as City of Burlington recreational space. In addition to this, there may be opportunity for the community to leverage an additional 9000 square feet earmarked for tenant expansion.
4. **Large structural changes to the existing building cannot be done to accommodate all types of recreational services.** Although design is influenced by this engagement, the following activities will not be included, ice pad, indoor walking track, additional pool.

Communication Tactics for Indoor Uses and Parking

Strategy	Audience	Tactic	Timing
Engage residents on the indoor uses of the space	All	Media release <ul style="list-style-type: none"> • Engagement opportunities • Significant updates/milestones 	
Inform residents and stakeholders of parking space updates		Social media <ul style="list-style-type: none"> • Engagement opportunities (paid) • General updates/milestones 	
		Get Involved updates	As needed
		Get Involved newsletters	As needed
		Signs on hoarding fence	
		City-wide mailer	
		City Update ad (for engagement opportunities)	

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		RCC Digital screens	
		Mayor’s Insauga interview	
		Google adwords	
		Food for Feedback	September
		Event activations <ul style="list-style-type: none"> • Movies in the Park, schools, events, etc. 	Summer
		Timeline graphic <ul style="list-style-type: none"> • Large format printing for presentations • Electronic format for web and other electronic distributions 	
	Area residents	Postcard	
		Ward Councillor newsletter	
		Roadside mobile sign at Bateman	
	Recreation program providers	Email updates	As needed
	Bateman lease-holders	Email updates and meetings	As needed
	Council	In-person updates or briefings	As needed
		Email updates	As needed
		Report to Council	As required
		Pre-written content for newsletters or websites	As needed
		Photos and graphics to support pre-written content	As needed
	Staff	Regular meetings and emails	
		360 Updates	
		TV Burlington	

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Communications Tactics for Outdoor Greenspace Planning

Strategy	Audience	Tactic	Timing
Engage residents on the future use of the greenspace	All	Media release <ul style="list-style-type: none"> Engagement opportunities Significant milestones 	
		Social media <ul style="list-style-type: none"> Engagement opportunities (paid) General updates and milestones 	
		Get Involved update	
		Get Involved newsletters	
		City Update ad (for engagement opportunities)	
		Google adwords	
		Area residents	Postcard
	Ward Councillor meeting		
	Park Ambassadors in Frontenac Park and outdoor greenspace		
	Signs in Frontenac Park (election style)		
	Roadside mobile sign at Bateman		
	Hoarding signs		
	Request to schools for a notice sent home through Frontenac PS, Ascension Catholic Elementary School, Mohawk Gardens PS, St. Patrick Catholic Elementary School. Paper or electronic		
	Council	In-person updates, briefings	
		Email updates	
		Report to Council	
		Pre-written content for newsletters or websites	
		Photos and graphics to support pre-written content	
	Staff	Regular meetings and emails (for project team)	
		360 Updates (all staff)	

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Key Messages: Indoor Space and Parking

- The former Robert Bateman High School building and greenspace will be a public site and asset to the community.
- The City of Burlington is looking to add recreational programs to the former Bateman High School site. Residents are invited to provide feedback on the long-term framework for the development and enhancement of parks, recreation, cultural assets, and facilities in Burlington. This city-wide initiative will influence the Bateman location.
- More parking spaces are needed at the former Robert Bateman High School. When it was a high school, there were a limited number of cars coming to the site. With six different businesses and organizations coming to the site, there is a much greater need for parking.
- Council has directed staff to report back by Fall 2023 on parking alternatives, so during this time there will be no impact to the track. All options will be considered, including street parking in the neighbourhood, on-site parking, off-site parking and building a parking structure.
- Each parking option comes with its own challenges, costs and effectiveness.
- Supporting and encouraging active transportation to the site – transit, bike, walk
- Trees on the property will be protected as much as possible.
- The high school’s triple gyms, pool, and 21,000 square feet of other space, will stay as City of Burlington recreational space.
- Residents both local and city-wide will have opportunities to provide feedback through the Get Involved Burlington page, public meetings, through the mayor or their councillor and through committee or council delegations.
- Visit www.getinvolvedburlington.ca/bateman-highschool to provide your input or participate in a public information session, DATE/TIME/LOCATION.
- Stay informed of upcoming engagement opportunities by subscribing to updates on getinvolvedburlington.ca/bateman-highschool.

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Key Messages: Outdoor Greenspace Planning

- Residents both local and city-wide will have opportunities to provide feedback through the Get Involved Burlington page, public meetings, through the mayor or their councillor and through committee or council delegations.
- Stay informed of upcoming engagement opportunities by subscribing to updates on getinvolvedburlington.ca/bateman-highschool.
- We have an opportunity to redesign the greenspace behind the former Bateman High School to make it an open, public space for recreation, leisure and enjoyment. Residents are asked to provide their thoughts on what should be done with the space available, within the limits of budget and services.
- Trees will be protected as much as possible and there will be a walking path through the greenspace.
- Visit www.getinvolvedburlington.ca/bateman-highschool to provide your input or participate in a public information session, DATE/TIME/LOCATION.

Former Bateman High School Engagement Plan

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Evaluating the Public Engagement Process and Communications

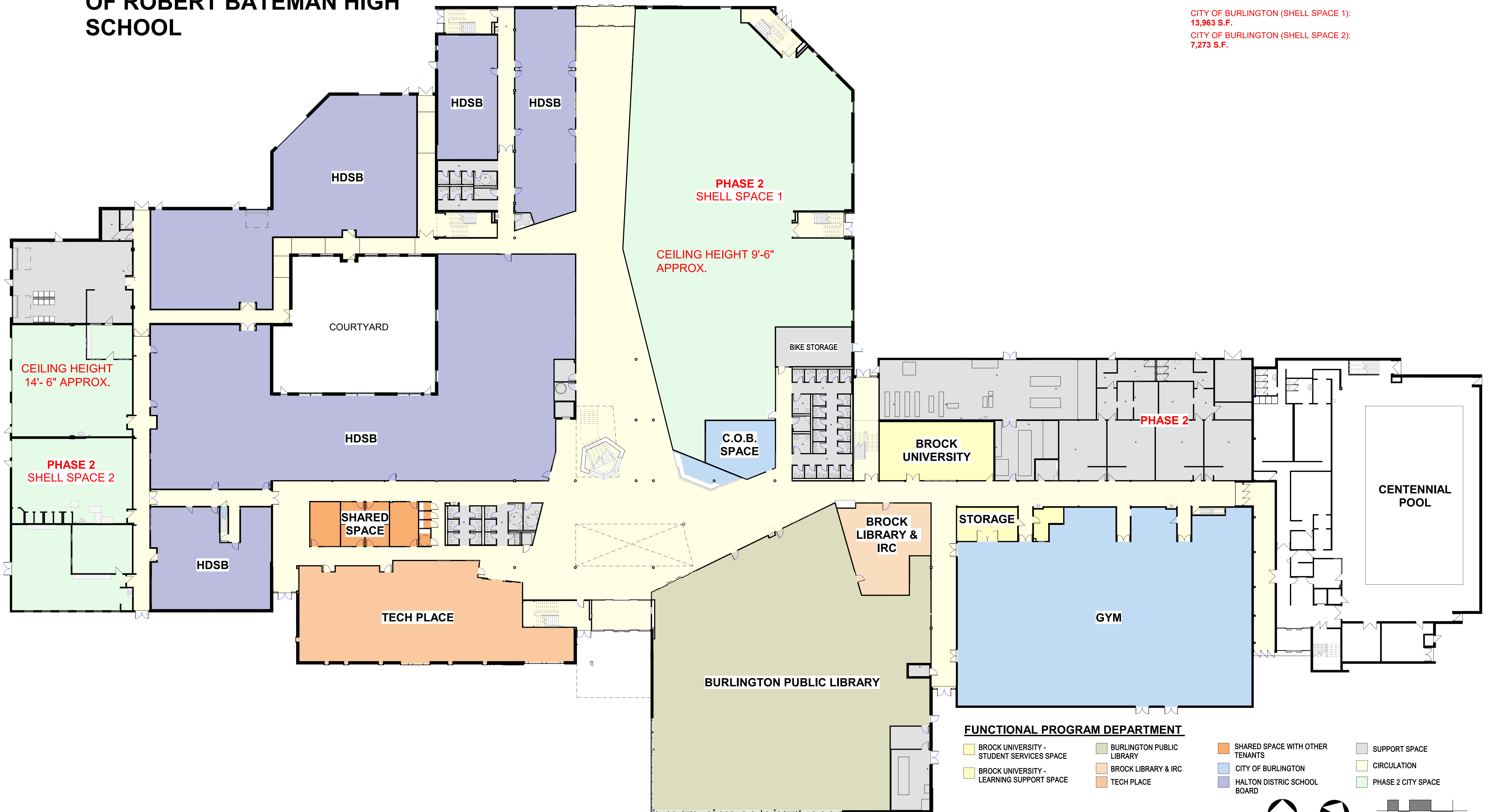
To assist in measuring how the public participation and communications contributed to the project decision to be made, the following will be used to evaluate the public participation process and communications.

1. Once the project is complete, measure the degree to which community members felt they:
 - a. Understood the project's process and its limitations
 - b. Understood how the feedback they provided influenced the outcome
2. Evaluate each form of engagement. How did each of the engagement approaches used help to achieve the engagement objectives?
3. Analyze how the feedback received about the forms of engagement impacted the overall public participation process as the project moved forward
4. Media summary reports – number of articles, reach and sentiment
5. Social media reports – number of posts, engagement and reach

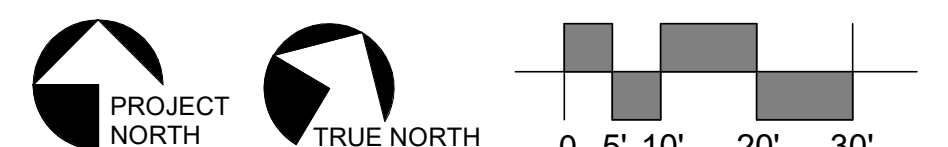
RENOVATION AND CONVERSION OF ROBERT BATEMAN HIGH SCHOOL

PHASE 2: LEASEABLE GROSS AREAS

CITY OF BURLINGTON (SHELL SPACE 1):
13,963 S.F.
CITY OF BURLINGTON (SHELL SPACE 2):
7,273 S.F.



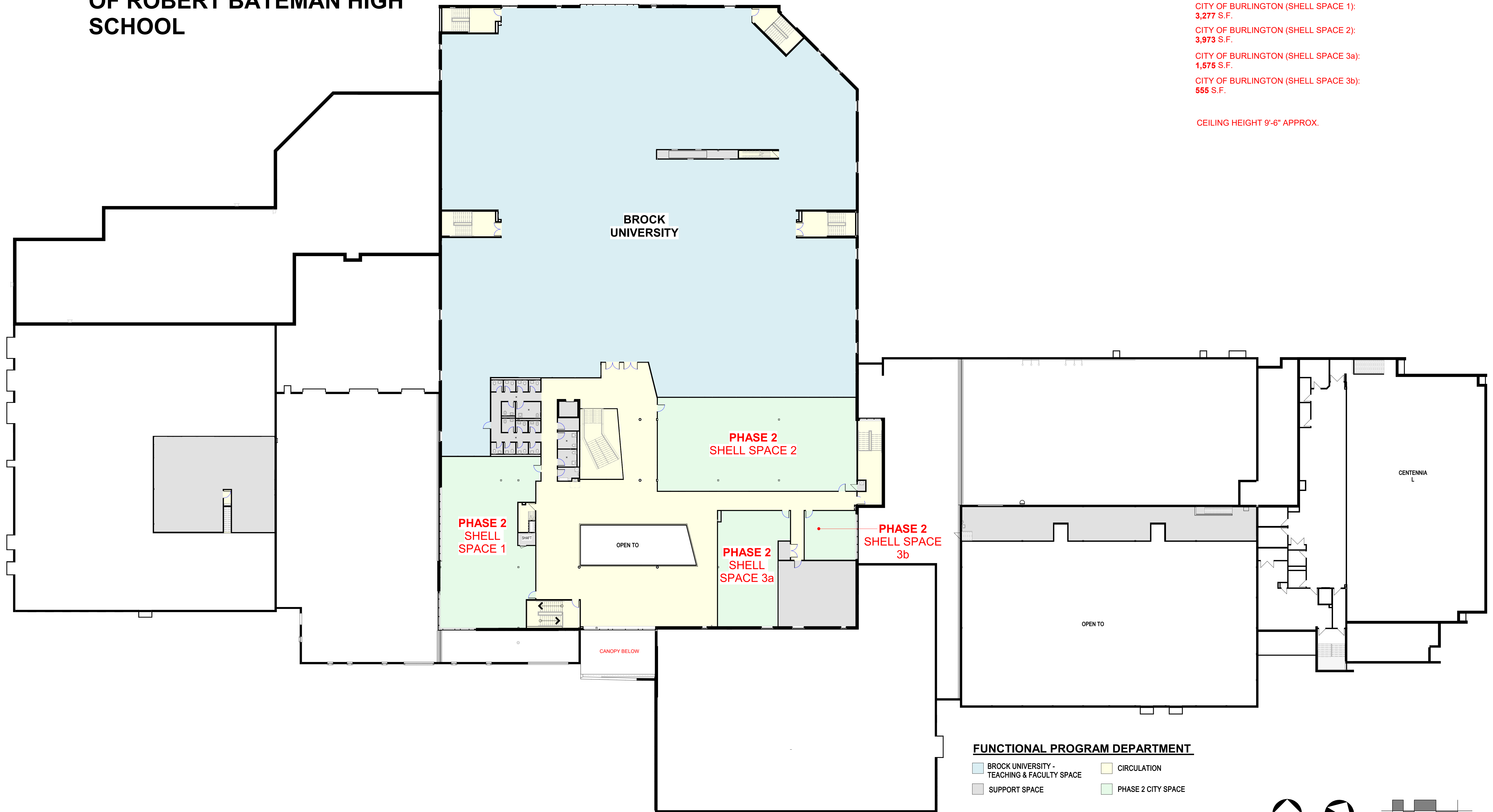
OVERALL GROUND FLOOR PLAN - PHASE 1



SCALE: As indicated
DATE: APRIL 18, 2023

OV-1.1 (PH1)

RENOVATION AND CONVERSION OF ROBERT BATEMAN HIGH SCHOOL



PHASE 2: LEASEABLE GROSS AREAS

CITY OF BURLINGTON (SHELL SPACE 1):
3,277 S.F.

CITY OF BURLINGTON (SHELL SPACE 2):
3,973 S.F.

CITY OF BURLINGTON (SHELL SPACE 3a):
1,575 S.F.

CITY OF BURLINGTON (SHELL SPACE 3b):
555 S.F.

CEILING HEIGHT 9'-6" APPROX.

OVERALL SECOND FLOOR PLAN - PHASE 1

FUNCTIONAL PROGRAM DEPARTMENT

- BROCK UNIVERSITY - TEACHING & FACULTY SPACE
- CIRCULATION
- SUPPORT SPACE
- PHASE 2 CITY SPACE



SCALE: As indicated

DATE: April 18, 2023

OV-2.1



SUBJECT: Private Tree By-law Program Update

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Roads, Parks and Forestry Department

Report Number: RPF-04-23

Wards Affected: All

File Numbers: 802-11

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Receive and file the roads, parks and forestry department report RPF-04-23 which provides a program update with respect to the Private Tree By-Law and related activities.

PURPOSE:

The purpose of this report is to provide a program update to Council on the status of the current City of Burlington private tree by-law 40-2022 within the urban boundary since it was repealed and replaced in April 2022. In addition, this report serves to identify proposed future improvements and recommendations for consideration and further discussion.

Vision to Focus Alignment:

The City's private tree by-law 40-2022 was initiated as part of the Vision to Focus Plan and the City's declared climate emergency. As part of the plan, the implementation of a private tree by-law falls within the following focus area:

- Focus Area 3: Supporting sustainable infrastructure and resilient environment

Key actions under this focus area are the development of Burlington's Climate Action Plan and the Urban Forest Management Plan. The plan's goals of increasing the City's tree canopy and protection of trees, aligns, and is enabled through implementation of the City's private tree by-law.

Executive Summary:

The public and private tree by-laws are administered by the Forest Protection branch of the Forestry section. In addition, this team provides inter-departmental support as subject matter experts for other tree related matters.

With the changes implemented in 2022 as a result of the repeal and replace initiative for the private tree by-law, staff noted some improvement in the administration of the program with a reduction in the maintenance related permit requests (affirming the two (2) metre exemption was not being utilized correctly), a better understanding and planning ability for customers relative to replacement requirements, and the achievement in the council approved cost recovery of 30%. Further improvements are expected in 2023, as many of the process changes (e.g., new online e-form) made to the program were implemented late 2022 and into spring 2023.

There was a reduction (21%) in applications received across all three permit streams (pre-building, pools, and general trees), and a slight decrease (4%) in other file types reviewed (e.g., property standard support) compared to that observed in 2021.

However, although there was a reduction in applications received in 2022, a number of files received in 2021 that were either on hold or under review were also processed and this will continue the more years the program operates. This combined with the broadening of the scope of this program to more than what was initially intended, along with further changes either on a corporate level or legislatively (e.g., *Planning Act*), it is expected that the number of files requiring review in 2023 and beyond will increase.

Staff intend to continue implementing process related improvements to the program to better the overall customer experience while maintaining the corporate initiatives and meeting the goals for canopy targets, however to do so, additional resources to support the delivery may be required.

Background and Discussion:

Following a series of discussions with Council through 2021 and 2022, the private tree by-law was repealed and replaced on April 19, 2022 to streamline the process while still ensuring the original intent of the by-law was captured. This report serves to provide an update on the by-law program and related activities since that time frame.

Purpose:

When the private tree by-law was first passed in 2020, it was done so without the foundation of a corporate policy on tree protection for public and private lands. The development of the City's Tree Protection and Canopy Enhancement Policy established a clear and consistent corporate position on tree protection that informs not only the

development and refinement of several by-laws (including both the public and private tree by-laws), but also provides a path forward to improving other guideline documents, and specifications. The City's Tree Protection and Canopy Enhancement Policy was established on February 3, 2022, and fulfills the legislated requirement as identified in Section 270 (1) of the *Municipal Act*, which requires a municipality to adopt and maintain a policy to protect and enhance tree canopy and natural vegetation. As one of the guiding principles within the City's corporate policy is to preserve and protect, the City's private tree by-law is a means to facilitate that principle through the regulation of the removal of trees and the possible tree-related impacts where work is to occur around them.

Incentive & Regulation Based Strategies

A combination of incentive and regulation-based strategies are required to achieve the goal of 35% canopy cover by 2040 in Vision 2040. Although the private tree by-law is considered a regulation-based strategy, it helps to fund several incentive-based strategies including but not limited to free tree giveaways, community planting events, and more (e.g., potential maintenance subsidies).

The cash-in-lieu of replacement tree funds collected as part of the private tree by-law provided the funding for three (3) free tree giveaway events that the City ran in the spring and fall of 2022 and again in spring 2023. A total of 1,225 trees have been given away to Burlington residents to help support canopy growth city-wide.

Private Tree By-law Program Statistics

As the private tree by-law was repealed and replaced in April 2022, statistics presented herein represent the old and new by-law requirements, as all permits received prior to April 2022 were still subject to the older by-law. Additionally, some process related improvements moved tracking into the City's app-based information tracking software AMANDA, and as a result, statistics for specific tree related details normally captured were incomplete during this transitional period.

Pre-building Tree Permit Applications

Tree permits associated with building permits are received through the consolidated pre-building permit application process (currently identified as the pre-building approval process). These applications are taken in by the Community Planning Department and circulated to Forestry for review and comment.

As of December 31, 2022, staff received a total of 269 pre-building related tree permit applications. Out of the 269 applications, staff issued 155 tree permits as of May 1, 2023. The remaining files are either on hold (98), were withdrawn (10), or received a declaration (5). A comparison of application and permit status of 2022 files to those in 2021 is illustrated in **Figure 1**, showing an overall reduction in total number of

applications received, understanding that staff were still also closing out files on hold/under review received in 2021 throughout the 2022 year **Error! Reference source not found..**

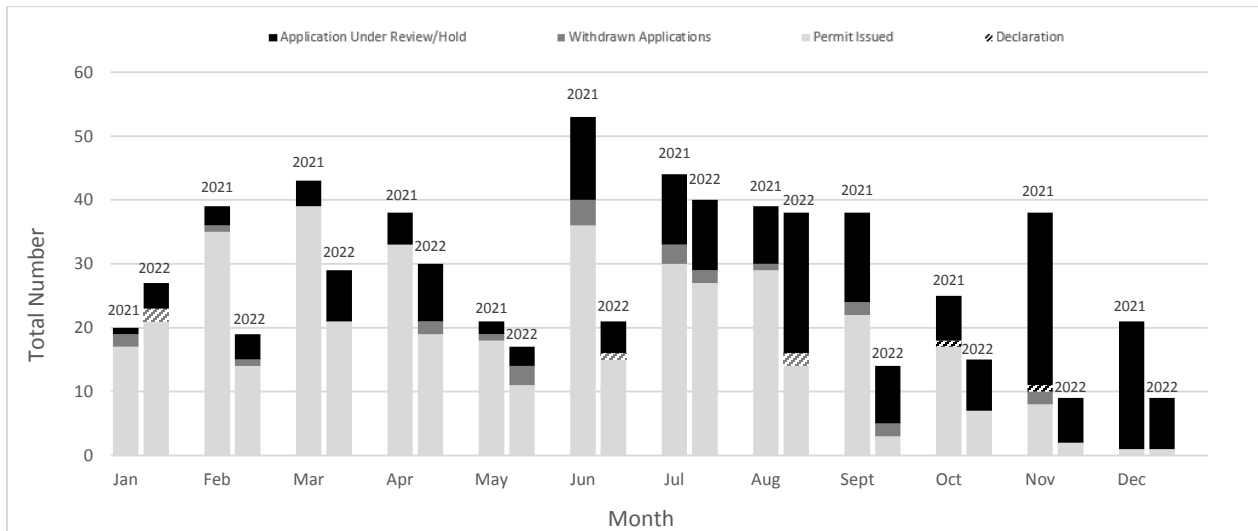


Figure 1: 2021 and 2022 building related tree permit application and issuance comparison

Pool Tree Permit Applications

Tree permits associated with pool permits are received through a combined residential swimming pool application process. These applications are taken in by the Community Planning Department and circulated to Forestry for review and comment.

As of December 31, 2022, staff received a total of 209 pool related tree permit applications. Out of the 209 applications, staff issued 193 tree permits as of May 1, 2023. The remaining files are either on hold (11) or were withdrawn (5). When comparing the number of pool applications received between 2021 and 2022, there was roughly a 20% decrease in the number of applications received in 2022, however this reduction was spread across several months, again with the understanding that some files received in 2021 that were under review or on hold, were also part of the 2022 workload review. A comparison of 2022 application and permit statuses to those in 2021 is illustrated in **Figure 2Error! Reference source not found..**

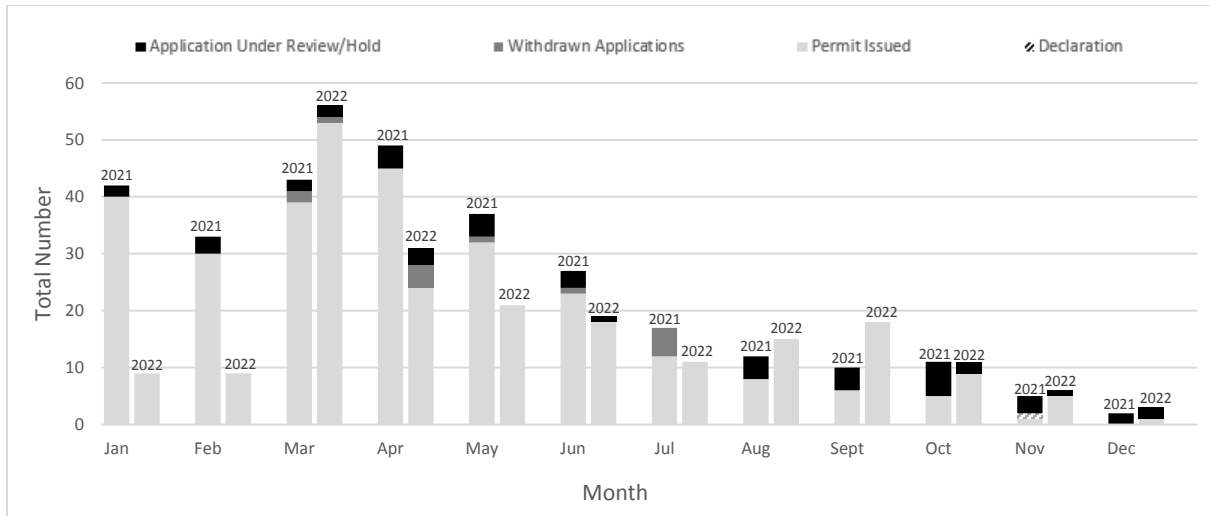


Figure 2: 2021 and 2022 pool related tree permit application and issuance comparison

General Tree Permit Applications

Tree permit applications not pertaining to a building permit or pool permit are received through a web-based application (e-form) directly by the Forest Protection branch. These permits may pertain to projects but are not limited to general tree removals, landscaping projects, servicing, and/or driveways.

As of December 31, 2022, staff received a total of 781 general tree permit applications through our e-form. Out of the 781 tree permit applications, staff issued 496 tree permits as of May 1, 2023. The remaining files are either on hold (168) or were withdrawn (116). Similar to the building and pool permit related applications, there was an overall reduction in the number of general tree related permit applications in 2022 compared to 2021. An overview of this comparison provided in **Figure 3** *Error! Reference source not found.*

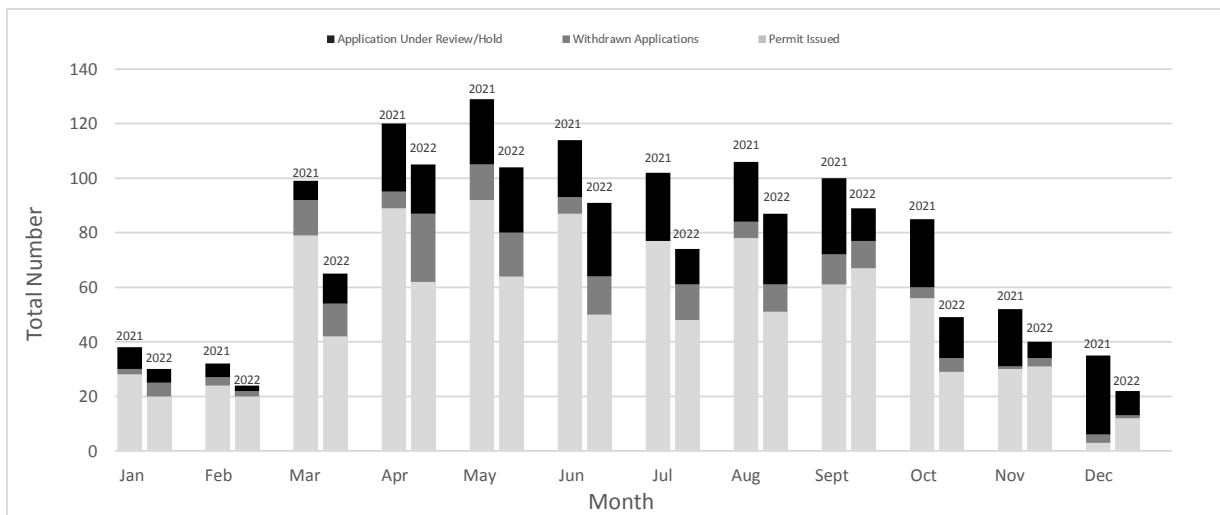


Figure 3: 2021 and 2022 general tree permit application and issuance comparison

Reasoning behind some of the withdrawn applications across all three (3) permit streams include: customers placing their projects on hold, or where customers applied for an exemption permit type (e.g., a dead tree) and no longer wished to pursue the permit where an exemption was not granted either due to fees and replacement requirements, or simply they changed their mind and decided to retain the tree for a few more years.

Tree Removals

A summary of tree removals across the various tree permit streams is illustrated in **Figure 4**. A total of 465 trees were removed in 2022 that were not related to an exemption; 187 trees were exempted with a terminal condition, 132 were identified to be dead, 10 trees were those within two (2) metres of an occupied building (provision removed from by-law after April 19, 2022), and 73 trees were considered high-risk or imminently hazardous. Of the trees removed, the majority were recorded in the 20 to 35 cm diameter range.

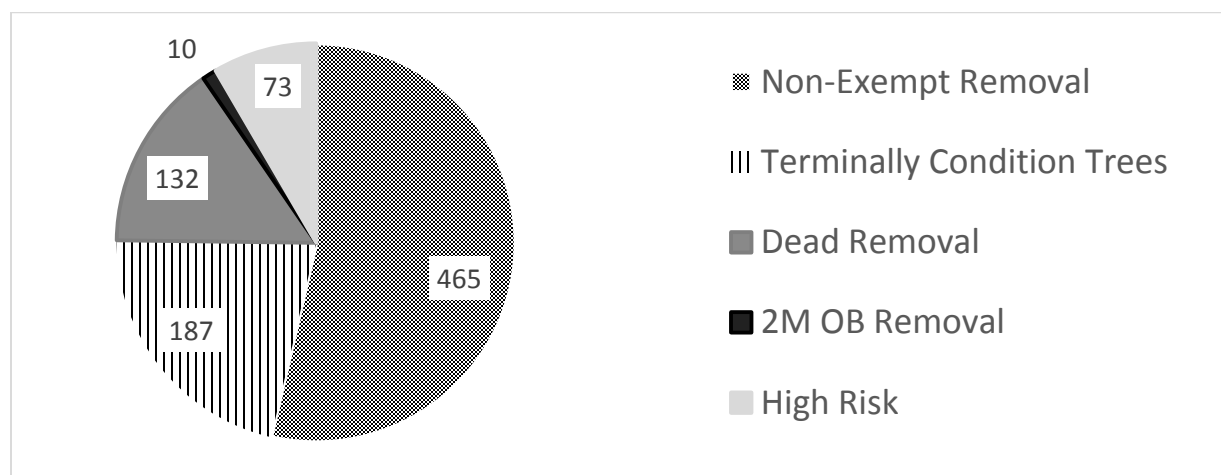


Figure 4: 2022 Tree removal data

Replacement Tree Planting

As part of the private tree by-law, trees of regulated size (20cm in diameter or greater) are required to be replaced, either through the planting of replacement trees, or by providing cash-in-lieu of replacement.

Tree replacements prior to the changes made in April 2022 were calculated based on an aggregate caliper method versus a ratio-based replacement strategy. More specifically, the total number of replacement trees was based on the size and overall health and structure of the tree with a replacement tree required for every 10 cm removed. With the changes made in 2022, replacements are now determined using a ratio-based strategy that requires, either two (2), three (3) or four (4) trees be planted based on the size of tree removed. A summary of the trees that were required to be

planted in 2022 and the success rate of those plantings is provided in **Table 1** in addition to a snapshot for 2023. Staff did observe a 5% reduction in the percentage of trees planted in 2022 compared to those planted in 2021. The result of this reduction provides greater confidence in the City’s introduction to require a replacement tree security as part of the 2022 by-law changes whereby, when a customer identifies they plan to replant trees to satisfy their replacement conditions of their tree permit, a replacement tree security deposit is collected and refunded once the trees have been planted. Staff are hoping this change will result in greater success in the years moving forward.

Table 1: Summary of tree replacement success in 2022

	Replacement trees required	% Planted	%Outstanding	Replacement trees provided as cash-in-lieu
2022	1,142	65%	35%	570
2023	736	8%	92%	507

Forest Protection Workload and Evolution

Prior to the creation of the Forest Protection branch, the administration of the public tree by-law was completed by staff in the Forest Planning and Health branch. This work was done when time allowed due to lack of staff capacity. This led to inconsistencies in its administration, with numerous contraventions taking place without corrective action, and no compensation for any canopy impact. At the time, partner departments, more specifically Development Engineering, provided additional support with respect to the review of site plan and other planning related applications, and compliance efforts for the City’s public tree by-law was minimal for all project related works adjacent to public trees.

The original intent of the Forest Protection branch was primarily to administer the private tree by-law. Since that time, the scope of support of this team has expanded significantly to include review of files relating to demolitions, property standards support for our City’s by-law department, committee of adjustment application review, projects run by other City departments such as design and construction of parks and linear infrastructure and facilities and the integration with municipal consents for access in the public right of way for utility companies to perform standard maintenance or upgrades existing services.

Staff have also been involved in planning application reviews (e.g., site plans, and official plan amendment and rezoning applications) to support Development Engineering in the review of private and public tree removals as part of the overall landscape component, with staff preparing the necessary documentation for council permissions, and permit issuance where public tree permits are required. As the City

continues to expand, and the intensity of these reviews increase with the introduction of Bill 109 and 23, more impacts to trees are likely to occur, and a consistent approach to the review of these files by a subject matter expert is critical. As such, the Forest Protection branch may require additional resources to support improvements in the delivery of these applications relative to applicable law (i.e., the public tree by-law).

To provide an overview of the various file types reviewed in addition to the three (3) permit streams identified previously, a snapshot of quantities over the past two years is illustrated in **Figure 5**.

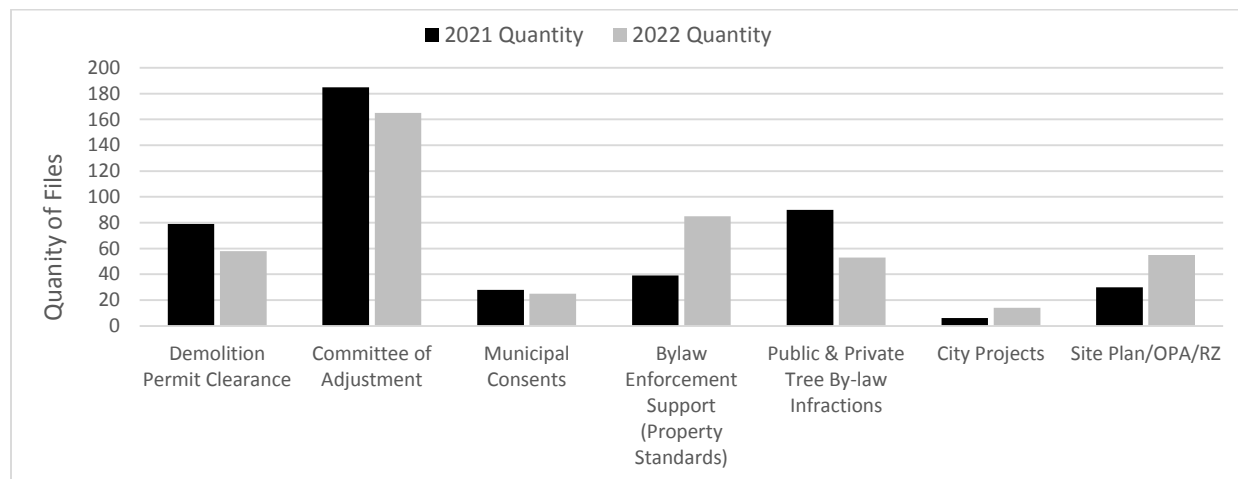


Figure 5: Quantity of additional file types reviewed by Forest Protection in 2021 and 2022

In most instances the number of files was relatively steady across both years with an increase in support for property standard service requests, city design and construction projects and files following the planning process. Numbers in many of these streams are expected to increase with changes to the municipal consent process, pre-building approval process, and legislative changes to planning related files.

All this work is critical in supporting the protection and preservation of trees on both public and private properties to ensure alignment with the City’s corporate policies, however, the majority of this support has gone on without recoverable fees for administrative time and without the necessary resources to complete tasks in a manner that is both efficient and effective, yielding a negative customer experience.

The enforcement side of this program also requires review and attention. Since implementation of the private tree by-law, staff have been investigating process improvements to help streamline the process related to applications and permit issuance. Items such as standard operating procedures associated with enforcement, and tools and education to support enforcement related inquiries require refinement and alignment with the other sections of enforcement at the City. This will ensure the efficacy of the by-law’s are met as Council originally intended. As legislative changes

continue to put pressure for development to occur, the City needs to be equipped with proper resources to react accordingly, but more importantly to identify and develop strategies to be as proactive as possible.

The Forest Protection branch has been utilizing staff from other sections of forestry and the Roads Parks and Forestry department at the expense of other programs to help assist with this program delivery due to the increasing demands to ensure proper compliance of both by-laws. This utilization of outside staff has mainly been to assist in administrative duties such as payment processing, email inquiries, and to help support planning related applications. This is done in a manner where time allows, leading to time delays and missed opportunities. In addition to the utilization of other staff, the staff currently in the Forest Protection branch have been working overtime during extended periods of time each year since the program’s implementation in 2020 to keep up with the increase in application and review intake and expanding program demands with the overtime expenditures in 2022 equal to 0.5 FTE. The use of other staff, and the need for overtime is not a sustainable practice. It leads to burnout and does not contribute to an effective and healthy organization.

With a resourcing gap in 2022, the average review time for the three (3) existing permit application streams increased compared to 2021 (**Table 2**). The gap in staff resulted in an increase in backlog that was unable to be cleared until the end of the year. This further demonstrates the shortcomings within the program, whereby the short-term loss of one staff member could result in the inability to maintain service at manageable levels.

Table 2: Average time for tree permit issuance from time of application

Tree Permit Application Type	2021	2022
Pre-building	9 Weeks	17 Weeks
Pools	11 weeks	10 Weeks
General	7 Weeks	9 Weeks

It is generally understood that programs evolve over time. This program, however, has evolved at a rapid pace due to the gap that existed prior to the branch’s existence for public trees, and the support and requirements needed to oversee both by-law streams. This is partially due to the unprecedented circumstances and rise in “at-home” projects due to the COVID-19 pandemic, but also due to programs that have evolved and expanded to meet the needs of a growing City, and the increasing pressures placed by legislative changes. As such, to continue to service the City and advance the existing progress made to date, the Forest Protection branch requires additional resources. Staff will provide an update to the Strategy and Risk Team on resource requirements in preparation for the 2024 budget deliberations.

Procedural/Process Improvements

Since the implementation of the current private tree by-law in April 2022, staff have implemented some process and procedural improvements that are summarized in the following sections.

2022 By-law amendments

Although the by-law was repealed and replaced in 2022, a number of permits issued last year were still following the 20-2020 by-law provisions up to April 19, 2022.

However, with the changes implemented, staff note these key observations:

- A reduction (0 permits issued) for maintenance related permit requests, affirming that the two (2) metre exemption was not being utilized correctly;
- More individuals opting for cash-in-lieu of replacements versus planting trees (91 in 2022 compared to 76 in 2021), likely as a result in the reduction in number of replacement trees required, and the reduction in the replacement tree cost;
- Few (less than 3) instances where an individual has requested to plant on an alternate lot;
- A more in-depth review provided for significant tree removal requests allowing for additional discussions to take place and education;
- Achievement in the council approved cost recovery of 30% with the implementation of the modified permit fee structure; and
- A simplified understanding of replacement tree requirements; with a ratio-based approach allowing customers to plan accordingly.

Tree Permit Application Form and Integration with AMANDA

An online application form was launched in December of 2022 and became fully integrated into AMANDA for general tree permit applications. The direct integration into the AMANDA system reduces the manual entry by staff when permit applications are received for general tree-related permit types.

The portal system where the tree permit application is made allows the customer to view the status of all their current tree permit applications and pay any non-refundable fees directly with a credit card. The new e-form is designed to provide clear information about the trees associated with the application and provides the ability to upload photographs as well as other documentation. This change in the design of the e-form has resulted in a reduction of correspondence between staff and applicants following their initial application submission. The ability to upload photographs has also provided the capability for staff to review some applications from their desk without the need for a site visit. Although the e-form went live in December 2022, following the launch of the

by-law and to tie into process related improvements, staff did begin to issue tree permits from their desk where photographs were provided by the customer. A total of 123 tree permits were issued from desk in 2022, with that number expected to increase in 2023 as a result of the e-form changes.

Tree permit applications as part of pool permits or the pre-building process are not collected as part of this form and are not currently integrated in AMANDA. However, as part of the City's Streamline Development Approval Fund (SDAF) project that started in 2022, a new visibility tool for pre-building approval applications went live in May 2023. This tool is integrated with AMANDA and allows the customer to follow along with their tree permit application associated with these project types along with their approvals from other departments such as Zoning and Development Engineering. Within the portal, customers will also have the ability to add others to follow along with their application (e.g., a contractor can add a homeowner) which provides transparency across all parties.

Additional improvements to AMANDA are still needed to optimize process efficiencies for the Forest Protection branch, however several of them were made in April 2023. Any further improvements will be dependent on resource capability within digital services and staff will continue to work with those teams.

Creation of a Guide to Tree Protection

Staff launched a guide to tree protection in December 2022. The guide was developed to provide general information about tree protection with a focus on how to navigate the City's private tree by-law. Various processes, requirements and terms are provided in the document along with a series of illustrations to help explain the importance of trees and how to work around them. The guide uses plain language to help customers understand requirements.

Yellow belt Training & Certification

As part of the City's continuous improvement strategy, the Forest Protection branch participated in yellow belt training under lean six sigma and achieved their yellow belt certification. Participation in this training was designed to review the current processes across multiple tree permit related streams and to identify efficiencies to be implemented with a focus on the pre-building approval process. Pilots are currently planned to be implemented in summer 2023.

Streamline Development Approval Fund Project (SDAF)

Forest protection took part in the SDAF project that was initiated in 2022. Through the participation in this project, staff took part in identifying process improvements to the City's consolidated pre-building permit process (now known as the pre-building approval

process). Process improvements resulted in modification to an existing application form, introduction of a pre-screen process and the creation of the new visibility tool.

Webpage Updates & Other Supporting Documents

Staff continue to update the existing Forest Protection & Tree Permits webpage to provide information for customers. Additionally, the Forest Protection branch has prepared and updated several other resource documents over the past year to clarify permit related requirements and provide frequently asked questions and responses to tree permit application streams associated with pools and pre-building approvals.

Staff will continue to update the webpage along with guides, forms, and templates through consultation with our communication and engagement teams to support the overall customer experience.

Future Improvements

As part of the City's continuous improvement, the Forest Protection branch will continue to utilize the training achieved through lean six sigma and look for ways to improve processes and delivery of the program.

KBAs and additional requests in CRM

The Forest Protection branch entered into the CRM system with the entire Roads Parks and Forestry Department in September 2021. At that time, knowledge-based articles (KBAs) were prepared to assist Service Burlington staff in their support for information and service based requests from customers. Throughout the past year, staff have reviewed the requests that have been received and plan to update the existing KBAs and create new articles to better support staff and the customer in their understanding of forest protection related services. A summary of the number of requests received since its implementation is provided in **Figure 6** with most months seeing on average over 100 requests. Service through the CRM portal is one method of communication provided by the Forest Protection branch, as a general mailbox for certain permit types and communication is also monitored with an average of 200 monthly requests, in addition to staff's personal mailbox, which also receive general inquiries pertaining to the delivery of the program.

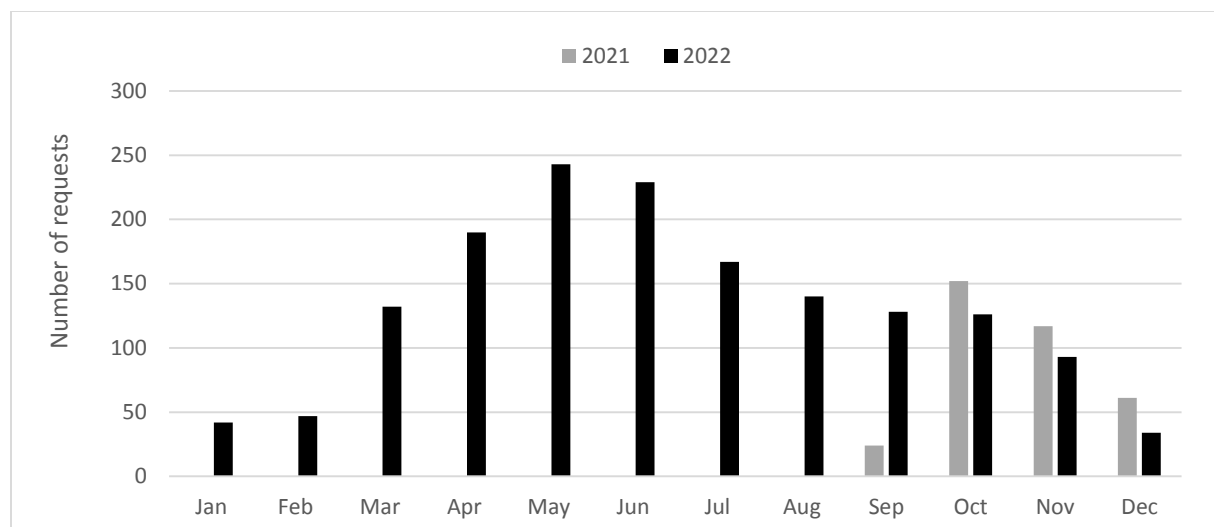


Figure 6: CRM information and service-related requests received in 2021 and 2022

Specification Document

The City’s tree protection and preservation specification was first implemented with the public tree by-law. When the private tree by-law was enacted in 2020, methods were made to add the private tree by-law into the specification document. As construction processes are ever changing and to better assist contractors, staff plan to review the current specification document.

Enhanced utilization of tree planting reserve fund

The City’s current Tree Planting Initiative Reserve Fund provides for the ability of the cash-in-lieu of replacement tree funds to fund tree planting and/or replacement on city and privately owned properties. As part of the City’s Tree Protection and Canopy Enhancement Policy, maintain and monitor is one of the four (4) guiding principles. Staff would like to investigate the ability to utilize the funds to support both canopy establishment, as well as enhancement initiatives. This strategy will help to incentivize residents to retain trees on private property by leveraging the use of fixed maintenance subsidies, to offset costs of pruning, cabling, fertilizing, and other practices related to tree maintenance. Further comments and proposed changes with respect to the reserve fund by-law have been provided through staff report RPF-05-23 Tree Planting Initiatives on the same agenda.

Investigation of Replacement Tree Backyard Planting Program

The replacement trees that are required as part of the tree permit process are designed to help maintain and increase the canopy over time. More investment is needed to monitor the replacement trees installed as part of the permit process, as well as possibly oversee their installation (where required). Staff are investigating the feasibility of a replacement tree backyard planting program with a third-party non-profit organization that will assist in the replacement tree program by installing trees and

monitoring them overtime. This will allow the City the ability to track the success of the plantings and to better manage the canopy over time. The establishment of a backyard tree planting program can also assist customers in planting new trees to ensure the right tree is planted in the right place; ensuring long-term success.

Financial Matters:

For 2023, the total expenditures to administer the Forest Protection branch within the Forestry section is budgeted at \$625,864. Revenues were budgeted at \$190,000 for a 30% recovery ratio with the balance of \$435,864 (70%) being tax supported.

Total Financial Impact

The following is a summary of the 2022 Forest Protection program as it relates to the 2023 budget:

Table 3: 2022 and 2023 Budgeted Expenditures with Recoveries

	2022 Budget	Actual 2022	Budget 2023
Total Program Expenditures	\$ 612,750	\$ 648,206	\$ 625,864
Permit Fee Recoveries	\$ 186,250*	\$200,666	\$190,000
Total Tax Levy Support	\$ 426,500 (70% tax levy supported)	\$447,540 (69% tax levy supported)	\$435,864 (70% tax levy supported)

**Budgeted recoveries as approved by council in RPF-03-22 (Option 3)*

Source of Funding

The source of funding for the private tree by-law program is through both permit fee recoveries (30%) and tax levy support (70%).

Other Resource Impacts

Not applicable.

Climate Implications

Trees contribute towards the City's climate change goals both through their role in climate mitigation, sequestering carbon, adaptation by reducing the heat island effect, promoting infiltration and interception of rainwater, and improving air quality. Trees also

improve the overall environment through their aesthetic qualities, providing habitat, reducing noise pollution, contributing to stress reduction, as well as screening and privacy. These benefits accrue to both private properties and the community at large.

Engagement Matters:

Not applicable.

Conclusion:

Through the comprehensive review and refinement of the current by-law, applicable processes, and associated permit fee structure, staff have taken measures to improve and streamline the administration of the private tree by-law. As the population in the City continues to rise, so does the demand for services provided by the Forest Protection branch. Additional resources may be required to support further program improvements in the administration of both the private and public tree by-laws to ensure the City's achieves its goals in canopy targets, as well as aligns with corporate policies all while maintaining a level of service that is acceptable.

Respectfully submitted,

Melissa Torchia

Supervisor of Forest Protection

(905) 333-7777 x 6121

Steve Robinson

Manager of Urban Forestry/City Arborist

(905) 333-7777 x 6167

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: Future vision of the Waterfront Centre

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Recreation, Community and Culture

Report Number: RCC-09-23

Wards Affected: Ward 2, all

File Numbers: 925-01

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Direct the Executive Director of Environment, Infrastructure and Community Services to retain a consultant to provide options for the capital renewal and/or replacement of the outdoor amenities at the Waterfront; and

Authorize the Chief Financial Officer to transfer \$60,000 from the Waterfront Reserve Fund to fund the study as outlined in recreation, community and culture department report RCC-09-23.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Background and Discussion:

Spencer Smith Park is a significant focal point and landmark on the Burlington waterfront, highly sought after by visitors year-round. During winter, the park attracts many visitors who come to the ice rink and the festival of lights. In the summer months, the park experiences a significant surge in visitors, drawn in by many events, walking trails, the spray pad, reflecting pond, and beach access. The Waterfront Centre, which

opened in 2006 and is located within Spencer Smith Park, is home to Spencer's at the Waterfront. Apart from the restaurant, the facility also supports many park amenities, such as parking, the reflecting pond, ice rink, and spray pad, and provides public access to gathering spaces and park washrooms.

The park has seen an increase in visitors and users causing a strain on the infrastructure, and demand on the park washroom that exceeds its' capacity. In addition to the increased usage of the park and its' amenities, over the past number of years we have experienced more precipitation and milder winters which have resulted in a rise in the number of closures to the ice rink due to unsafe ice conditions.

Over the years, there have been several improvements and updates to the facility, including a roof replacement to both the observatory and the restaurant along with interior renovations of the observatory, restaurant, and the lower lobby. The renewals have supported both the public and tenant needs and have been completed in partnership with Spencer's. In December 2019, there was a watermain break that occurred in the lower level which resulted in a full replacement of the pond and spray pad filtration equipment.

The ice plant refrigeration equipment is operated by R-22 (freon). Through government environment action plans, R-22 was removed from production in 2020 and freon equipment will be removed by 2030 and as a result, the ice plant must be replaced. The outdoor components of the spray pad, such as the concrete pad and jets, are also approaching end-of-life. The artificial turf and drainage system is being repaired this spring but will require a full replacement in spring of 2024, in advance of the larger spray pad renewal.

Strategy/process/risk

The need for facility renewal and replacement has provided staff with the opportunity to collectively review the overall services and amenities, including the ice rink, spray pad, and park washrooms, and to improve operational efficiency and community experience. As a result, city staff have developed short- and long-term plans.

In the short term, staff will perform life cycle maintenance on the ice plant and repair the spray pad turf to extend their lifespan. For the long term, staff plan to conduct a comprehensive review of services, amenities, and the operating model with the assistance of a consultant who will provide different design options and Class D costings for each. The consultant will consider service levels and standards, environmental factors, and possible synergies with other projects, such as the Civic Square Renewal, Beachway Master Plan, Parks and Recreation, Cultural Assets Master Plan (PRCAMP), and Climate Resilient Burlington. Additionally, staff have received

feedback over the years, both formally and informally, indicating the need for more seating, park washrooms, and shade structures to support the community's needs at the Waterfront.

The consultant will develop options with Class D cost estimates based on the following design considerations;

1. Minimize impacts to adjacent greenspace.
2. Materials and options will consider climate impacts.
3. Options will consider community needs.
4. Options will align with the overall downtown vision and partners at the Waterfront Centre.
5. Options will consider accessibility requirements.
6. Capital and operating costs.

In 2024, staff will complete the required renewal of the existing ice plant to extend its' life cycle to 2028 as well as the repairs to the artificial turf and drainage system that supports the spray pad. With the timelines indicated below, staff will report back to council with consultant options along with the various estimated capital and operating costs for each option in Q1 of 2024.

Following a report to council with consultant options and estimated capital costs, staff will engage with the community. The focus of this engagement phase will be to gather input from the community on the renewal and replacement options provided by the consultant to improve user experience and the efficiencies of the spray pad, pond, and ice rink.

Subsequently, a secondary phase of engagement will occur in 2026 and 2027, prior to construction on the preferred concept design based on the information collected in the first phase of community engagement.



Options Considered

Staff have considered a full spray pad renewal in 2025 and a synthetic ice surface for the ice rink. The synthetic ice surfaces that are currently available in the market are not

a viable solution and do not provide the customer with a comparable experience to skating on real ice. The decision to renew the spray pad will be provisional based on the outcomes of the consultant's report.

Financial Matters:

Through report PR-08-15, the Waterfront Centre and the outdoor amenities have operated under a net zero model since 2016, mirroring the operating models at Paletta Mansion and LaSalle Banquet Centre. The net zero operating model allows for an annual contribution to a reserve fund which represents the revenues collected through tenant agreements offset by the operating expenses to maintain the asset.

The reserve fund was designed to financially support any future capital replacements and renewals on a like for like basis. With the rising costs of goods and services along with an unplanned replacement of the freon ice plant system, this will impact the financial forecasts previously estimated.

It is anticipated that the cost for the consultant to complete the review of the renewal and replacement options described within this report is \$60,000. The balance of the reserve fund is \$286,287. The consultant will investigate the options presented and provide concept drawings with Class D costing. With the options and costing provided by the consultant, staff will review the capital renewal forecast along with the operating cost for each options provided to help determine the future operating model of the Waterfront Centre.

Total Financial Impact

Depending on the renewal or replacement options recommended; there may be a need to adjust both the capital and operating models accordingly.

Climate Implications:

The plan to eliminate R-22 has been initiated in phases, the most recent of which occurred on January 1st, 2020, Currently R-22 is only available from recycled and stockpiled supplies, which is very costly. The final stage is to have a complete removal all R-22 by January 1st, 2030; at this time, the government will officially ban the remaining production and import of R-22. The renewal of the ice plant will support the environmental initiatives to protecting the ozone. Future options will consider environmentally friendly replacements of the R-22.

Engagement Matters:

Once staff have options for renewal and replacement that will improve efficiencies of the spray pad, pond, and ice rink, the community and stakeholders will be engaged along with improved community experience. With the council approved options staff would complete phase 1 of community and stakeholder engagement in the summer and winter of 2024 to hear from the park visitors and amenity users.

With preferred options by the community and council, a phase 2 engagement will be completed prior to construction to select a preferred concept design.

Staff will also have meaningful conversations and engagement with the tenant to discuss synergies with facility renewals and lease renewal negotiations to align with any outdoor amenity's construction.

Conclusion:

Given the end-of-life assets and new legislative requirements for replacing the ice plant, there is an exciting opportunity to revitalize the outdoor space as part of the renewal process. After reviewing the considerations and guiding principles, staff are eager to provide options that offer the most promising opportunities for the community. As such, staff recommend the engagement of a consultant to provide guidance on effective operations and options, as well as cost estimates for construction and maintenance.

Respectfully submitted,

Rebecca Holmes
Recreation Planner

Victor Ljuljdjuraj
Manager of Facility Operations

Ken Pirhonen
Manager of Facility Assets

Appendices:

Appendix A: Aerial of the Waterfront Centre

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.

Aerial of the Waterfront Centre





SUBJECT: Better Homes Burlington Program

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Environment and Energy

Report Number: EICS-04-23

Wards Affected: all

File Numbers: 210-19

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

Recommendation:

Approve the establishment of the Better Homes Burlington Energy Retrofit Pilot Program to provide a maximum of twenty loans to Burlington homeowners who meet program eligibility criteria to support the implementation of air source heat pumps as outlined in environment, infrastructure and community services report EICS-04-23; and

Approve By-law No. XX-2023, being the Better Homes Burlington Energy Retrofit By-law, substantially in the form attached as Appendix A to environment, infrastructure and community services report EICS-04-23, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel, or designate; and

Authorize the Executive Director of Environment, Infrastructure and Community Services, or designate, to execute necessary agreements with each homeowner participating in the Better Homes Burlington Energy Retrofit Program, and any extension thereto, with content satisfactory to the Manager of Environmental Sustainability, or designate, and form satisfactory to the Executive Director of Legal Services and Corporation Counsel or designate; and

Direct the Executive Director of Environment, Infrastructure and Community Services to monitor and assess the results of the Better Homes Burlington pilot program and report back to council in one year with recommended next steps.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment

The purpose of this report is to obtain council approval of the necessary elements to deliver the Better Homes Burlington (BHB) program. In 2020, Council approved the Burlington Climate Action Plan and set a target to become a net zero carbon community by 2050. The BHB program will support decarbonization measures in the residential sector to help Burlington achieve its net zero community target.

Background and Discussion:

In March 2022, staff presented the Better Homes Burlington feasibility study (Report EICS-01-22) completed in partnership with the Centre for Climate Change Management at Mohawk College. The report recommended the BHB program as a pilot project which will support residential decarbonization by:

- providing a concierge service to homeowners with guidance on options to complete a home energy efficiency retrofit;
- offering loans to homeowners to accelerate the adoption of air source heat pumps; and,
- engaging and educating homeowners and contractors to promote/deliver home energy efficiency retrofits.

Council approved the following directions in report EICS-01-22:

Direct the Executive Director of Environment, Infrastructure and Community Services to bring forward a business case as part of the 2023 budget process for the resources required to support implementation of a small-scale home energy efficiency retrofit program including a virtual delivery centre/support for homeowners, and loans through a Local Improvement Charge (LIC) mechanism for Burlington homeowners to improve home energy efficiency and a lower carbon footprint as outlined in environment, infrastructure and community services report EICS-01-22; and

Direct the Executive Director or Environment, Infrastructure and Community Services to report back in 2023 with recommended program design elements, including a by-law to support the LIC loan, application, review and approval process, and loan agreement.

Council recently approved the Better Homes Burlington program coordinator position (one year contract) as part of the 2023 operating budget.

Better Homes Burlington - Concierge

The program coordinator will act as a concierge to provide assistance to homeowners as they consider options to improve the energy efficiency of their homes. This role could be more significant than administering the BHB loan given the complexities for homeowners to navigate the home energy efficiency retrofit environment. The concierge will provide guidance on:

- Grants and incentives – Enbridge Gas has partnered with the federal government's Greener Homes program to be the one stop shop for both the Greener Homes and Enbridge grants to support a wide range of home energy efficiency measures – [Home Efficiency Rebate Plus \(HER+\)](#)
- Financing – discussing options with homeowners for the best options to finance home energy efficiency retrofits (ie. financial institutions, the federal government's [Greener Homes loan](#) program, [Enbridge Sustain](#) and/or Better Homes Burlington loan)
- Energy audits – provide guidance on the benefits of and how to arrange an [EnerGuide](#) Home Evaluation
- Energy Efficiency Measures – provide guidance on the types of measures which can improve energy efficiency and reduce carbon footprint
- Contractors – offer guidance on how to find and retain contractor services for energy efficiency improvements

The program coordinator will also be responsible for community engagement activities to promote the benefits of home energy efficiency measures and the options available to homeowners, as noted above. Contractor engagement to promote the program will also be part of this role.

Better Homes Burlington Loan

To implement the Better Homes Burlington pilot loan program, a bylaw is required to utilize the Local Improvement Charge (LIC) mechanism (refer to Appendix A). In 2012, the provincial government amended the LIC regulation to permit municipalities to deliver home energy efficiency loans to homeowners, which can be repaid through property taxes.

As presented in 2022 (EICS-01-22), a maximum of \$10,000 will be offered to homeowners to support the installation of air source heat pumps and leak sealing. The target for the pilot project is 20 homes which currently rely on burning fossil fuels for a source of heating.

Eligibility criteria include:

- All registered owner(s) of the property must consent to participating in the Program;

- Property tax and all other payment obligations to the City of Burlington for the past five years must be in good standing;
- Owners must enroll in the pre-authorized property tax payment plan prior to approval for term of loan; and
- The owner must notify its mortgage lender (if applicable) of the owner's intention to participate in the Program using the City of Burlington's prescribed form. (Letter template is provided to homeowners)
- Note: homeowners with CMHC or other insured mortgages are ineligible to participate in the Program.

The maximum term for a loan will be 5 (five) years to be paid back with interest (prime rate). Through the LIC mechanism, the loan is tied to the property and can be transferred to new homeowners if a home is sold, however, most homeowners pay off the loan prior to selling. An administration fee will be charged in the amount of \$50.00 (fifty dollars).

The program details for the Better Homes Burlington loan is outlined in Appendix A and is summarized here:

1. Homeowners will be asked to contact the program coordinator to discuss eligibility for a loan. The program coordinator will provide information on all options available to homeowners to fund energy efficiency measures, such as grants, loans, the Home EnerGuide Assessment process, and how to find a contractor.
2. If the homeowner is eligible for a BHB loan and decides that this is the best option, they will be directed to obtain quotes for the work.
3. The homeowner will submit the information with a funding application to the City. The funding application will be reviewed by the program coordinator to confirm eligibility and once approved, a property owner agreement (POA) will be shared with the homeowner for signature, which will be signed by the Executive Director of Environment, Infrastructure and Community Services (or designate).
4. Once the POA is executed, the homeowner can proceed with the proposed works and can submit the final report (project completion) to the City with the invoice.
5. If the amount differs from the original application, a revised schedule can be attached to the POA. The program coordinator will work with Finance staff to begin the loan process through the property tax system.

The program will be promoted to homeowners throughout the summer with the opening of applications to occur in September. From the time homeowners receive funding

approval, they will have six months to install the improvements (air source heat pump and leak sealing) with an opportunity to request a further extension (up to six months). Once the improvement is installed, the homeowner will submit the completion report to confirm the loan amount. The completion report will be reviewed by the program coordinator and the manager of environmental sustainability, and the loan will be processed. Loans will be added to the tax bill at the end of April 2024 to begin the repayment process. If the homeowner has not submitted the completion report in time to process a loan and add to the annual tax bill by April 2024, then the homeowner loan repayment will be added to the tax roll the following year (2025) for repayment.

By January 2024, the program coordinator and manager of environmental sustainability will review the loan application process to determine whether to recommend continuation, particularly given that loans are only added to the tax roll once per year. Assessment of the pilot program will be based on overall interest in the program and number of applications received. If 20 loans have already been pre-approved by the end of January 2024, the pilot program will come to a close and will be assessed at that time.

Program Monitoring and Assessment

Metrics will be tracked to assess and monitor all aspects of the Better Homes Burlington program to report back to council in 2024 on the results, such as number of homeowners assisted, types of questions asked, number of community engagement activities and participation rates, and number of loans applied for and issued, and number of loans refused. In addition, staff will continue to collaborate with neighbouring municipalities and our extended networks to identify alternative measures for future consideration to support the transition off of the use of fossil fuels for thermal energy.

Strategy/process/risk

A home energy efficiency retrofit program was identified as a key program area in the Climate Action Plan approved by Council in 2020. Staff were also involved with the Clean Air Partnership to assess opportunities for Ontario municipalities to offer home energy efficiency loans resulting in a municipal toolkit¹. In 2020, staff presented two

¹ LIC Toolkit – Accelerating Home Energy Efficiency Retrofits through LIC Programs, Clean Air Partnership, 2020

reports to Council on home energy efficiency retrofits (EICS-07-2020 and EICS-18-2020). From 2021 to 2022, staff worked with the Centre for Climate Change Management at Mohawk College to complete a feasibility study for the Better Homes Burlington Program, presented to council in March 2022. This work was supported with a grant from the Federation of Canadian Municipalities.

The municipalities of Halton Hills, Kingston and Ottawa have all launched home energy efficiency retrofit programs supported through the Federation of Canadian Municipalities and have shared their documentation and processes as reference material for a Burlington program. City staff continue to meet with colleagues in Halton Hills, Oakville and Hamilton to share information, lessons learned and discuss options to partner and collaborate on a regional basis. The Region of Halton has also expressed interest in supporting home energy efficiency retrofit program through their climate action work, however, regional governments do not have the authority to issue LIC loans to homeowners.

Staff have assessed the risks to offering a loan program to homeowners. There is a low risk of non-payment of loans based on research completed in North America of existing programs. As noted above, property taxes must be in good standing prior to approval of an LIC loan and the LIC loan is considered a priority lien.

Another potential risk is the potential for low uptake of Burlington's loan program. Metrics will be tracked to assess and monitor all aspects of the Better Homes Burlington program to report back to council in 2024 on the results, such as number of homeowners assisted, types of questions asked, community engagement activities, and number of loans applied for and issued, and number of loans refused.

Options Considered

Options to offering a home energy efficiency retrofit program were discussed in report EICS-01-22. Following the implementation, the pilot program will be assessed, and future options considered to help accelerate the decarbonization of homes in Burlington, which will be presented to council in 2024 with recommended next steps.

Financial Matters:

It is recommended that the Energy Initiatives Reserve Fund provide the source of funding to support homeowner loans through the LIC mechanism. Annual loan repayments by homeowners will be credited back to the reserve fund.

With the uncommitted balance currently at \$185,000, along with the 2023 funding provided through the rooftop rental fees the City receives from three solar installations on City facilities of \$25,000 per year, accounts for the \$200,000 reserve fund

requirement of the loan program. The reserve fund was originally established in 2015 to help fund energy efficiency initiatives in City facilities.

Report EICS-01-22 originally recommended to utilize debt borrowed through Halton Region to support the capital cost of issuing homeowner loans. However, given constraints of the borrowing including amount, timing issues for borrowing through the Region, and restrictions for early payback of loans, borrowing from the reserve fund is more effective and supported by finance staff.

Total Financial Impact

Based on a cap of 20 loans for each homeowner at \$10,000/resident, a total of \$200,000 is required to support this program. In addition, Council approved \$120,000 one-time funding for a one-year contract for a program coordinator position.

Source of Funding

The loans will be supported through the Energy Initiatives Reserve Fund. The one-time funding for the program coordinator was approved through the 2023 operating budget.

Other Resource Impacts

Staff time will be required from Finance in the property tax section to support on the tax eligibility criteria listed above and adding the loan to the property tax bill for repayment. Some assistance from Legal may be required from time to time. Communications and Engagement staff will be involved to help promote the program.

Climate Implications

The purpose of the Better Homes Burlington program is to support the adoption of air source heat pumps in the residential sector to transition away from the burning of fossil fuels to generate heat (thermal) energy, resulting in reduced greenhouse gas (GHG) emissions. The use of natural gas in Burlington represents just under half of all GHG emissions across the community (for all sectors – residential, industrial, commercial and institutional).

Engagement Matters:

Extensive community and stakeholder engagement took place in partnership with the Centre for Climate Change Management at Mohawk College and the Bay Area Climate Change Council during process to complete the Better Homes Burlington feasibility study. Over 40 groups, experts, businesses, program delivery centres, utilities and other

municipalities were interviewed. The process also included random telephone and online community surveys. Further details can be found in the feasibility study (report EICS-01-22 - Appendix A).

A communications plan is being finalized with Communications staff to launch, promote and deliver the Better Homes Burlington program. Engagement activities to promote the program will include webinars, presentations and demonstrations in partnership with community stakeholders and networks. A website was created at the same time the Better Homes Burlington feasibility study was completed in partnership with the Centre for Climate Change Management at Mohawk College and will be launched in the near future with a media release.

Conclusion:

The Better Homes Burlington pilot loan program is a key measure identified in the city's Climate Action Plan. Support for homeowners to transition off of fossil fuels to reduce their carbon footprint will assist Burlington in becoming a net carbon neutral community and showing leadership on climate action.

Respectfully submitted,

Lynn Robichaud

Manager of Environmental Sustainability

905-335-7600 x7931

Appendices:

A. By-law XX-2023 and Better Homes Burlington Program Description

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.

The Corporation of the City of Burlington

City of Burlington By-law XX-2023

A by-law to authorize the undertaking of energy efficiency and water conservation works on private residential property as local improvements under the Better Homes Burlington Energy Retrofit Program.

File: 210-19 (EICS-04-23)

Whereas Part III of Ontario Regulation 586/06, under the *Municipal Act*, 2001, authorizes a municipality to pass a by-law to undertake works on private residential property as local improvements for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located; and

Whereas Section 36.5(2) of Ontario Regulation 586/06 states that the by-law may authorize the undertaking of works which satisfy the requirements of a municipal program for which the municipality has given notice under Section 36.6(2)(b) of Ontario Regulation 586/06; and

Whereas at its meeting of June 13, 2023, Council of the City of Burlington received and approved the Better Homes Burlington Energy Retrofit Program; and

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

That Council authorizes the undertaking of energy efficiency and water conservation works on private residential property as local improvements under the Better Homes Burlington Energy Retrofit Program, as set out in Schedule “A” to this By-law, for the purpose of raising all or part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located.

1. Schedule “A” is attached to and forms part of this by-law.

Appendix A to Report EICS-04-23

2. This by-law may be referred to as the “Better Homes Burlington Energy Retrofit By-law”

3. This by-law comes in to force on the day of its passing.

Enacted and passed this day, of , 2023

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

**Schedule “A” to
Better Homes Burlington Energy Retrofit By-law**

Residential Retrofit Program Design

1.0 Overview

The Better Homes Burlington Pilot Program (the “Program”) is designed to extend municipal funding (a loan) to consenting homeowners for the installation of qualifying energy improvements and secure payment by imposing a local improvement charge (“LIC”) on the private residential property, as authorized by Ontario Regulation 586/06, Local Improvement Charges – Priority Lien Status, enacted under the Municipal Act, 2001, S.O. 2001 c. 25 (the “Regulation”). This program will be administered by the City of Burlington for a single application cycle during the 2023-2024 years as a pilot program, which may be reviewed and amended from time to time. A maximum of twenty (20) loans will be provided to homeowners during the pilot program. Loans will be a maximum of \$10,000 each over a five (5) year term with interest (prime). The Program will be funded by the City’s Energy Initiative Reserve fund.

1.1 Program Eligibility

Residential low-rise buildings located within the City of Burlington of the following forms are eligible: detached, semi-detached, and townhouses.

The property must have a property tax account with the City of Burlington. The property must also be serviced by gas or oil for home heating purposes.

Participation is voluntary, owner-initiated and subject to the following conditions:

- All registered owner(s) of the property must consent to participating in the Program;
- Property tax and all other payment obligations to the City of Burlington for the past five years must be in good standing;
- Owners must enroll in the pre-authorized property tax payment plan prior to approval; and
- The owner must notify its mortgage lender (if applicable) of the owner’s intention to participate in the Program using the City of Burlington’s prescribed form. (Letter template is provided to homeowners)
- Note: homeowners with CMHC or other insured mortgages are ineligible to participate in the Program.

1.2 Geographic Scope

Any owner of an eligible building (see Section 1.1) in the City of Burlington can participate in the Program. Marketing for the Program may be prioritized to those homes with:

- Above average utility-calculated heating fuel (natural gas, propane or oil).

The City may work with existing community initiatives or organizations interested in being aligned with the Program to achieve efficiencies in terms of program delivery (i.e. marketing and outreach support).

1.3 Stacking Home Energy Incentives

Homeowners will be encouraged to consider existing incentive programs offered by Enbridge Gas Inc. and the Federal Government and other programs which may become available. Enbridge Gas and Canada's Greener Homes Grant have partnered to provide rebates towards eligible retrofits such as home insulation, windows and doors, heat pumps and renewable energy systems; the program is referred to as the Home Efficiency Rebate Plus (HER+).

To be eligible for a HER+ grant (with some exceptions), homeowners are required to arrange a home energy assessment through the EnerGuide Rating System (see below). All homeowners can apply to the HER+ program but must be an Enbridge Gas customer (or is converting to become an Enbridge Gas customer) to be eligible for additional rebates from Enbridge Gas.

**Note: the Federal Government's Greener Homes Loan program is separate from the HER+ program, where eligible homeowners can apply for home energy efficiency loans up to the amount of \$40,000.

1.4 Home Energy Assessments

Although not required by the City of Burlington's Program, homeowners are encouraged to consider arranging a home energy assessment through the [EnerGuide Rating System](#) (ERS).¹ It provides a standardized tool and process to assess home energy efficiency and can model energy savings for projects.

¹ A home assessment is required under the Home Efficiency Rebate Plus (HER+) program and/or the federal government's Greener Homes Initiative (if the homeowner is not serviced by Enbridge Gas Inc.).

The property owner hires a Certified Energy Advisor (the "CEA"), certified by Natural Resources Canada ("NRCan"), to perform pre- and post-retrofit assessments in accordance with ERS. CEAs are experts in the field of energy efficiency and well-versed in the 'whole home' approach to home energy systems, technologies and products. The cost of the energy assessments is paid by the homeowner to the CEA. A homeowner may be eligible for a rebate for the cost of an energy assessment if they participate in the HER+ incentive program.

Upon completion of the pre-retrofit home energy assessment, a report is provided to the homeowner with the NRCan EnerGuide rating for the home and recommendations for energy improvements to increase that rating.

After the retrofit is complete, a second and final home assessment is performed by the CEA to obtain a second EnerGuide rating and to verify the completion of work.

1.5 Qualifying Energy Efficiency Measures

Under the Program, financing is designated for capital costs (not maintenance costs) with an expected useful life of five (5) years or greater and for measures that are permanently affixed to a property. Eligible measures under the Program includes air source heat pumps and leak sealing.

Ineligible measures include equipment or products not permanently affixed to the property, previously installed in another home and are deemed general maintenance. By recommending categories of retrofit improvements and associated measures, the City of Burlington makes no guarantees of the materials, performance, cost-effectiveness or any warranty of the measures supported by the Program.

Only the costs associated with improvements (air source heat pumps and leak sealing) of up to a maximum of \$10,000 are eligible for the Program.

1.6 Completing the Retrofit through Contractor Engagement

The City of Burlington will provide financing to homeowners for eligible measures covered by the Program. The City of Burlington will not pre-qualify contractors or procure contractors to perform energy assessments or install retrofit improvements on behalf of homeowners in connection with this Program. The homeowner will use the funds disbursed by the City of Burlington to pay contractors directly.

The City of Burlington is not responsible for the work quality of any contractors hired in connection with this Program and assumes no liability for the works undertaken. All retrofit improvements and renovations must adhere to applicable permitting requirements, codes, laws and by-laws. The homeowner is responsible for ensuring that hired contractors are licensed, bonded, and insured. Any issues that may arise relating to the quality of workmanship or post-installation performance of energy measures, for example, should be dealt with by the property owner and contractor.

1.7 Application Process

The steps below outline the process and requirements homeowners need to follow as part of the Program. City of Burlington staff will periodically review this process to ensure effective Program implementation and, where deemed appropriate, the City of Burlington may make changes in its sole discretion.

Step 1: Pre-qualification Screening Checklist

Before proceeding with the application for a loan, the property owner must determine eligibility for the Program. Homeowners are encouraged to consult with the Program Coordinator to determine if the proposed improvements (air source heat pump and leak sealing) qualify for a LIC loan through the Program. The Program Coordinator will provide a concierge service by assisting homeowners in reviewing the criteria as well as sharing information available on incentives and financing options for consideration. A checklist will be available to homeowners to help determine eligibility:

- Property address to confirm location is within the City of Burlington;
- The property taxes must be in good standing and there are no outstanding payments owed to the City of Burlington within the last five years;
- Proof of approval by all registered owners;
- Registration in the City of Burlington's pre-authorized property tax payment system is required prior to the approval for term of loan; and,
- Note: homeowners with CMHC or other insured mortgages are ineligible to participate in the program.

If a homeowner has one or more outstanding mortgage(s) associated with the property, then the homeowner must inform the mortgage lender(s) of their intention to participate in the Program using the letter template that the City of Burlington (copying the city) and will provide proof of delivery to the City.

Step 2: Energy Assessment and Funding Request Form

a) Energy Assessment Process (Optional)

If the homeowner is pursuing incentives under the Home Efficiency Rebate Plus (Her+) or the federal government's Greener Homes Loan Initiative, the homeowner can provide the City of Burlington with the results of the pre and post energy assessment. As noted previously, if the homeowner is applying for incentives under HER+ or the Greener Homes Loan Initiative, a Home EnerGuide assessment is required (in most cases). All funding programs (grants and loans) are stackable – so homeowners can apply to more than one program.

That Energy Assessment Report must include:

- the current NRCan EnerGuide rating for the home;

- recommended improvements that have been customized for the home based on existing conditions which could potentially increase the NR Can EnerGuide rating of the home;
- the estimated useful life of the proposed improvement(s); and,
- estimated energy cost savings that may be realized after installing the recommended improvements.

There is also a requirement for the homeowner to authorize access to the previous two years of energy consumption data for electricity (Burlington Hydro) and natural gas (Enbridge) as well as the post improvement period (five years). If the home does not use natural gas for heating, the homeowner would be required to provide copies of bills for heating oil or propane (or other fuel as identified). This information will assist staff to assess the reduction of greenhouse gas emissions post retrofit.

Note that the Better Homes Burlington pilot program for loans only supports the installation of air source heat pumps and leak sealing at this time. However, the other incentive programs have a broader range of measures which they support.

Any estimated cost of the works can be included in the Energy Assessment Report but will require contractor invoices for the air source heat pump and leak sealing to verify the costs for inclusion in the Funding Request Form.

b) Funding Request Form - Application

Homeowners will need to submit a Funding Request Form that:

- identifies the improvements (air source heat pump and leak sealing) that the property owner intends to install;
- identifies the cost for each improvement; and,
- includes a copy of the quote for the air source heat pump and air sealing.

Following receipt of the Funding Request Form, the City of Burlington will confirm the eligibility of the works (e.g. items affixed to property). A \$50 administration fee will be rolled into the LIC.

Step 3: Property Owner Agreement

After the City of Burlington has confirmed the acceptability of the Funding Request Form, the City of Burlington will prepare a property owner agreement (“POA”) for the homeowner(s) to review and sign.

Step 4: Completing Improvements

a) Funding Disbursement

Following execution of the POA the property owner can then proceed with hiring contractor(s) and installing the approved energy improvements to the property. The improvements must be completed within six months, as stipulated in the POA. The

homeowner can request an extension if required. The extension will be granted at the sole discretion by the City of Burlington

As will be detailed in the POA, the City of Burlington will provide the funding disbursement only after the homeowner submits:

- a Certificate of Completion and a final paid invoice showing payment for the energy improvements, indicating the actual costs and useful life for all the works;
- or a post retrofit Home Energy Assessment from the certified energy assessor which includes a Certificate of Completion that attests the approved retrofit measures having been installed and provides an EnerGuide rating of the home after the retrofit measures have been completed which is greater than the original EnerGuide rating noted on the pre-retrofit assessment report from the CEA and indicates the actual costs and useful life for all the works.

Step 5: LIC Repayment

Following the City of Burlington's Chief Financial Officer's periodic certification of the local improvement roll, (which occurs after the improvements on a given set of properties are complete and the final amounts of funding are confirmed), the City of Burlington Treasurer will submit a recommendation for City Council to adopt a by-law pursuant to Section 36.14 of O.Reg 586/06 to impose the special charges on the participating properties.

For each property included in the by-law, the Treasurer will then add to the City of Burlington's tax account for that property each year that portion of the imposed special charge that is due in that year. These collective steps will provide priority lien status for the annual amount that the Chief Financial Officer adds to the tax account and will ensure that any subsequent property owner who was not a party to the POA is bound to pay that amount.

To facilitate repayment of the annual special charge, the POA will require homeowners to sign-up for the pre-authorized payment plan option for property tax payments. At any time, a homeowner can make a one-time payment of the total outstanding commuted value of the LIC charge. Failure to make payments is treated with the same remedy as uncollected property taxes which may include penalties and interest charges. Unpaid LIC will be subject to the city's tax collection policy.

1.8 LIC Disclosure

As indicated above, the subsequent owner of a property on which the City of Burlington has imposed a special charge is required to pay the City of Burlington the annual LIC amount even though that subsequent owner was not a party to the original POA. In addition to notice that the City of Burlington will be providing in accordance with the provisions of O. Reg. 586/06, the POA will require an assignment agreement when property with an LIC loan is transferred. The City of Burlington will also update the Tax

Certificate to include the amount payable in the current year and outstanding amounts owing. The City maintains the option to post information on their website to communicate the special charge bylaw.

1.9 Quality Control

As a means of additional oversight to confirm that the funded improvements were completed, the POA will indicate that the City of Burlington reserves the right to have a City of Burlington official or third-party contractor arrange with the property owner for an inspection. The property owner(s) is also responsible for keeping original copies of contractor invoices and photos of installed measures and be prepared to disclose this information to the City of Burlington upon request.

1.10 Measurement and Verification

Pursuant to the POA, the property owner(s) must consent to providing the City of Burlington with access to the property's utility usage data in order to monitor results and evaluate the Program's effectiveness for a period of five years after completion of the retrofit, as well as two years of usage data pre-improvements. Also, the property owner(s) agrees to participate in surveys and other follow-up activities to help the City of Burlington Program Coordinator evaluate the effectiveness of the Program.