



## City Council Meeting AGENDA

Monday, January 29, 2024, 9:30 a.m.

Council Chamber

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### Pages

#### **Public Meeting**

##### **National Anthem**

##### **Moment of Silence**

A moment of silence for all community leaders, staff and family members that have passed away over the previous year.

##### **Land Acknowledgement**

The City of Oshawa is situated on lands within the traditional and treaty territory of the Michi Saagiig and Chippewa Anishinaabeg and the signatories of the Williams Treaties, which include the Mississaugas of Scugog Island, Curve Lake, Hiawatha and Alderville First Nations, and the Chippewas of Georgina Island, Rama and Beausoleil First Nations.

We are grateful for the Anishinaabeg who have cared for the land and waters within this territory since time immemorial.

We recognize that Oshawa is steeped in rich Indigenous history and is now present day home to many First Nations, Inuit and Métis people. We express gratitude for this diverse group of Indigenous Peoples who continue to care for the land and shape and strengthen our community.

As a municipality, we are committed to understanding the truth of our shared history, acknowledging our role in addressing the negative impacts that colonization continues to have on Indigenous Peoples, developing reciprocal relationships, and taking meaningful action toward reconciliation.

We are all Treaty people.

### **Council Member Announcements**

(As may be presented by Council Members)

### **Additional Agenda Items**

(As may be presented at the meeting)

### **Declarations of Pecuniary Interest**

(As may be presented by Council Members)

### **Presentations**

#### **The Oshawa Sports Hall of Fame - 2024 Inductees**

The Oshawa Sports Hall of Fame to introduce the Hall of Fame inductees for 2024.

#### **Sloane's House - Future Pediatric Hospice and Respite Centre**

Audrey Andrews and Katie Cronin-Wood, Sloane's House to provide a presentation concerning the progress of a future Pediatric Hospice and Respite Centre in Durham Region.

#### **Autism Home Base - Progress and Goals**

Judy Hanson, Autism Home Base to provide an update concerning the progress and goals of Autism Home Base.

### **Delegations**

None

### **Items requiring Council Direction**

None

### **Public Consent Agenda**

Recommendation

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated January 29, 2024 be adopted as recommended.

### **Adoption of Council Minutes**

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Recommendation

That the minutes of the City Council meetings held on December 1 and December 11, 2023 be adopted.

### **Correspondence with Recommendations**

#### **CNCL-24-07 - Janetta and Darren Stewart Submitting Correspondence concerning Item CO-24-04 (All Wards)**

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Recommendation

That Correspondence CNCL-24-07 from Janetta and Darren Stewart submitting correspondence in opposition to amending Traffic By-law 79-99, as amended to allow parking on boulevards be referred to Item CO-24-04.

**CNCL-24-09 - Soori Tham Submitting Correspondence concerning Item ED-24-08 (Ward 1)**

**Recommendation**

That Correspondence CNCL-24-09 from Soori Tham submitting correspondence concerning Item ED-24-08 regarding revised applications to amend the Taunton Part II Plan and Zoning By-law 60-94, east of Harmony Road North, south of Greenhill Avenue be referred to Item ED-24-08.

**Standing Committee Reports**

**Report of the Community and Operations Services Committee**

The Community and Operations Services Committee respectfully reports and recommends to City Council its Twelfth Report.

**CO-24-01 - Investigation into the Proposals to Amend City By-Laws to Include Noxious Weeds and Invasive Species (All Wards)**

**Recommendation**

That based on Report CO-24-01 dated January 10, 2024 concerning noxious weeds and invasive species:

1. That Council pass a by-law to amend Lot Maintenance By-law 127-2007, as amended, to address noxious weeds as listed under the Weed Control Act, 1990 as outlined in Attachment 3 to this Report and in a form and content acceptable to Legal Services and the Commissioner, Community and Operations Services; and,
2. That staff develop a public awareness campaign specific to the invasive nature of common garden plants and proper disposal methods.

**CO-24-02 - Response to Report CS-21-75 dated June 14, 2021 (Ward 2)**

**Recommendation**

That based on Report CO-24-02 the Community and Operations Services Committee recommend to City Council:

Whereas at its meeting of June 21, 2021, City Council referred Report CS-21-75 concerning cycling network maintenance issues for staff to review; and,

Whereas staff assessed observed safety concerns and recommendations proposed in Report CS-21-75 against City standards and the Ontario Traffic Manual; and,

Whereas Project 52-0049 - Airport Trail Safety Modifications was considered by Council as part of the 2023 Capital Budget to address safety concerns for an estimated cost of \$800,000; and,

Whereas in accordance with CNCL-23-07, “2023 Proposed Capital Budget Addendum”, Council approved \$200,000 as part of the 2023 Capital budget and a reduced scope of work for Project 52-0049 to implement risk mitigation measures including increased levels of service, specifically providing diligent year-round operations and maintenance, in addition to the implementation of recommended interim safety measures; and,

Whereas implementation of interim and permanent risk mitigation measures, including those approved as part of CNCL-23-07, are expected to be complete by February 2, 2024;

Therefore, be it resolved, that Report CO-24-02 dated January 10, 2024 concerning cycling network maintenance issues, be received for information.

**CO-24- 05 - Installation of a Temporary off Leash Dog Park at Southmead Park (Ward 5)**

Recommendation

That based on Item CO-24-05, staff be directed to investigate the possibility of installing temporary fencing and signage for a pilot project of a neighborhood level off leash dog park at Southmead Park.

**CO-24-06 - Snow and Ice Clearing from Trails (All Wards)**

Recommendation

That based on Item CO-24-06, staff be directed to investigate the clearing of snow and ice from trails included in new or redesigned neighbourhood parks.

**CS-21-105 - Fleet Services Decarbonization Strategy (All Wards)**

(Report CS-21-105 was originally tabled by Committee on October 18, 2021 and lifted from the table on January 15, 2024.)

Recommendation

That CS-21-105 - Fleet Services Decarbonization Strategy concerning a request for staff to adopt a vehicle purchasing policy that assumes an electric vehicle purchase as the default choice and move to a fleet replacement policy that sets ambitious targets in fleet electrification and decarbonization be received for information.

**Report of the Corporate and Finance Services Committee**

The Corporate and Finance Services Committee respectfully reports and recommends to City Council its Thirteenth Report.

**CF-24-01 - Single Source - Redundant NG-911 Communication System (All Wards)**

Recommendation

Whereas the Purchasing By-Law 80-2020 requires Council approval to award single source contracts greater than \$100,000; and,

Whereas the City has received a provincial grant in the amount of \$2,925,794 to aid in the transition to NG-911 that must be expended by March 31, 2024; and,

Whereas the NG-911 communications system requires a redundant system in another location for continuity of service in the event of interruption at the primary site; and,

Whereas it is a shortened time frame for supply, delivery and installation of equipment and services; and,

Whereas Netagen has existing experience with the City's communication systems, is providing a fully managed instance of the primary NG-911 communication system and has performed similar services for other municipal and provincial agencies;

Therefore, be it resolved that pursuant to Report CF-24-01, Council authorize the Manager, Procurement to award a single source contract to Netagen not to exceed the amount of \$750,000, including non-rebateable H.S.T. for Redundant NG-911 Communication System.

**CF-24-02 - Contract Award - C2023-095 Rotary Park and Pool Redevelopment (Ward 4)**

**Recommendation**

Whereas the Purchasing By-Law 80-2020 requires Council approval to award contracts greater than \$2,000,000; and,

Whereas through Reports CS-21-36 and CS-21-94 Council approved \$8,221,663, inclusive of non-rebateable H.S.T., and the 2024 Capital Budget approved project 51-0116 in the amount of \$3,000,000, inclusive of non-rebateable H.S.T.; and,

Whereas \$1,418,587 has already been committed to the project for consulting services and the demolition of previous pool; and,

Whereas Procurement issued C2023-079 Pre-Qualification for Rotary Park and Pool Redevelopment and three suppliers were pre-qualified, Chandos Construction LP, Maystar General Contractors Inc., and Percon Construction Inc.; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2023-095 Rotary Park and Pool Redevelopment; and,

Whereas three (3) bids were received (publically posted on the City's website at Oshawa's Bids and Tenders and opened by Procurement on

November 20, 2023; and,

Whereas the bid received from Maystar General Contractors Inc., in the amount of \$18,800,000 excluding H.S.T. (\$19,130,880 including non-rebateable H.S.T.), is the lowest bidder and meets the requirements of the tenders; and,

Whereas the low bid from Maystar General Contractor Inc., is over-budget; and,

Whereas the award will be phased, with the first phase being awarded in 2024 and the second phase being awarded upon approval of the 2025 Capital Budget for Rotary Park Redevelopment;

Therefore, be it resolved that pursuant to Item CF-24-02:

1. That the Manager, Procurement be authorized to award a contract to Maystar General Contractors Inc. in the amount of \$9,633,526 excluding H.S.T. for C2023-095 Rotary Park and Pool Redevelopment; and,
2. That the Manager, Procurement be authorized to award the balance of the contract to Maystar General Contractors subject to the 2025 Rotary Park Redevelopment Project Capital Budget approval.

**CF-24-03 - C2023-097 Stormwater Management Facility Cleaning - Additional Funding (Ward 3)**

**Recommendation**

Whereas the Purchasing By-Law 80-2020 requires Council approval to award contracts that exceed the approved budget; and,

Whereas in 2023 Council approved Project 54-0005 in the amount of \$325,000 inclusive of H.S.T., for Storm Water Management Pond Cleaning; and,

Whereas Procurement issued a Request for Tender (R.F.T.) C2023-097 Stormwater Management Facility Cleaning; and,

Whereas eleven (11) bids were received (publically posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on October 31, 2023; and,

Whereas the two (2) low bids were deemed non-complaint with the requirements of the tender and Purchasing By-law; and,

Whereas the bid received from Strong Bros. General Contracting Ltd. in the amount of \$438,000 (\$445,709 including non-rebateable H.S.T.), is

the lowest compliant bidder and meets the requirements of the tender;  
and,

Whereas there has been a total of \$16,099 committed to date for soil  
sampling and surveys; and,

Whereas there is a funding shortfall of \$136,808, including non-  
rebateable H.S.T.; and,

Whereas the additional cost of \$136,808 can be funded from the  
Subdividers Fixed Charges – Future Services Reserve Fund from the  
portion collected for the Stormwater Pond Maintenance Fees;

Therefore, be it resolved that pursuant to Item CF-24-03:

1. That the additional funding of \$136,808 to be funded from the  
Subdividers Fixed Charges – Future Services Reserve Fund be  
approved; and,
2. That the Manager, Procurement be authorized to award a  
contract to Strong Bros. General Contracting Ltd.in the amount  
of \$438,000 excluding H.S.T. for C2023-097 Stormwater  
Management Facility Cleaning.

#### **Report of the Economic and Development Services Committee**

The Economic and Development Services Committee respectfully reports and  
recommends to City Council its Twenty-third Report.

#### **ED-24-01 - New City of Oshawa Street Naming Policy (All Wards)**

##### **Recommendation**

1. That, pursuant to Report ED-24-01 dated January 3, 2024, the  
proposed new City of Oshawa Street Naming Policy as outlined  
in Attachment 1 be approved in principle; and,
2. That a formal Policy document be developed to the satisfaction  
of the Commissioner, Economic and Development Services  
Department and Director, Legislative Services/City Clerk.

#### **ED-24-04 - Policy for Public Meetings with Respect to Applications for Draft Plans of Subdivision (All Wards)**

##### **Recommendation**

1. That, pursuant to Report ED-24-04 dated January 3, 2024, the  
proposed policy for public meetings with respect to applications  
for draft plans of subdivision as outlined in Attachment 1 be  
approved in principle; and,
2. That a formal Policy document be developed to the satisfaction  
of the Commissioner, Economic and Development Services  
Department and Director, Legislative Services/City Clerk.

**ED-24-05 - Overland LLP Submitting Notice of Objection to Designate 149 Harmony Road South (Ward 3)**

**Recommendation**

That Correspondence ED-24-05, dated November 30, 2023, from Overland LLP submitting a notice of objection to the intent to designate 149 Harmony Road South be referred to staff for a report

**ED-24-06 - Columbus Community Advisory Committee – Selection of Two New Members (Ward 1)**

**Recommendation**

Whereas, on January 28, 2019, pursuant to Report DS-19-04 dated January 9, 2019, Council approved Terms of Reference for the establishment of the Columbus Community Advisory Committee (the “C.C.A.C.”), to provide an additional forum for community input into the Integrated Columbus Part II Planning Act and Municipal Class Environmental Assessment Act Study (the “Study”); and,

Whereas, on January 28, 2019, Council selected five individuals from the Columbus community who expressed an interest in participating as a member of the C.C.A.C.; and,

Whereas, the C.C.A.C. Terms of the Reference directs that the Committee include up to five community members, all of whom must live or own a business in the Study area, and that Oshawa City Council will be responsible for selecting the Committee members; and,

Whereas, on October 2, 2023, City Council considered Report ED-23-117 dated May 31, 2023 relating to the Study and adopted, as part of an amended motion, the following:

“That, pursuant to Report ED-23-117 dated May 31, 2023, the Columbus Community Advisory Committee continue to function until such time as the Part II Plan is in effect, for the purposes of continued community engagement; and,

That, pursuant to Report ED-23-117 dated May 31, 2023, the Columbus Community Advisory Committee meet a minimum of twice a year; and,

That, pursuant to Report ED-23-117 dated May 31, 2023, the Columbus Community Advisory Committee be increased in size from five (5) members to seven (7) members, with the two additional members and any other vacancies to be selected by Council no later than end of the first quarter of 2024”; and,

Whereas, staff have confirmed that all five (5) of the existing C.C.A.C. members are still interested in serving on the C.C.A.C.; and,



Whereas, there are two (2) new vacancies on the C.C.A.C. owing to the above-noted motion adopted by Council on October 2, 2023;

Therefore be it resolved that, pursuant to Item ED-24-06, Applicants 4 and 5 be selected to serve on the Columbus Community Advisory Committee from the five (5) applicants identified in Confidential Attachment 1.

**ED-24-08 - Revised Applications to Amend the Taunton Part II Plan and Zoning By-law 60-94, east of Harmony Road North, south of Greenhill Avenue, Silwell Developments Ltd and 1229403 Ontario Ltd. (Ward 1)**

**Recommendation**

1. That, pursuant to Report ED-24-08 dated January 3, 2024, the revised application submitted by Silwell Developments Ltd. and 1229403 Ontario Ltd. to amend the Taunton Part II Plan (File: B-3100-0174) in order to permit alternate residential land uses in the event that a secondary school is not constructed on lands located south of Greenhill Avenue, between Harmony Road North and the Harmony Creek valley, be approved, generally in accordance with the comments in said Report and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and Legal Services; and,
2. That, pursuant to Report ED-24-08 dated January 3, 2024, the revised application submitted by Silwell Developments Ltd. and 1229403 Ontario Ltd. to amend Zoning By-law 60-94 (File: Z-2012-11) to permit a secondary school and alternate residential land uses in the event a secondary school is not constructed on lands located south of Greenhill Avenue, between Harmony Road North and the Harmony Creek valley, be approved, generally in accordance with the comments in said Report and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and Legal Services; and,
3. That, pursuant to Report ED-24-08 dated January 3, 2024, an easement for a storm water outfall from the subject site to the Harmony Creek over a portion of City-owned lands be approved in a form and content satisfactory to the Commissioner of Economic and Development Services and the City Solicitor; and,
4. That, pursuant to Report ED-24-08 dated January 3, 2024, the Commissioner of Economic and Development Services be authorized to execute any required documents to give effect to Part 3 above, including any required easement agreements with Silwell Developments Ltd., 1229403 Ontario Ltd. and/or the

Durham Catholic District School Board, in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services; and,

5. That in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-13-166 dated May 22, 2013 presented at the public meeting of May 27, 2013 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 2 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

**ED-24-09 - Temporary Banner Installation Requests within the Downtown Oshawa Banner Program (Ward 4)**

**Recommendation**

1. That, pursuant to Report ED-24-09 dated January 3, 2024, city staff be directed to implement a procedure generally in accordance with the content that forms Section 5 of this Report in order to support the expansion of the Downtown Oshawa Banner Program; and,
2. That, pursuant to Report ED-24-09 dated January 3, 2024, the City of Oshawa Delegation of Authority By-Law 29-2009, as amended, be amended to delegate authority to the Commissioner, Economic and Development Services or the Director, Business and Economic Development Services, or designate, to approve or deny applications for temporary banners from community groups.

**ED-24-11 - Request under the Urban Growth Centre Community Improvement Plan (Ward 4)**

**Recommendation**

That, pursuant to Report ED-24-11 dated January 3, 2024, Crispcorp Ltd. be approved for an Upgrade to Building and Fire Codes Grant in the amount of \$10,000.00 and a Façade and Accessibility Improvements Grant in the amount of \$10,000.00.

**ED-24-13 - Durham Meadoway Visioning Study (All Wards)**

**Recommendation**

That pursuant to Item ED-24-13, staff work with the Region of Durham regarding the Durham Meadoway Visioning Study.

## **Report of the Safety and Facilities Services Committee**

The Safety and Facilities Services Committee respectfully reports and recommends to City Council its Thirteenth Report.

### **SF-24-02 - Notice of Motion - Reporting of Parking Complaints (CNCL-23-119) (All Wards)**

#### **Recommendation**

Whereas the City is developing a customer service strategy to identify service delivery gaps and look at potential ways to modernize ways to serve the public; and,

Whereas Blackline Consulting has been engaged to help lead the strategy; and,

Whereas the public and Oshawa Council members have found the current required process to report parking complaints by phone causes delays and lost time; and,

Whereas there are benefits to reporting parking by-law non-compliance with the option of permitting a photo email to Service Oshawa;

Now therefore Council recommend to Blackline Consulting and City staff to include a new process option for reporting parking non-compliance with a picture email to Service Oshawa.

### **SF-24-01 - Technical Amendments to Fence and Sight Triangle By-law 23-2014 and Boulevard By-law 136-2006 (All Wards)**

#### **Recommendation**

Whereas the Fence and Sight Triangle By-law 23-2014, as amended ("Fence and Sight Triangle By-law") is a by-law to regulate the height of fences, natural features and objects in certain circumstances within the City of Oshawa ("City"); and,

Whereas the Boulevard By-law 136-2006, as amended ("Boulevard By-law") is a by-law to regulate the maintenance, occupancy, use of, and other matters pertaining to, those portions of public highways under the jurisdiction of the City known as boulevards; and,

Whereas staff regularly review the City's by-laws to identify opportunities to enhance municipal regulatory standards; and,

Whereas a review has identified an opportunity to implement the following amendments to the Fence and Sight Triangle By-law:

- Increase the clarity of applicable standards by renaming the definition of "Sight Triangle" to "Corner Sight Triangle" as

standards for Sight Triangles relate to the Sight Triangle at the corner of a Corner Lot.

- Eliminate sight obstructions within the Driveway Sight Triangle by amending the definition of “Height” to address fences, natural features, etc. on top of retaining walls within the Driveway Sight Triangle to be measured between the finished grade of the driveway and the highest point of the fence, natural feature, thing or object.
- Remove Legal Non-Complying (i.e. “grandfathering”) for fences, natural features, things or objects located within the “Corner Sight Triangle” or “Driveway Sight Triangle” as they pose a risk to health and safety.

Whereas a review has identified an opportunity to implement the following amendments to the Fence and Sight Triangle By-law and the Boulevard By-law:

- Remove the appeal process for remedial work orders to ensure that compliance is achieved in an effective and timely manner, consistent with the enforcement approach in Lot Maintenance By-law 127-2007, as amended;

Therefore be it resolved that based on Item SF-24-01 dated January 10, 2024, Council approve a by-law in a final form and content acceptable to Legal Services and the Commissioner, Safety and Facilities Services Department to:

1. Amend Fence and Sight Triangle By-law 23-2014, as amended to increase clarity in reference to corner sight triangles, to address sight obstructions on top of retaining walls located within the driveway sight triangle and to remove references to Legal Non-Complying provisions for fences, natural features, things or objects located within the corner sight triangle or driveway sight triangle to enhance public safety; and,
2. Amend Fence and Sight Triangle By-law 23-2014, as amended and Boulevard By-law 136-2006, as amended to remove the appeals process for remedial work orders to ensure effective and efficient compliance with the respective by-laws.

#### **SF-24-03 - Installation of a Public Water Dispenser at the Tribute Communities Centre (Ward 4)**

##### **Recommendation**

Whereas there is no public water dispenser at the Tribute Communities Centre (“T.C.C.”) available to the public during Oshawa Generals games

and events; and,

Whereas the public is expressing a need to have a drink of water made available when attending Oshawa Generals games and events;

Therefore pursuant to Item SF-24-03, staff investigate the feasibility and practicality of installing a public water dispenser at the T.C.C. and report back with ideal location and cost implications.

### **Report of the Joint Community and Operations Services and Safety and Facilities Services Committees**

The Joint Community and Operations Services and Safety and Facilities Services Committees respectfully reports and recommends to City Council its First Report.

**CO-24-03 - Various Residents Submitting Correspondence in Support of Amending Traffic By-law 79-99, as amended to Allow Parking on Boulevards (All Wards)**

**CO-24-04 - Various Residents Submitting Correspondence in Opposition of Amending Traffic By-law 79-99, as amended to Allow Parking on Boulevards (All Wards)**

Recommendation

That in accordance with Correspondence CO-24-03 and CO-24-04 from various residents concerning parking on boulevards, Traffic By-law 79-99, as amended not be further amended; and,

That staff continue normal enforcement of the By-law.

### **Other Staff Reports and Motions**

**CNCL-24-02 - Proposed Replacement and Consolidation of the By-laws Establishing and Appointing Screening and Hearings Officers (All Wards)**

55

Recommendation

1. That in accordance with Report CNCL-24-02 dated January 24, 2024 concerning a proposed replacement and consolidation of the By-laws establishing and appointing Screening and Hearing Officers, Council pass a By-law to appoint Screening and Hearing Officers as set out in Attachment 2 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,
2. That the proposed amendments to the Parking Administrative Penalty System By-law 24-2011, as amended, and the Administrative Penalty Process By-law 63-2013, as amended, to remove the appointment process for Screening Officers be approved and the amending by-law be passed as set out in Attachment 3 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,
3. That Hearings Officer By-law 26-2008, as amended, and By-law 163-

2022, be repealed.

**CNCL-24-03 - Oshawa Power Group of Companies Board of Directors' Stipends (Ward 4)**

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**Recommendation**

That pursuant to Report CNCL-24-03 dated January 24, 2024:

1. The stipends for Board Directors for representation at Additional Companies in which Oshawa Power has ownership or financial Interests as outlined in Correspondence CF-23-65 be denied; and,
2. The stipends for Oshawa Power Group of Companies Board of Directors as outlined in Correspondence CF-23-66 be approved; and,
3. The Board of Directors of Oshawa Power be requested to perform a market review of the stipends once every five (5) years to ensure the rates remain competitive and in-line with comparable Local Distribution Companies.

**CNCL-24-05 - Municipal Comprehensive Review of the Oshawa Official Plan (All Wards)**

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**Recommendation**

1. That pursuant to Report CNCL-24-05 dated January 24, 2024, Economic and Development Services staff be authorized to initiate the Municipal Comprehensive Review process to update the Oshawa Official Plan, generally in accordance with Section 5.3 of said Report; and,
2. That, pursuant to Report CNCL-24-05 dated January 24, 2024, a Special Meeting of Council be held in the first or second quarter of 2024 as required under the Planning Act to initiate the Municipal Comprehensive Review process to update the Oshawa Official Plan; and,
3. That Statutory Notice be provided in accordance with the City's Public Notice Policy GOV-23-02 and the statutory timelines set out in the Planning Act to hear from the public on this matter; and,
4. That staff be authorized to forward a copy of Report CNCL-24-05 dated January 24, 2024 and the related Council resolution to the Region of Durham.

**By-Laws**

**10-2024 - A By-law to Designate the Property Municipally Known as 110 Simcoe Street South**

(Implements Council direction of October 30, 2023 through Item ED-23-196 of the Seventeenth Report of the Economic and Development Services Committee to designate the property municipally known as 110 Simcoe Street South, specifically PIN 16353-0167 (LT) LOTS 1 TO 12, BLOCK K, PLAN H50004 OSHAWA, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

**11-2024 - A By-law to Designate the Property Municipally Known as 72 Queen Street**

(Implements Council direction of October 30, 2023 through Item ED-23-196 of the Seventeenth Report of the Economic and Development Services Committee to designate the property municipally known as 72 Queen Street, specifically PIN 16353-0162 (LT) PT LT C-7, C-8, C-8 1/2, C-9, & C-10, SHEET 21, PL 335, PT LT 1 & 2, PL 53, PT OF QUEEN STREET, PL H-50004, NOW PT 2, 3, & 4, PL 40R-9214, CITY OF OSHAWA, REGION OF DURHAM, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

**12-2024 - A By-law to Designate the Property Municipally Known as 760 King Street West**

(Implements Council direction of October 30, 2023 through Item ED-23-196 of the Seventeenth Report of the Economic and Development Services Committee to designate the property municipally known as 760 King Street West, specifically PIN 16301-0453 (LT) LOTS 6 & 7, PART LOT 415 SHEET 16C PLAN 370 EAST WHITBY, S/T EASEMENT OVER PART LOT 4 SHEET 16C PLAN 370, as being of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18.)

**13-2024 - A By-law to Adopt Amendment 221 to the Oshawa Official Plan**

(Implements direction of January 29, 2024 through Item ED-24-08 of the Twenty-third Report of the Economic and Development Services Committee to permit the lands generally located east of Harmony Road North, south of Greenhill Avenue to be used for Low Density Residential, Medium Density I Residential and Medium Density II Residential uses in the event the lands are not required for a secondary school or another community use.)

**14-2024 - A By-law to Amend Zoning By-law 60-94, as amended**

(Implements direction of January 29, 2024 through Item ED-24-08 of the Twenty-third Report of the Economic and Development Services Committee to change the zoning for the lands generally located east of Harmony Road North, south of Greenhill Avenue from FD (Future Development) to CIN.T17 "h-91"/R6-B(15) "h-92" (Community Institutional/Residential), CIN.T17 "h-91"/R1-E(39) "h-92"/R3-A(24) "h-92" (Community Institutional/Residential), and OSH (Hazard Lands Open Space) to permit permit a secondary school and other community uses such as elementary schools, private schools, assembly halls, clubs, children's shelters, churches and day care centres subject to a special zoning regulation related to permitting increased building height. Single detached dwellings, street townhouses, apartment buildings, long term care facilities, retirement homes and block townhouses would also be permitted as alternative uses subject to special zoning regulations related to minimum front and exterior side yard depths, maximum lot coverage and building heights, and encroachment into the front yard and exterior side yard for unenclosed porches and steps if the subject site is not developed for a secondary school or other community uses.)

**15-2024 - A By-law to Establish the Permitting and Regulation of Vacant Buildings and Land Within the City of Oshawa**

(Implements Council direction of May 1, 2023 through Item SF-23-17 of the Fifth Report of the Safety and Facilities Services Committee to establish the permitting and regulation of vacant buildings and land within the City of Oshawa.)

**16-2024 - A By-law to Amend General Fees and Charges By-law 13-2003, as amended**

(Implements Council direction of May 1, 2023 through Item SF-23-17 of the Fifth Report of the Safety and Facilities Services Committee to amend General Fees and Charges By-law 13-2003, as amended, to implement a new fee related to the administration of the Vacant Building and Land Registry By-law.)

**17-2024 - A By-law to Establish the Positions and Appointment Processes of Screening Officer and Hearing Officer**

(Implements direction of January 29, 2024 through Report CNCL-24-02 to establish the positions and appointment processes of Screening Officer and Hearing Officer and to repeal Hearings Officer By-law 26-2008, as amended.)

**18-2024 - A By-law to Amend Parking Administrative Penalty System By-law 24-2011, as amended, and Administrative Penalty Process By-law 63-2013, as amended**

(Implements direction of January 29, 2024 through Report CNCL-24-02 to amend the Parking Administrative Penalty System By-law 24-2011, as amended and the Administrative Penalty Process By-law 63-2023, as amended, to remove the appointment process for Screening Officers.)

**19-2024 - A By-law to Amend Lot Maintenance By-law 127-2007, as amended**

(Implements direction of January 29, 2024 through Item CO-24-01 of the Twelfth Report of the Community and Operations Services Committee to address noxious weeds as listed under the Weed Control Act, R.S.O. 1990, c.W.5.)

**Public Discussion Agenda**

**Matters Excluded from Consent Agenda**

**Items Pulled from the Information Package**

None

**Recess**

**Closed Consent Agenda**

**Recommendation**

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated January 29, 2024 be adopted as recommended.

**Correspondence with recommendations**

None

**Standing Committee Reports**



## **Report of the Community and Operations Services Committee**

None

## **Report of the Corporate and Finance Committee Services**

None

## **Report of the Economic and Development Services Committee**

The Economic and Development Services Committee respectfully reports and recommends to City Council its Twenty-fourth Report.

### **ED-24-02 - Request to finalize Extended Lot Condition - Emerson Court (Ward 5)**

(Closed Pursuant to Section 239 (2)(c) of the Municipal Act)

#### **Recommendation**

That Correspondence ED-24-02, dated December 1, 2023, concerning a request to finalize Extended Lot Condition on Emerson Court be referred to staff for a report.

### **ED-24-10 - Update on the Appeal of Council's Denial of an Application to Demolish 195 Simcoe Street North (Ward 4)**

(Closed Pursuant to Section 239 (2)(e) of the Municipal Act)

#### **Recommendation**

That pursuant to Report ED-24-10 dated January 3, 2024, staff be authorized to proceed as outlined in Section 2.0 of said Report, with Part 6 as amended with respect to the request under Section 39 of the Ontario Heritage Act in Closed Session.

## **Report of the Safety and Facilities Services Committee**

None

## **Other Staff Reports and Motions**

### **CNCL-24-01 - Replenishment of the Urban Growth Centre Community Improvement Reserve - Wentworth Street West Community Improvement Plan Budget Allocation (Ward 5)**

Closed Pursuant to Section 239 (2)(c) of the Municipal Act.

#### **Recommendation**

Whereas, on May 29, 2023, Council considered Item CF-23-40 and passed a multi-part motion including parts specifically relating to the Wentworth Street West Community Improvement Plan, as follows:

“2. That staff be directed to fund the remaining recommended Economic Stimulus grant for the 11 Simcoe Street North application in the amount of \$140,000 from the Wentworth Street West Community Improvement Plan budget; and,

3. That staff investigate how to replenish the Wentworth Street West Community Improvement Plan budget to ensure fiscal sustainability and report back to Council during the 2024 budget deliberations”; and,

Whereas, on October 30, 2023, Council authorized staff to advance two (2) disposal strategies contained in Closed Reports ED-23-178 and ED-23-197 concerning the City- owned Christine Crescent road allowance and a portion of the City-owned Cromwell Avenue road allowance, respectively; and,

Whereas, in both Reports it was noted that the proceeds of both dispositions, if successful, would be deposited into the Civic Property Development Reserve; and,

Whereas, there is an opportunity to use the proceeds of either of the two (2) aforementioned dispositions to replenish the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation;

Therefore be it resolved that, pursuant to Closed Item CNCL-24-01, Council approve the following concerning the replenishment of the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation:

1. That the proceeds related to the sale of the Christine Crescent road allowance be used to replenish the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation, unless preceded by the sale of the portion of the Cromwell Avenue road allowance, in which case the proceeds will instead continue to be deposited in the Civic Property Development Reserve as originally contemplated; and,
2. That the proceeds related to the sale of the portion of the Cromwell Avenue road allowance be used to replenish the Urban Growth Centre Community Improvement Reserve – Wentworth Street West Community Improvement Plan budget allocation, unless preceded by the sale of the Christine Crescent road allowance, in which case the proceeds will instead continue to be deposited in the Civic Property Development Reserve as originally contemplated.

**CNCL-24-04 - Single Source Financial Services (Ward 2)**

Closed Pursuant to Section 239 (2)(k) of the Municipal Act.

**Recommendation**

Whereas the Purchasing By-Law 80-2020 requires Council to approve Professional and Consulting Services single source contracts greater than \$50,000 not including H.S.T.; and,

Whereas Deloitte LLP has provided financial services to the City for many years and understands the City's operations; and,

Whereas Deloitte LLP will submit a proposal to the City to review and prepare recommendations; and,

Whereas it is recommended to single source these financial services to Deloitte LLP; and,

Whereas the cost of the financial services can be funded from the Corporate Expenditure account, Consulting and Audit Fees, with any surplus funds recognized throughout the year, at the discretion of the Treasurer;

Therefore be it resolved:

1. That pursuant to Closed Item CNCL-24-04, dated January 24, 2024 Council authorize the Manager, Procurement to negotiate and award a single source contract to Deloitte LLP not to exceed the amount of \$75,000 not including H.S.T.; and,
2. That staff report back on the results in Q2 2024.

#### **Closed Discussion Agenda**

#### **Matters Excluded from Consent Agenda**

#### **Items Requiring Council Direction**

None

#### **Rise and Report**

#### **Matters Tabled**

None

#### **Notices of Motion**

#### **CNCL-24-06 - Posting Stormwater Pond Cleaning Locations and Project Information on the City's Website (All Wards)**

The following notice of motion is submitted by Councillor McConkey, seconded by Councillor Giberson:

#### **Recommendation**

Whereas Stormwater Management Pond Cleaning is included in the annual budget (project 54-0005); and,

Whereas other municipalities annually post a list which stormwater ponds are scheduled for sediment removal on their websites;

Now therefore to increase public awareness of the process, Council directs staff to post annually the approved stormwater pond cleaning locations and appropriate project information on the City's website.

## **CNCL-24-08 - Installing Solar Lights on Colin Road East to Accommodate Safer Bus Stops (Ward 1)**

The following notice of motion is submitted by Councillor McConkey, seconded by Councillor Neal:

### **Recommendation**

Whereas the road, traffic and pedestrian conditions on Conlin Road East have been growing increasingly problematic; and,

Whereas both Oshawa and Region staff are working on the design and funding for the infrastructure needed to complete the urban landscape along Conlin Road East;

Whereas the lack of safe accessible bus stops, lighting, turn lanes, and a four lane road necessary to accommodate the heavy traffic, combined present serious safety issues;

Now therefore staff investigate the feasibility of installing solar lights (similar to the one installed at Winchester Road East and Given Road in Oshawa) to be installed at the earliest opportunity in conjunction with Durham Region Transit and the Region of Durham on Conlin Road East to accommodate safer bus stops.

### **Confirming By-Law**

A by-law to confirm the City Council meeting of January 29, 2024.

### **Adjournment**



## Oshawa City Council - Special Meeting

### Minutes

December 1, 2023, 9:30 a.m.  
Council Chamber

Present:

- Mayor Carter
- Councillor Chapman
- Councillor Giberson
- Councillor Gray
- Councillor Kerr
- Councillor Lee
- Councillor Marimpietri
- Councillor Marks
- Councillor McConkey
- Councillor Neal
- Councillor Nicholson

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### Purpose

Mayor Carter called the meeting to order and stated that all members of Council were participating from the Chamber except Councillor Kerr (entered the meeting at 9:34 a.m.) and McConkey (entered the meeting at 9:34 a.m.) who were absent.

The Mayor announced that the purpose of this meeting is to commence the Mayor's 2024 Proposed Budget.

### Additional Agenda Items

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That additional correspondence CNCL-23-129 from Julia McCrea, Member, Oshawa Accessibility Advisory Committee submitting correspondence concerning the 2024 proposed budget allocation to the Oshawa Accessibility Advisory Committee be added to the agenda for the meeting of December 1, 2023 and be referred to the Mayor's 2024 proposed budget.

Carried

## **Declarations of Pecuniary Interest**

The Mayor noted that declarations of interest regarding matters in the Proposed 2024 Budget were made at the November 10, 2023 meeting of City Council. The Mayor advised Members to indicate any conflicts of interest arising from amendments introduced during the meeting when the amendment is discussed.

Councillor Nicholson temporarily left the meeting.

## **Staff Reports**

### **CNCL-23-125 - 2024 Mayor's Budget - Tax Levy and Other Revenue Sources (All Wards)**

Moved by Councillor Chapman

Seconded by Councillor Giberson

That pursuant to Report CNCL-23-125 dated November 24, 2023, Council approve the Tax Levy and other revenue sources as detailed in this report and are required to fund the 2024 Mayor's Proposed Budget, as may be amended.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (1): Councillor Neal

Absent (3): Councillor Kerr, Councillor McConkey, and Councillor Nicholson

Carried (7 to 1)

Councillor McConkey entered the meeting.

### **CNCL-23-126 - 2024 Mayor's Budget, Reserve and Reserve Funds (All Wards)**

Moved by Councillor Chapman

Seconded by Councillor Giberson

That pursuant to Report CNCL-23-126 dated November 24, 2023, Council approve:

1. The Reserve and Reserve Funds required to fund \$41.00 million in capital as outlined in the 2024 Mayor's Proposed Budget, as may be amended; and,
2. Other revenue sources in the amount of \$0.470 million as outlined in the 2024 Mayor's Proposed Budget, as may be amended; and,
3. The Reserve and Reserve fund contributions to reserves from tax levy as outlined in the 2024 Mayor's Proposed Budget, as may be amended; and,
4. The Reserve and Reserve Fund contributions to operations as outlined in the 2024 Mayor's Proposed Budget, as may be amended.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (2): Councillor McConkey, and Councillor Neal

Absent (2): Councillor Kerr, and Councillor Nicholson

Carried (7 to 2)

Councillors Kerr and Nicholson entered the meeting.

**CNCL-23-127 - 2024 Mayor's Budget, Interfund Notes (All Wards)**

Moved by Councillor Chapman

Seconded by Councillor Giberson

1. That pursuant to Report CNCL-23-127 dated November 24, 2023 Interfund Notes amounting to \$2,197,210 be repaid through funding available in the Debt Management Reserve; and,
2. That a By-law be brought forward to the first regular Council meeting following the passage of the Budget for the Interfund Note debt issuance to be determined through the Mayor's Proposed 2024 Budget, as may be amended.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

**CNCL-23-128 - 2024 Budget Expense Exclusions per the Municipal, 2001 (O. Reg 284/09) (All Wards)**

Moved by Councillor Chapman

Seconded by Councillor Giberson

That as outlined in Report CNCL-23-128 dated November 27, 2023, tangible capital asset amortization expense and post-employment benefit expenses be excluded from the 2024 Operating Budget.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

## **Council Amendments Mayor's 2024 Proposed Budget**

Moved by Councillor Giberson

Seconded by Councillor Marks

That the 2024 budget be amended according to the following, with a net \$0 impact on the overall budget:

That 232 Municipal Parking revenues be increased by \$100,000.

Affirmative (7): Councillor Giberson, Councillor Gray, Councillor Lee, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (4): Mayor Carter, Councillor Chapman, Councillor Kerr, and Councillor Marimpietri

Carried (7 to 4)

Moved by Councillor Giberson

Seconded by Councillor Marks

That the 2024 budget be amended according to the following, with a net \$0 impact on the overall budget:

That the revenues from the Municipal Accommodation Tax, which was budgeted at \$600,000 for both 2023 and 2024, but has projected actuals at \$625,000 for 2023, be budgeted at \$625,000; and,

That the additional \$25,000 from Part 2 be directed to Oshawa Tourism, notwithstanding the current M.A.T. funding formula.

Affirmative (5): Councillor Giberson, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (6): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Lee, and Councillor Marimpietri

Lost (5 to 6)

Moved by Councillor Giberson

Seconded by Councillor Marks

That the 2024 budget be amended according to the following, with a net \$0 impact on the overall budget:

That the additional \$100,000 from 232 Municipal Parking be directed 50 per cent to Oshawa Tourism for Convergence Festival and 50 per cent to the Downtown Revitalization Reserve. Ruled out of order by the Chair.



Councillor Giberson challenged the Chair's ruling.

The vote to uphold the Chair's ruling.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (2): Councillor Giberson, and Councillor Kerr

Carried (9 to 2)

Moved by Councillor Giberson

Seconded by Councillor Marks

That the 2024 budget be amended according to the following, with a net \$0 impact on the overall budget:

That the additional \$100,000 from 232 Municipal Parking be directed 50 percent to Arts and Culture Reserve and 50 percent to the Downtown Revitalization Reserve.

Affirmative (3): Councillor Giberson, Councillor Kerr, and Councillor McConkey

Negative (8): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor Neal, and Councillor Nicholson

Lost (3 to 8)

Moved by Councillor McConkey

Seconded by Councillor Neal

That the funding for Rotary Park not have a phased approach for the delivery of the project. Ruled out of order by the Chair.

Councillor McConkey challenged the Chair's ruling.

The vote to uphold the Chair's ruling.

Affirmative (7): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (4): Councillor Giberson, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (7 to 4)

Moved by Councillor McConkey  
Seconded by Councillor Neal

That the 2024 budget be amended according to the following with a net 0 impact on the overall budget:

That Coldstream Park be addressed by Project 51-0149 parks Enhancement program.

Affirmative (3): Councillor Marimpietri, Councillor McConkey, and Councillor Neal

Negative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marks, and Councillor Nicholson

Lost (3 to 8)

Moved by Councillor Neal  
Seconded by Councillor McConkey

That the Oshawa 2024 Budget be tabled until the Regional 2024 Budget has been submitted. Ruled out of order by the Chair.

Councillor Neal challenged the Chair's ruling.

The vote to uphold the Chair's ruling.

Affirmative (9): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Negative (2): Councillor McConkey, and Councillor Neal

Carried (9 to 2)

Moved by Councillor Nicholson  
Seconded by Councillor Gray

That the 2024 Proposed Mayor's Budget be amended as follows:

That project 50-0068 titled "Renaissance Park Design" be approved and added to the 2024 Capital Budget and be funded from the project account which will not result in a tax levy impact.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Carried (11 to 0)

**Confirming By-law**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the confirming by-law be passed.

Carried

**Adjournment**

Moved by Councillor Marimpietri  
Seconded by Councillor Marks

That the meeting adjourn at 10:26 a.m.

Carried

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Mayor

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City Clerk





## Oshawa City Council Minutes

December 11, 2023, 9:30 a.m.  
Council Chamber

Present:

- Mayor Carter
- Councillor Chapman
- Councillor Giberson
- Councillor Gray
- Councillor Kerr
- Councillor Lee
- Councillor Marimpietri
- Councillor Marks
- Councillor McConkey
- Councillor Neal
- Councillor Nicholson

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### Public Meeting

Mayor Carter called the meeting to order and stated that all members of Council were participating from the Chamber except Councillor Marks (entered the meeting at 9:35 a.m.) and McConkey (entered the meeting at 9:31 a.m.) who were absent.

Councillor McConkey entered the meeting.

### National Anthem

### Recognition of Indigenous Lands

The City of Oshawa sits on treaty land that is steeped in rich Indigenous history and is the present day home to many First Nations, Métis and Inuit peoples. We acknowledge that we live and work on land covered under the Williams Treaties, and the traditional territories of the Mississaugas of Scugog Island First Nation.

We acknowledge this land out of respect for the many Indigenous nations who have cared for the lands and waters from the beginning of time and still do so today. We extend our gratitude and appreciation for the opportunity to live and work on this territory.

We are committed to understanding the truth of our shared history, confronting our past and present, and building a better future together in true reconciliation.

## **Council Member Announcements**

Various announcements were made relating to activities and events.

Councillor Marks entered the meeting.

## **Additional Agenda Items**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That Correspondence CNCL-23-136 from Ron Lalonde, Executive Director, Durham Region Cycling Coalition submitting comments concerning Report CNCL-23-132 regarding resident appointments to Advisory Committees be added to the agenda for the meeting of December 11, 2023 and be referred to the respective report.

Motion Carried

## **Declarations of Pecuniary Interest**

### **Councillor Marimpietri - ED-23-216 - Appraisal Reports and Amended Options for Certain City-owned land located on the south side of Athol Street East, between Celina and Albert Street (Ward 4)**

Councillor Marimpietri made a declaration of interest concerning Item ED-23-216 regarding appraisal reports and amended options for certain City-owned land located on the south side of Athol Street east, between Celina and Albert Street as he has family members whom own property in the area and did not take part in discussion or voting on the matter.

## **Presentations**

None

## **Delegations**

None

## **Items requiring Council Direction**

### **CNCL-23-132 - Resident Appointments to Advisory Committees (All Wards)**

Moved by Councillor Giberson  
Seconded by Councillor Chapman

That based on Report CNCL-23-132 dated December 6, 2023 concerning resident appointments to Advisory Committees:

1. That the applicants listed in Confidential Attachment 2 be appointed to the respective Advisory Committees for the term as outlined or until such time as successors are appointed; and,
2. That the Terms of Reference for the Oshawa Animal Care Advisory Committee be amended set out in Attachment 1 to said Report to change the membership composition

from nine Stakeholder Members and one resident Member to six Stakeholder Members and four resident Members and to change the meeting frequency from one meeting per month to one meeting per quarter; and,

3. That the resident Member applicants and Stakeholder Member organization listed in Confidential Attachment 3 be appointed to the Oshawa Animal Care Advisory Committee for the term outlined; and,
4. That the Oshawa Active Transportation Advisory Committee be disbanded, the remaining members thanked for their service, and their contact information be provided to staff to initiate a staff working group; and,
5. That staff investigate alternative methods for community engagement that would be less restrictive and more inclusive of idea sharing and brainstorming than the current Advisory Committees of Council model and report back to Council in 2024.

Moved by Councillor Neal

Seconded by Councillor McConkey

That Report CNCL-23-132 concerning resident appointments to Advisory Committees be referred back to staff.

Affirmative (3): Councillor Gray, Councillor McConkey, and Councillor Neal

Negative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Motion Lost (3 to 8)

A request was made to divide the motion to vote on Part 4 separately.

The vote on Part 4 of the motion concerning Report CNCL-23-132.

Affirmative (6): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (5): Councillor Gray, Councillor Kerr, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (6 to 5)

The vote on Parts 1, 2, 3 and 5 of the motion concerning Report CNCL-23-132.

Affirmative (10): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, and Councillor Nicholson

Negative (1): Councillor Neal

Motion Carried (10 to 1)

## **Public Consent Agenda**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That all items listed under the heading of Public Consent Agenda for the City Council Meeting dated December 11, 2023 be adopted as recommended except the following:

Items CF-23-92 and CF-23-95 from the Twelfth Report of the Corporate and Finance Services Committee; and,

Items ED-23-210, ED-23-211 and related By-law 161-2023, ED-23-213 and ED-23-218 from the Twenty-first Report of the Economic and Development Services Committee.

Motion Carried

## **Adoption of Council Minutes**

That the minutes of the City Council meeting held on November 20, 2023 be adopted.

## **Correspondence with recommendations**

### **CNCL-23-133 - Larry and Jennifer McCormack Submitting Comments concerning Item ED-23-211 (Ward 3)**

That Correspondence CNCL-23-133 from Larry and Jennifer McCormack submitting comments concerning Item ED-23-211 regarding revised applications to amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision for 65 Athabasca Street be referred to Item ED-23-211.

### **CNCL-23-134 - Carol Jamieson Hewitt Submitting Comments concerning Item SF-23-38 (All Wards)**

That Correspondence CNCL-23-134 from Carol Jamieson Hewitt submitting comments concerning Item SF-23-38 regarding the consultation results of the proposed policy options to amend Fireworks By-law 59-2014 be referred to Item SF-23-38.

## **Standing Committee Reports**

### **Report of the Community and Operations Services Committee**

#### **CO-23-66 - Update on Electric Vehicle charging stations in Downtown Oshawa (Ward 4)**

1. That based on Report CO-23-66 dated November 29 2023, concerning the Update on Electric Vehicle (EV) charging stations in Downtown Oshawa, that staff continue to collaborate with Oshawa Power on the operation and enforcement of the EV charging stations in Downtown Oshawa; and,
2. That staff report back on the usage data and cost analysis results 12 months after Oshawa Power begins collecting revenue at the EV charging stations in Downtown Oshawa; and,
3. That staff work with Corporate Communications and Business and Economic Development Services to promote the EV charging station program in 2024.



#### **CO-23-67 - Downtown On-Street Parking (Ward 4)**

1. That based on Report CO-23-67 dated November 29, 2023, that the new on-street paid parking spaces proposed within this report be approved; and,
2. That 'Schedule III – PARKING FOR RESTRICTED PERIODS' of the Traffic and Parking By-law 79-99, as amended, be further amended to add a 15 minute maximum permissible parking area, anytime, on the south side of Bond Street West between a point 86 metres east of Centre Street North and a point 46 metres east of Centre Street North; and,
3. That 'Schedule VII – Control Device On Street' of the Traffic and Parking By-law 79-99, as amended, be further amended to add a 2 hour maximum permissible parking area, at a rate of 1.25 dollar for 60 minutes, from 8:00 a.m. to 6:00 p.m. Monday to Friday inclusive except holidays, on the south side of Bond Street West between a point 14 metres west of Centre Street North and a point 25 metres west of Centre Street North; and,
4. That a copy of this report be provided to the Regional Municipality of Durham for information.

#### **CO-23-68 - Community and Operations Services Committee Outstanding Items List Status Report - Fourth Quarter 2023 (All Wards)**

That Report CO-23-68 dated November 22, 2023 being the Community and Operations Services Items Status Report for the fourth quarter of 2023 be received for information.

#### **Report of the Corporate and Finance Services Committee**

#### **CF-23-89 - 2024 Borrowing By-law (All Wards)**

That the Borrowing By-law as outlined in Attachment 1 to Report CF-23-89, 2024 Borrowing By-law, dated November 22, 2023 be approved.

#### **CF-23-90 - Contract Award - C2023-040 Northview Lawn Bowling Design (Ward 2)**

Whereas the Purchasing By-law, requires Council approval of Professional and Consulting Services contract awards greater than \$100,000; and,

Whereas Council has approved funding for Project 23-51-0129 Northview Lawn Bowling in the amount of \$250,000; and,

Whereas Procurement issued a Request for Proposal (R.F.P.) C2023-040 Northview Lawn Bowling Design, and,

Whereas two (2) bids were received (publically posted on the City's website at Oshawa's Bids and Tenders) and opened by Procurement on October 17, 2023; and,

Whereas proposals were evaluated on qualification, experience, proposal quality, project deliverables, technical response and price; and,

Whereas the evaluation team unanimously scored the bid received by Northern Lights Landscape Architects as comprehensive, thorough, addressed all requirements of the R.F.P, is the highest-ranking proponent and best satisfied the City's requirements; and,

Whereas the proposal received from Northern Lights Landscape Architects in the amount of \$149,525, plus H.S.T. (\$152,157 including non-rebateable H.S.T.);

Therefore be it resolved that, pursuant to Report CF-23-90, Council authorize the Manager, Procurement to award a contract to Northern Lights Landscape Architects in the amount of \$149,525 plus H.S.T. for C2023-040 Northview Lawn Bowling Design.

### **CF-23-91 - Active Transportation Fund Update (Ward 1)**

Whereas the Active Transportation Fund is a \$400 million, 5-year investment to fund projects that expand and enhance active transportation with a maximum program contribution of 60%; and,

Whereas through Report FIN-22-23 concerning the Active Transportation Fund Update, dated February 23, 2022, Council approved staff submit applications under this grant program; and,

Whereas the City submitted four applications for funding (Oshawa Creek Trail; T.M.P. Trail Link 3 Harmony Creek Trail Extension; Michael Starr Trail Paving; Downtown Streetscape Redevelopment); and,

Whereas the application for the Michael Starr Trail Paving was withdrawn due to Regional work which will affect the timing and scope of work for the City on this project; and,

Whereas the application for the Oshawa Creek Trail was not successful due to the competitive nature of the program; and,

Whereas the application for the Downtown Streetscape Redevelopment was withdrawn due to funding awarded from a different grant program; and,

Whereas the funds for the Harmony Creek Trail Extension (connecting Esterbrook Drive, Arborwood Drive and Conlin Road East) were approved upon the execution and signing of the contribution agreement; and,

Whereas the City will receive up to a maximum of one million five hundred thousand dollars (\$1,500,000) for eligible costs for the Harmony Creek Trail Extension; and,

Whereas Council received an informal update in January 2023 from the Commissioner, Corporate and Finance Services concerning the status of the Active Transportation Fund Applications;

Therefore be it resolved:

1. That Item CF-23-91, dated November 22, 2023, regarding the Active Transportation Fund Update be received for information; and,
2. That Item 1 on the Corporate and Finance Services Outstanding Items List concerning the status of the Active Transportation Fund grant applications be removed; and,
3. That Item 17 on the Corporate and Finance Services Outstanding Items List concerning a report on the approved Arborwood Trail Project be removed.

### **CF-23-93 - Benefits Provider (All Wards)**

Whereas, the City has group life, long term disability, health, dental, accidental death and dismemberment benefits for its employees contracted through external Benefits Providers; and,

Whereas the current contracts for group benefits are due to expire December 31, 2023; and,

Whereas the City has the ability to extend the existing contracts or issue a new Request for Proposal (R.F.P) for the provision of these services; and,

Whereas Human Resources and Finance Services have determined it is in the City's best interest to issue a new R.F.P.; and,

Whereas it will take one year to gather requirements, issue the R.F.P., award and implement a new Benefits Provider; and,

Whereas the City will need to extend its current contracts for an additional one (1) year;

Therefore be it resolved that pursuant to report CF-23-93, Council authorize the Human Resource Services and Finance Services to:

1. Extend the current contracts with the existing Benefit Providers by 1 year, expiring on December 31, 2024; and,
2. Proceed with a new R.F.P. in 2024 to secure Benefit Provider(s) for services commencing in 2025.

### **CF-23-94 - Corporate and Finance Services Committee Outstanding Items Status Report - Fourth Quarter (All Wards)**

That Report CF-23-94, dated November 21, 2023 being the Corporate and Finance Services Committee's Outstanding Items Status Report for the fourth quarter of 2023 be received for information.

### **Report of the Economic and Development Services Committee**

#### **ED-23-209 City-initiated Amendment to the Harbour Road Area Community Improvement Plan (Ward 5)**

That, the proposed amendment to the Harbour Road Area Community Improvement Plan, as generally set out in Attachment 2 to Report ED-23-209 dated November 22, 2023, be adopted and that the appropriate amending by-law be passed in a form and content acceptable to the City Solicitor and the Commissioner of Economic and Development Services.

#### **ED-23-212 - Update concerning Heritage Oshawa's Recommendation to Designate 357 Simcoe Street South under Part IV of the Ontario Heritage Act (Ward 5)**

Whereas, on April 28, 2022, Heritage Oshawa recommended that 357 Simcoe Street South (the "Subject Site") be designated under Part IV of the Ontario Heritage Act; and,

Whereas, on May 9, 2022, the then-Development Services Committee referred the recommendation from Heritage Oshawa to staff for a report; and,

Whereas, on July 26, 2022, City staff reached out to the property owner of the Subject Site (“The Refuge”) in order to obtain their stance on the potential designation of their property under Part IV of the Ontario Heritage Act, and they advised staff that they wanted to re-evaluate the Heritage Oshawa request at a later date once their site plan approval process had finalized; and,

Whereas, on December 12, 2022, Council considered Report ED-22-214 dated November 23, 2022 and adopted a motion which read in part:

“2. That Economic and Development Services staff be directed to report back to the Economic and Development Services Committee in the 4th quarter of 2023 on Heritage Oshawa’s request to designate 357 Simcoe Street South to permit the owner to finalize the site plan approval process”; and,

Whereas, on March 30, 2023, site plan approval was granted, and associated building permits were issued in August 2023, for the redevelopment of the Subject Site into a mixed-use building with apartment units and a youth outreach centre; and,

Whereas, on November 11, 2023, the Executive Director of The Refuge indicated to staff that they are willing to consider the designation of the Subject Site after the construction phase has been completed;

Therefore, be it resolved that pursuant to Item ED-23-212, Economic and Development Services staff be directed to report back to the Economic and Development Services Committee in the 4th quarter of 2024 on Heritage Oshawa’s request to designate 357 Simcoe Street South under Part IV of the Ontario Heritage Act.

**ED-23-214 - Update concerning Heritage Oshawa's Recommendation to Designate 442 King Street East under the Ontario Heritage Act (Ward 4)**

That, pursuant to Report ED-23-214 dated November 22, 2023, Economic and Development Services staff be authorized to undertake the process established in the Ontario Heritage Act to designate the property located at 442 King Street East as a property of cultural heritage value or interest under the Ontario Heritage Act by undertaking actions such as the following:

- Obtaining an updated Heritage Research Report to provide evidence that the property located at 442 King Street East specifically addresses the requirements of the Ontario Heritage Act;
- Preparing a Notice of Intention to Designate the property located at 442 King Street East under the Ontario Heritage Act which will generally include the Designation Statement and Description;
- Publishing the Notice in accordance with the Ontario Heritage Act;
- Forwarding the Notice to the Ontario Heritage Trust and the owner in accordance with the Ontario Heritage Act; and,
- Preparing the necessary by-law which will generally include the Designation Statement and Description for subsequent consideration by Council

**ED-23-215 -Letter to the City of Oshawa concerning the Consultation on the future of natural gas expansion and home heating affordability (All Wards)**

That Correspondence ED-23-215, dated November 15, 2023, concerning consultation on the future of natural gas expansion and home heating affordability be received for information.

**ED-23-217 - Economic and Development Services Committee Outstanding Items Status Report - Fourth Quarter (All Wards)**

That Report ED-23-217, dated November 22, 2023 being the Economic and Development Services Committee's Outstanding Items Status Report for the fourth quarter of 2023 be received for information.

**ED-23-219 - Request to Participate in a Durham Regional Technology Development Site Municipal Opportunity (All Wards)**

That the Economic and Development Services Committee recommend to City Council:

Whereas, on November 20, 2023, city staff received an invitation to participate in a Municipal Opportunity lead by Durham Regional Technology Development Site (Durham R.T.D.S.); and,

Whereas, the proposal includes a pioneering technology trial which is being supported by Bell Canada and Cheetah Networks; and,

Whereas, the objective of the trial is to address the connectivity challenge and introduce opportunities to further adopt electrification, which contributes to a more sustainable and interconnected future; and,

Whereas, the proposed project would install 10 to 20 Internet of Things (I.o.T.) monitoring nodes in municipal fleet vehicles for a trial that would span a six-month time period; and,

Whereas, the I.o.T. monitoring nodes will gather data on network strength and consistency throughout the travelled areas and provide detailed reports on the current state of connectivity within the city's network; and,

Whereas, the proposed project would provide data and insights on how to improve network connectivity and efficiency to support broader smart city developments; and,

Whereas, the data collected will provide identification of areas experiencing connectivity issues which will allow for advocacy to broadband suppliers to support a better user experience for residents; and,

Whereas, there is no cost to the City of Oshawa to participate in the proposed project; and,

Whereas, City Council endorsed Item DS-22-25 on February 22, 2022 which directed staff to issue a formal letter of support to Spark Centre to accompany the Durham R.T.D.S. funding application to the Ontario Centre of Innovation; and,

Whereas, the letter of support from city staff included the opportunity to participate in up to one project per year, assuming that capacity and interest alignment around supported by city staff;

Therefore be it resolved that, pursuant to Item ED-23-219, the Director of Business and Economic Development Services be authorized to collaborate with other required city departments and the project partners at Durham Regional Technology Development Site to evaluate the proposal and, if

deemed appropriate, proceed with entering into a project contract at no cost to the city, in a form and state deemed satisfactory by the City Solicitor and Commissioner, Economic and Development Services, and to obtain information on the project's data governance framework to circulate to the committee at a future date as information.

### **Report of the Safety and Facilities Services Committee**

#### **SF-23-38 - Consultation Results of the Proposed Policy Options to Amend Fireworks By-law 59-2014 (All Wards)**

1. That staff be directed to increase enforcement efforts and undertake a communications and education program related to Fireworks By-law 59-2014, as amended, as outlined in Section 5.2.1 a) of Report SF-23-38 "Consultation Results of the Proposed Policy Options to Amend Fireworks By-law 59-2014, dated November 29, 2023; and,
2. That staff report back on increased enforcement, fines and licensing requirements by the third quarter of 2024.

#### **SF-23-42 - Matthew Rooney Submitting Correspondence requesting the bridge on the Joseph Kolodzie Oshawa Creek Bike Path be renamed to recognize two Oshawa-born musicians (Ward 5)**

That Correspondence SF-23-42 from Matthew Rooney requesting the renaming of the bridge on the Joseph Kolodzie Oshawa Creek Bike Path be referred to staff for consideration in the upcoming report concerning the facility re-naming process and potential policy amendments.

#### **SF-23-39 - Accessible Wheelchair Swings (All Wards)**

That based on Report SF-23-39 dated November 29, 2023, the 'Parks Development Design Standards', prepared by Parks Planning and Development be revised to consider accessible wheelchair swings for all new or redeveloped City and Community level parks within the City of Oshawa.

#### **SF-23-40 - Fire Services 2022 Annual Report (All Wards)**

That Report SF-23-40, dated November 29, 2023 concerning the Fire Services 2022 annual report be received for information.

#### **SF-23-41 - Safety and Facilities Services Committee Outstanding Items List Status Report - Fourth Quarter 2023 (All Wards)**

That Report SF-23-41, dated November 29, 2023 being the Safety and Facilities Services Committee's Outstanding Items List Status Report for the fourth quarter of 2023 be received for information.

### **Other Staff Reports and Motions**

#### **CNCL-23-130 - Partnership opportunities with Central Lake Ontario Conservation Authority (C.L.O.C.A.), and Extension of Friends of Second Marsh Service Agreement (Ward 5)**

Whereas in accordance with Report [CO-22-03](#) dated November 30, 2022, Council provided the following direction:

1. That based on Report CO-22-03, dated November 30, 2022, that staff be directed to initiate discussions with C.L.O.C.A. to determine interest and feasibility in expanding the City's partnership with C.L.O.C.A. to include education, stewardship, restoration and ecological projects related to the management, restoration and enhancement of the City's natural areas including Second Marsh, Pumphouse Marsh, Gold Point Wetland, Harmony Valley Park, and Cedar Valley Park; and,
2. That staff report back to Council on the results of the discussions with C.L.O.C.A.; and,
3. That F.S.M. be encouraged to apply for funding under the new Community Grant Program."; and,

Whereas in response to Council's direction in Report CO-22-03, City staff have held discussions with C.L.O.C.A. representatives who have confirmed their interest in collaborating with the City in the management, restoration and enhancement of the City's natural areas; and,

Whereas staff continue to consider the engagement of C.L.O.C.A. in the planning of up-coming project priorities, and will continue to explore partnerships with C.L.O.C.A. as opportunities arise; and,

Whereas on January 19, 2023, Council directed that interim funding of \$42,200 be funded out of the 2023 operating budget for the Friends of Second Marsh and the provision of in-kind office space be continued in 2023 pending execution of a Service Agreement; and,

Whereas in accordance with Council direction, the City and Friends of Second Marsh executed and entered into a Service Agreement which included the use of Oshawa Second Marsh and McLaughlin Bay Wildlife Reserve for the purposes of developing and implementing "Education and Community Engagement" activities; and,

Whereas the term of this Service Agreement is set to expire on December 31, 2023; and,

Whereas the Friends of Second Marsh have provided regular and ongoing updates through submissions of quarterly reports and has met the terms of the agreement; and,

Whereas Correspondence [CF-23-80](#) dated September 11, 2023 ("CF-23-80"), from the President of the Friends of Second Marsh requesting an extension of the existing Service Agreement for a period of five (5) additional years and a change in funding as follows:

1. Based on Oshawa's 2023 population of 174,349, the present amount of \$42,200 amounts to \$.242 per capita. Starting in 2024 and for the next 5 years, we propose that the City consider annual support of \$.25 per capita adjusted on an annual basis.
2. An alternate approach would be to link annual adjustments to the Consumer Price Index."; and,

Whereas Correspondence CF-23-80 was referred to the Mayor for consideration in the 2024 Mayor's Budget; and,

Whereas the 2024 Mayor's Budget includes \$51,700 in funding for the Friends of Second Marsh, of which \$5,200 is allocated to in-kind office space; and,

Whereas Section 9.2 of the [Delegation of Authority By-law 29-2009](#), as amended, delegates the authority to approve and execute agreements with groups and organizations for the purpose of

ongoing stewardship projects, activities and partnerships to the Commissioner, Community and Operations Services Department where such an agreement or partnership does not require additional funding beyond the approved operating budget or resources;

Therefore, be it resolved that pursuant to Report CNCL-23-130, dated December 6, 2023:

1. That staff extend the existing Service Agreement between the City of Oshawa and the Friends of Second Marsh for a period of four (4) years, in a form and content satisfactory to the Commissioner, Community and Operations Services Department and the City Solicitor; and,
2. That the City's annual operating budget, for the Term of this Agreement, be established at \$0.25 per capita (Option 1 of CF-23-80) plus any in-kind services as may be appropriate for the Friends of the Second Marsh; and,
3. That consideration of future budget submissions by the Friends of Second Marsh be subject to staff approval of proposed annual workplans, submission of quarterly progress reports, and completion of prior year commitments; and,
4. That staff continue to explore partnership opportunities with C.L.O.C.A., specifically leveraging expertise to assist with management, restoration and enhancement of the City's natural areas.

#### **CNCL-23-135 - 40km/h Area Pilot Program (Maximum Rate of Speed Areas) (All Wards)**

Whereas at its meeting of June 21, 2021, Council directed staff to report back to the Community Services Committee on options and considerations including consultation with the Region of Durham to make the entire downtown a 40 km/h speed limit zone; and,

Whereas at its meeting of May 12, 2022 Council approved a 40 km/h Area Pilot Program to implement one 40 km/h Maximum Rate of Speed Area in each ward; and,

Whereas through consultation with the Ward 4 Councillors, it was determined that downtown Oshawa should be the area selected for the Ward 4 – 40 km/h Area Pilot location; and,

Whereas staff are expected to report back to Council in 2023 with a summary of results regarding the implementation of the first five pilot locations, and to outline a program for future implementation of 40 km/h areas throughout the City; and,

Whereas at its meeting of September 26, 2022, Council passed amendments to the Traffic and Parking By-law to allow for changes in speed limits to designated areas; and,

Whereas the data collection period for the 40 km/h Area Pilot Program was from October 2022 to November 2023; and,

Whereas the analysis of the data collection is not expected to be complete until February 2024;

Therefore be it resolved that pursuant to Report CNCL-23-135 staff report back in the second quarter of 2024 with a summary of the results regarding the implementation of the expanded 40km/h Area Pilot Program, and to outline a program for future implementation of 40 km/h areas throughout the City.



## **By-Laws**

The following By-laws were passed:

### **161-2023 - A By-law to amend Zoning By-law 60-94, as amended**

(Implements direction of December 11, 2023 through Item ED-23-211 of the Twenty-First Report of the Economic and Development Services Committee to amend Zoning By-law 60-94 and for approval of a draft plan of subdivision to permit 21 lots for single detached dwellings, 11 blocks for 22 semi-detached dwellings, 6 blocks for 46 street townhouse dwellings, a road widening block, and a new local road located on lands municipally known as 65 Athabasca Street.)

### **162-2023 - A By-law to authorize The Corporation of the City of Oshawa to issue an Interfund Note for the total principal amount not to exceed \$7,469,000 for the financing of the City of Oshawa's 2024 Capital Work**

(Implements Council direction of December 1, 2023 through Report CNCL-23-127 to authorize The Corporation of the City of Oshawa to issue an interfund note for the total principal amount not to exceed \$7,469,000 for the financing of the City of Oshawa's 2024 Capital Work.)

### **163-2023 - A By-law to amend the City of Oshawa Harbour Road Area Community Improvement Plan**

(Implements direction of December 11, 2023 through Item ED-23-209 of the Twenty-first Report of the Economic and Development Services Committee to amend the City of Oshawa Harbour Road Area Community Improvement Plan to extend the expiry date of the plan from December 31, 2023 to December 31, 2026.)

### **164-2023 - A By-law to Further Amend Traffic By-law 79-99, as amended**

(Implements direction of December 11, 2023 through Item CO-23-67 of the Eleventh Report of the Community and Operations Services Committee to add a 15 minute maximum permissible parking area, anytime, on the south side of Bond Street West between a point 86 metres east of Centre Street North and a point 46 metres east of Centre Street North.)

## **Public Discussion Agenda**

### **Matters Excluded from Consent Agenda**

#### **CF-23-92 - StopGap (Accessibility Ramps) (All Wards)**

Consent Motion:

1. That pursuant to Report CF-23-92, dated November 22, 2023, Council approve of a pilot project for businesses to participate in, acquire and utilize StopGap ramps in Oshawa provided they enter into an encroachment agreement with the City;
2. That pursuant to Report CF-23-92 dated November 22, 2023, Council authorize the Commissioner of Economic and Development Services to enter into an encroachment agreement with business participating in the StopGap pilot project, with terms satisfactory to the Commissioner of Economic and Development Services and the City Solicitor;

3. That pursuant to Report CF-23-92 dated November 22, 2023, City Council waive the processing fee for the necessary encroachment agreement for businesses participating in the StopGap pilot project;
4. That pursuant to Report CF-23-92, dated November 22, 2023, the Commissioner of Corporate and Finance Services be authorized to enter into an agreement with the StopGap Foundation, with terms acceptable to the City Solicitor, to provide and deliver up to 10 ramps to 10 businesses;
5. That pursuant to Report CF-23-92, dated November 22, 2023, staff be authorized to launch a communication and promotional program regarding the StopGap pilot project; and,
6. That pursuant to Report CF-23-92, dated November 22, 2023, staff report back to Corporate and Finance on the success of the StopGap pilot project in 2025.

The vote to adopt the recommendation contained in Item CF-23-92.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

#### **CF-23-95 - Chairs Notes regarding Consent Agenda Process (All Wards)**

Consent Motion:

The following Item was introduced at the November 27, 2023 Corporate and Finance Services Committee meeting and Lost:

"Whereas good governance requires information to be presented in a process that is clear and easily understood by the public;

Now therefore for greater clarity and improved understanding by the public of the Consent Agenda process currently used by the City of Oshawa in its Council and Standing Committee meetings, at each meeting the Chair shall read a statement informing the public that the Agenda contains items which may be pulled by Council members from the Consent Agenda for their questions, recommendations or comments specific to the item. If the item number is not pulled it is considered approved under the Consent Agenda vote. If any items on the Agenda are pulled by a Council or Committee member each item will then be voted on separately after a recommendation is made."

The vote to adopt the recommendation contained in Item CF-23-95.

Affirmative (4): Mayor Carter, Councillor Chapman, Councillor Marimpietri, and Councillor Marks

Negative (7): Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Lost (4 to 7)

Moved by Councillor McConkey  
Seconded by Councillor Nicholson

That the City Clerk add wording to the Chair's notes to explain matters that have passed under the Consent Agenda.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

**ED-23-210 - Projects Working Group - Proposed 2024 Active Transportation Master Plan Update (Previously OATAC-23-28) (All Wards)**

Consent Motion:

That Report ED-23-210, dated November 1, 2023, concerning the Oshawa Active Transportation Advisory Committee, Projects Working Group - Proposed 2024 Active Transportation Master Plan Update be received for information.

The vote to adopt the recommendation contained in Item ED-23-210.

Affirmative (8): Mayor Carter, Councillor Chapman, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, and Councillor Nicholson

Negative (3): Councillor Giberson, Councillor McConkey, and Councillor Neal

Motion Carried (8 to 3)

**ED-23-211 - Revised Applications to Amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision, 65 Athabasca Street, Athabasca Residences Corp. (Ward 3)**

Consent Motion:

1. That, pursuant to Report ED-23-211 dated November 22, 2023, the revised application submitted by Athabasca Residences Corp. to amend Zoning By-law 60-94 (File: Z-2022-10) in order to implement a revised draft plan of subdivision (File: S-O-2022-03) for 65 Athabasca Street be approved, generally in accordance with the comments in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner of Economic and Development Services and Legal Services; and,
2. That, pursuant to Report ED-23-211 dated November 22, 2023, the revised application submitted by Athabasca Residences Corp. for a draft plan of subdivision (File: S-O-2022-03) at 65 Athabasca Street featuring 21 lots for single detached dwellings, 11 blocks for 22 semi-detached dwellings, 6 blocks for 46 street townhouse dwellings, a road widening block and a new local road be approved, subject to the conditions as generally set out in Attachment 5 of said Report; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report ED-23-08 dated January 4, 2023

presented at the public meeting of January 9, 2023 differs to some degree from the proposed amendment recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

Moved by Councillor Neal

Seconded by Councillor McConkey

That Item ED-23-211 and By-law 161-2023 concerning revised applications to amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision for 65 Athabasca Street be referred back to staff.

Affirmative (3): Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Motion Lost (3 to 8)

Moved by Councillor McConkey

Seconded by Councillor Nicholson

That Item ED-23-211 concerning revised applications to amend Zoning By-law 60-94 and for approval of a Draft Plan of Subdivision; the revised applications be amended to remove four lots to give access from Athabasca Street.

Affirmative (4): Councillor Lee, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (7): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Marimpietri, and Councillor Marks

Motion Lost (4 to 7)

The vote to adopt the recommendation contained in Item ED-23-211 and pass By-law 161-2023.

Affirmative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Negative (3): Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (8 to 3)

### **ED-23-213 - Oshawa Economic Development Strategy (All Wards)**

Consent Motion:

1. That, pursuant to Report ED-23-213 dated November 22, 2023, the Oshawa Economic Development Strategy forming Attachment 1 be approved, in principle, as a general guide for the Business and Economic Development Services Branch of the Economic and Development Services Department, with the exception that page 21 in section 2 be deleted; and,

2. That staff report on the progress of the Oshawa Economic Development Strategy on an annual basis through the Economic and Development Services Committee; and,
3. That a copy of the Oshawa Economic Development Strategy with the related staff report and Council resolution be forwarded to the Region of Durham, the Greater Oshawa Chamber of Commerce, Ontario Tech University, Durham College, Trent University Durham GTA, Durham Workforce Authority, Spark Centre, the Business Advisory Centre Durham and the Hamilton-Oshawa Port Authority.

Moved by Councillor McConkey

Seconded by Councillor Nicholson

That Item ED-23-213 concerning the Oshawa Economic Development Strategy be referred back to staff for consultation with the Ward Councillors.

Affirmative (3): Councillor McConkey, Councillor Neal, and Councillor Nicholson

Negative (8): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, and Councillor Marks

Motion Lost (3 to 8)

The vote to adopt the recommendation contained in Item ED-23-213.

Motion Carried

**ED-23-218 - Authorization to hold a Public Information Centre for the Bloor-Simcoe Intensification Study associated with Interim Control By-law 133-2023 (Ward 5)**

Consent Motion:

Whereas, on October 30, 2023, Council considered Report ED-23-192 dated October 11, 2023, passed Interim Control By-law 133-2023 ("By-law 133-2023", see Attachment 1) and directed staff to undertake an in-house, focused residential intensification study (the "Study") along certain portions of the Bloor Street and Simcoe Street South corridors (the "Study Area"); and,

Whereas, the purpose of the Study is to develop an intensification policy framework to guide future development in suitable locations and identify appropriate types of built form within the Study Area; and,

Whereas, a notice of passing of By-law 133-2023 was issued by the City on November 1, 2023, in accordance with Section 38(3) of the Planning Act, R.S.O. 1990, c. P.13 and Ontario Regulation 545/06; and,

Whereas, the appeal period for By-law 133-2023 ends on December 19, 2023 and as of the date of this Item, the City has not received any notices of appeal; and,

Whereas, during the first quarter of 2024, staff will have completed the background research and review for the Study and will be prepared to advance the public consultation process including a Public Information Centre ("P.I.C.") and online consultation associated with the Study; and,

Whereas, notice of the P.I.C. for the Study will be advanced through:

- Mailing notice to all property owners in the Study Area boundary and all property owners within 120 metres (400 ft.) of the Study Area boundary a minimum of two (2) weeks in advance of the public consultation;
- Circulating notice to all interested parties on the Notification List a minimum of two (2) weeks in advance of the public consultation;
- Engaging with key stakeholders, such as the Region of Durham, for their input;
- Engaging with appropriate City advisory committees for their input; and,
- Posting on the City's Corporate website and Connect Oshawa; and,

Whereas, staff will report back to the Economic and Development Services Committee on the final Study, which will include the results of the public consultation;

Therefore be it resolved:

1. That, pursuant to Item ED-23-218, staff be authorized to schedule a Public Information Centre to be held in the first quarter of 2024, to be held in-person at Oshawa City Hall, for the purpose of obtaining public input on the background research and review for the Bloor-Simcoe Intensification Study associated with Interim Control By-law 133-2023; and,
2. That, pursuant to Item ED-23-218, staff be authorized to provide notice of the public consultation process of the Bloor-Simcoe Intensification Study associated with Interim Control By-law 133-2023, as generally outlined in said Item.

The vote to adopt the recommendation contained in Item ED-23-218.

Affirmative (11): Mayor Carter, Councillor Chapman, Councillor Giberson, Councillor Gray, Councillor Kerr, Councillor Lee, Councillor Marimpietri, Councillor Marks, Councillor McConkey, Councillor Neal, and Councillor Nicholson

Motion Carried (11 to 0)

### **Items Pulled from the Information Package**

None

### **Closed Consent Agenda**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That all items listed under the heading of Closed Consent Agenda for the City Council Meeting dated December 11, 2023 be adopted as recommended.

**Correspondence with recommendations**

None

**Standing Committee Reports**

**Report of the Community and Operations Services Committee**

None

**Report of the Corporate and Finance Committee Services**

None

**Report of the Economic and Development Services Committee**

None

**Report of the Safety and Facilities Services Committee**

None

**Other Staff Reports and Motions**

**CNCL-23-131 - Update on the Request for Proposal and Stakeholder Consultation Summary Report for the Proposed Redevelopment of 47 Bond Street West (Ward 4)**

Whereas, on December 12, 2022, City Council considered Closed Report ED-22-212 dated November 23, 2022 regarding the four responses that were received in response to a Request for Expression of Interest for the potential redevelopment of the city-owned terminal and surface level bus platform area located at 47 Bond Street West (the “Subject Site”) and directed staff to design, or engage expertise to design, an assessment of the Subject Site and a consultation process to develop a City and Council-approved position on site objectives (i.e. structural integrity of all buildings on the Subject Site, metrics of parking facilities, objectives on re-animating the street, etc.); and,

Whereas, City staff retained 1964 Consulting Group INC. to undertake stakeholder consultation related to the Subject Site; and,

Whereas, on April 3, 2023, City Council considered Closed Report ED-23-56 dated March 1, 2023 concerning an overview of staff’s and 1964 Consulting Group INC.’s findings which resulted in the document entitled “47 Bond St W Stakeholder Consultation Summary Report” (the “Stakeholder Report”) and passed the following motion:

1. That City staff be directed to issue an open Request for Proposal generally consistent with Section 3.2 of Attachment 1 to this Report; and,
2. That City staff be directed to structure the Request For Proposal in order to maximize the value to the City, and encourage respondents to explore potential feasibility of interim uses and the construction of mid-rise mixed-use building(s), of which proportion will be affordable housing, with a definition of affordable housing in the context of this project to be negotiated as part of the RFP process; and,

3. That City staff be directed to retain the appropriate real estate and/or redevelopment advisory resources, as appropriate and at levels of experience and expertise commensurate with the level of complexity of the project, acting on behalf of the City of Oshawa's interests" and,

Whereas, prior to issuing the Request for Proposal, it is appropriate that a real estate consultant be engaged to review the terms of reference for the Request for Proposal to ensure it is consistent with the above-noted Council direction and Section 3.2 of the Stakeholder Report; and,

Whereas, the Stakeholder Report is attached to Closed Report ED-23-56 which means it is confidential; and,

Whereas, the only mechanism to share the Stakeholder Report with a city-retained real estate consultant is to receive authorization from City Council;

Therefore, be it resolved that pursuant to Closed Report CNCL-23-131, the document entitled "47 Bond St W Stakeholder Consultation Summary Report" prepared by 1964 Consulting Group INC. be shared with any real estate consultant retained by city staff and that any such consultant be required to enter into a non-disclosure agreement with the city in a form and content satisfactory to the Commissioner, Economic and Development Services Department and the City Solicitor.

#### **Closed Discussion Agenda**

#### **Matters Excluded from Consent Agenda**

None

#### **Items Requiring Council Direction**

#### **Twenty-second Report of the Economic and Development Services Committee**

#### **ED-23-216 - Appraisal Reports and Amended Options for Certain City-owned land located on the south side of Athol Street East, between Celina and Albert Street (Ward 4)**

Councillor Marimpietri declared a conflict on this item. (Councillor Marimpietri made a declaration of interest concerning Item ED-23-216 regarding appraisal reports and amended options for certain City-owned land located on the south side of Athol Street east, between Celina and Albert Street as he has family members whom own property in the area and did not take part in discussion or voting on the matter.)

Moved by Councillor Giberson

Seconded by Councillor Chapman

That Item ED-23-216 concerning appraisal reports and amended options for certain City-owned land located on the south side of Athol Street East, between Celina and Albert Street be referred back to staff to explore the advancement of a lease option and report back to the Economic and Development Services Committee.

Motion Carried



## **Matters Tabled**

None

## **Notices of Motion**

### **CNCL-23-119 - Notice of Motion - Reporting of Parking Complaints (All Wards)**

Moved by Councillor McConkey

Seconded by Councillor Neal

Whereas the City is developing a customer service strategy to identify service delivery gaps and look at potential ways to modernize ways to serve the public; and,

Whereas Blackline Consulting has been engaged to help lead the strategy; and,

Whereas the public and Oshawa Council members have found the current required process to report parking complaints by phone causes delays and lost time; and,

Whereas there are benefits to reporting parking by-law non-compliance with the option of permitting a photo email to Service Oshawa;

Now therefore Council recommend to Blackline Consulting and City staff to include a new process option for reporting parking non-compliance with a picture email to Service Oshawa.

Moved by Councillor Nicholson

Seconded by Councillor McConkey

That CNCL-23-119 being a notice of motion concerning reporting of parking complaints be referred to the Safety and Facilities Services Committee.

Motion Carried

### **CNCL-23-122 - Notice of Motion - Safe School Zone Pilot Program (All Wards)**

Moved by Councillor McConkey

Seconded by Councillor Neal

Whereas at many Oshawa schools, during start and dismissal times, the non-compliance of school zone no parking locations has become a serious safety concern; and,

Whereas reducing traffic and parking congestion during start and dismissal times will improve safety;

Therefore that staff be directed to:

1. Consult with the Durham School Boards, Durham Area municipalities and Durham Regional Police Services and obtain written feedback on the City of Oshawa implementing policies that give consideration to:

- a. Increase the fines for school zone parking offences;
- b. Install signs identifying parking locations where fines are increased and where street parking is permitted;

- c. Investigate on a case by case basis, right in/right out turns for designated school driveways; and,

2. Prepare a report based on the findings in Part 1 identifying the feasibility and process for developing a Safe School Zone Pilot Program in which Ward Councillors can agree to implement in up to two schools in their Ward for the 2024-2025 school year.

Moved by Councillor Marimpietri  
Seconded by Councillor Marks

That CNCL-23-122 being a notice of motion concerning a safe school zone pilot program be referred to staff to formulate a comprehensive report on improving traffic safety in Oshawa school zones, by working with each of the school boards in addition to the appropriate stakeholders.

Motion Carried

### **Confirming By-Law**

Moved by Councillor Chapman  
Seconded by Councillor Giberson

That the confirming by-law be passed.

Motion Carried

### **Adjournment**

Moved by Councillor Kerr  
Seconded by Councillor Marimpietri

That the meeting adjourn at 11:51 a.m.

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Mayor

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City Clerk

From: Darren Stewart <M.F.I.P.P.A. Sec 14(1)>  
Sent: Friday, January 12, 2024 4:13 PM  
To: clerks <[clerks@oshawa.ca](mailto:clerks@oshawa.ca)>  
Subject: Objection to parking on boulevards

Hi there,  
We are residents of Oshawa.

We object to any change to bylaw 79-99 to allow parking on boulevards.

Changing this bylaw brings many safety concerns.

Janetta and Darren Stewart



**From:** Soori Tham <M.F.I.P.P.A. Sec 14(1)>  
**Sent:** Thursday, December 7, 2023 2:08 PM  
**To:** clerks <[clerks@oshawa.ca](mailto:clerks@oshawa.ca)>  
**Cc:** Rosemary McConkey <[RMcConkey@oshawa.ca](mailto:RMcConkey@oshawa.ca)>; John Neal <[JNeal@oshawa.ca](mailto:JNeal@oshawa.ca)>  
**Subject:** Re: FW: Re: Fwd: Greenhill Ave road completion No selection

Hi

Can you please add building less than 200m of Greenhill Ave near Harmony road to council agenda. This will make the neighbourhood safe and easy access to main road.

There is no need to delay this construction.

Thank you  
Soori



To: City Council

From: Adam Grant, Commissioner,  
Safety and Facilities Services Department

Report Number: CNCL-24-02

Date of Report: January 24, 2024

Date of Meeting: January 29, 2024

Subject: Proposed Replacement and Consolidation of the By-laws  
Establishing and Appointing Screening and Hearing Officers

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

The purpose of this report is to review the City's existing Hearings Officer By-law 26-2008, as amended ("Current By-law"), and to propose a replacement Screening and Hearing Officers By-law ("Proposed By-law") that will consolidate the appointment process of Screening and Hearing Officers and increase efficiencies for staff administering the Administrative Monetary Penalty ("A.M.P.") hearing process.

Attachment 1 is the current Hearings Officer By-law 26-2008, as amended.

Attachment 2 is the proposed Screening and Hearing Officers By-law.

Attachment 3 is the proposed By-law to amend By-law 24-2011, as amended and By-law 63-2013, as amended.

## **2.0 Recommendation**

It is recommended to City Council:

1. That in accordance with Report CNCL-24-02 dated January 24, 2024 concerning a proposed replacement and consolidation of the By-laws establishing and appointing Screening and Hearing Officers, Council pass a By-law to appoint Screening and Hearing Officers as set out in Attachment 2 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,

2. That the proposed amendments to the Parking Administrative Penalty System By-law 24-2011, as amended, and the Administrative Penalty Process By-law 63-2013, as amended, to remove the appointment process for Screening Officers be approved and the amending by-law be passed as set out in Attachment 3 to this Report and in a form and content acceptable to the Commissioner, Safety and Facilities Services, the City Solicitor, and the Director, Legislative Services/City Clerk; and,
3. That Hearings Officer By-law 26-2008, as amended, and By-law 163-2022, be repealed.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

- Legal Services
- Legislative Services

### **5.0 Analysis**

#### **5.1 Background**

The City's A.M.P. system is established in accordance with the authority provided under Ontario Regulation 333/07: Administrative Penalties (the "Regulation") as per the Municipal Act, 2001, S.O. 2001 c. 25 ("Municipal Act, 2001"). Administrative penalties for parking related by-law infractions are administered through the Parking Administrative Penalty System By-law 24-2011, as amended ("By-law 24-2011"). Non-parking administrative penalties are administered through the Administrative Penalty Process By-law 63-2013, as amended ("By-law 63-2013").

Under the Regulation, the City is required to appoint a Screening Officer for the purpose of reviewing administrative penalties where a review has been requested by a person who receives a penalty notice. The Regulation also requires the City to appoint a Hearing Officer for the purpose of reviewing the decisions of the Screening Officer where a request for such a review has been made by a person receiving notice of the decision.

With regard to the administration of the system, Section 7 of the Regulation requires the municipality to maintain standards relating to: prevention of political interference; what constitutes a conflict of interest; financial management and reporting; and, the filing and processing of complaints made by the public. The Regulation stipulates that the appointment of Hearing Officers must be consistent with the municipality's standards relating to what constitutes a conflict of interest in relation to the administration of the A.M.P. system.



In 2008, Council passed the Current By-law to establish the position of Hearings Officer, and in 2010, Council approved additional amendments. Though consistent with the requirements of the Regulation as outlined above, the Current By-law has not been updated since the 2010 amendment (Attachment 1). The appointment of Screening Officers is provided for equally in By-laws 24-2011 and 63-2013.

## **5.2 Current State and Future Growth**

Any community member who has received a penalty notice, known as an Administrative Monetary Penalty (“A.M.P.”), may request a review through the City’s appeal process. Should an individual choose to dispute a penalty notice, they first attend a screening with a Screening Officer. If the matter is still in dispute following a screening, the individual may request a review by a Hearing Officer.

The administration and coordination of the A.M.P. appeal system is a shared responsibility between M.L.E.L.S. and Legal Services. The City presently contracts with two (2) Screening Officers and two (2) Hearing Officers who processed 2,979 screenings and 98 hearings in 2023.

The City is forecasting that the demand for appeals will grow significantly with the introduction of additional Municipal Law Enforcement Officers and increased compliance projects focused on ensuring public health and safety. Additionally, the demand for appeals could further increase with the potential implementation of Automated Speed Enforcement (A.S.E.) systems which staff are presently investigating per Council’s November 20, 2023 direction (SF-23-35).

## **5.3 Review of the Current Hearing Officer By-law**

City staff are faced with delays and inefficiencies in appointing Hearing Officers and administering the A.M.P. system due to the provisions of the Current By-law. After a substantial review of the Current By-law and administrative process, staff have identified opportunities and are proposing changes to assist in streamlining the process and improve customer service.

### **5.3.1 Streamline Appointment or Removal of Hearing Officers**

Every appointment or removal of a Hearing Officer requires a report from staff to Council with approval required to affect any changes. Once appointed, every Hearing Officer serves the same term as the Council that appointed them, typically the full four (4) years, at a remuneration rate also set by Council. The appointment process can take several weeks – if not months – being added to an end-to-end hiring process, which can negatively impact the City’s competitiveness in securing the right candidates and providing a timely response to appeals.

The Regulation requires that the municipality appoint a Hearing Officer to perform the duties as outlined within said Regulation. Neither the Municipal Act, 2001, nor the Regulation name Council as the authority that appoints, removes or sets terms for a Hearing Officer. It is therefore within the City’s discretion as to which party performs these responsibilities. However, as noted in Section 5.1, the Regulation requires the City to

develop standards relating to the administration of the system of administrative penalties, which includes policies and procedures to prevent political interference in the administration of the system.

Under the current process, with Council as the final decision maker for Hearing Officer appointments, it may be perceived as potential political interference. In light of this, and to avoid any such perception of political interference, staff consider it best practice to remove Council from the appointment process. This will also align the Hearing Officer appointment process with the principles of the City's Enforcement By-law 92, 2014, and the City's existing process for appointing Screening Officers, discussed further in Section 5.5 of this report.

### **5.3.2 Increase Efficiencies of Administrative Processes**

The majority of provisions in the Current By-law deal with matters unrelated to the appointment of Hearing Officers. Much of the language in the Current By-law instead covers matters related to the hearings process. This restricts both the Hearing Officer and staff in how they may administer hearings or approve changes to any relevant administrative policies and procedures.

## **5.4 Recommended Amendments to the Hearing Officer By-law**

While there is not a substantive number of changes proposed, staff are recommending a repeal and replacement of the Current By-law to allow for thorough formatting changes to be made in addition to the changes highlighted below.

### **5.4.1 Reassign Responsibility for Appointments and Remuneration to City Staff**

In order to address the aforementioned delays and inefficiencies, staff recommend that appointment and remuneration responsibilities be assigned to the C.A.O. to allow for a more expeditious hiring and appointment process. Furthermore, the decreased lead-time for hiring will allow the City to respond in a timely manner to any potential increase in the demand for hearings as forecasted in Section 5.2 of this report.

The Proposed By-law specifically authorizes the C.A.O. to appoint Screening and Hearing Officers on the recommendation of the Director of M.L.E.L.S. in consultation with the City Solicitor and reassigns the determination of the remuneration rate to City staff. The remuneration of the Screening and Hearing Officers is accommodated in the M.L.E.L.S. annual Operating Budget.

#### 5.4.2 Remove Administrative Procedural Language

In simplifying or removing by-law clauses of a prescriptive nature, the City can ensure Hearing Officers and City staff maintain greater flexibility, accuracy and efficiency in performing their duties. The table below includes the clauses from the Current By-law which have been revised and integrated in the City's Hearings Administration Procedure where they can be maintained in a relevant and consistent manner to actual proceedings.

Subject	Section in By-law	Revised Clause
Scheduling	6.1	City staff, shall determine the scheduling of proceedings before any Hearing Officer having regard to the efficiency and timeliness of hearings processes and to the availability of Hearing Officers.
Representation	6.3	A representative may act on behalf of and represent a Person in respect of a proceeding or hearing before the Hearing Officer at the discretion of the Hearings Officer.
Interpreter	6.4	If a person requires an interpreter for the purpose of any proceeding before a Hearing Officer, the person must provide the interpreter at the person's own expense.
Recordings	6.5	Hearings are not permitted to be recorded unless the Appellant has requested authorization, and received permission to do so, a minimum of three (3) calendar days in advance of the Hearing by contacting the Hearing Coordinator

#### 5.5 Consolidation of Screening Officer Appointment Process

Staff also recommend consolidating the appointment process for Screening Officers into the Proposed By-law. Under By-laws 24-2011 and 63-2013, Screening Officers are appointed directly by the C.A.O. The inclusion of identical language in both by-laws is unnecessary and complicates the process administratively.

Since the responsibilities of Screening Officers and Hearing Officers are directly related, staff find it most appropriate to use one (1) by-law to outline the appointment processes for each position. The recommended change amends both By-law 24-2011 and By-law 63-2013 to remove the above cited clause and include it in the Proposed By-law. The Proposed By-law updates the C.A.O.'s title but otherwise makes no change to the existing appointment process. The changes are set out in the table below.

By-law	Action	Affected Section
24-2011	Remove	17. The City's City Manager may appoint as Screening Officers such individuals and on such terms as the City Manager considers appropriate.
63-2013	Remove	17. The City's City Manager may appoint as Screening Officers such individuals and on such terms as the City Manager considers appropriate.
Proposed (Attachment 2)	Include	2.2 The C.A.O. may appoint as Screening Officers, such individuals and on such terms as the C.A.O. considers appropriate.

## 6.0 Financial Implications

There are no financial implications associated with the approval of the Proposed By-law. The Proposed By-law provides staff the responsibility to establish the rate of remuneration for Hearing Officers.

The current remuneration for a Screening Officer is \$500 per day and a Hearing Officer is \$300 for a half day. The M.L.E.L.S. 2024 Operating Budget includes \$56,500 to accommodate the costs of the Screening Officer and Hearing Officer remuneration.

## 7.0 Relationship to the Oshawa Strategic Plan

The recommendation in this report responds to the Oshawa Strategic Plan Goal of Accountable Leadership.



Phil Lyon, Director,  
Municipal Law Enforcement and Licensing Services



Adam Grant, Commissioner,  
Safety and Facilities Services Department



**By-Law 26-2008  
of The Corporation of the City of Oshawa**

Being a By-law to establish the position of Hearings Officer.

**Whereas:**

1. Council of The Corporation of the City of Oshawa considers it desirable and necessary to establish the position of a Hearings Officer to whom may be delegated quasi-judicial and other authority under various City By-laws.

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

1. In this By-law,
  - (a) “Child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of her or his family;
  - (b) “City” means The Corporation of the City of Oshawa;
  - (c) “Council” means the council of the City;
  - (d) “Delegated Power of Decision” means a power or right, conferred by or under a City By-law, to make a decision deciding or prescribing,
    - i) the legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
    - ii) the eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is legally entitled thereto or not.
  - (e) “Hearings Officer” means each person from time to time appointed by Council pursuant to section 3 of this By-law; (37-2010)
  - (f) “Parent” means a person who has demonstrated a settled intention to treat a child as a member of her or his family whether or not that person is the natural parent of the child; and
  - (g) “Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.
2. The positions of Hearings Officers are established for the purpose of exercising Delegated Powers of Decision. (37-2010)
3. Hearings Officers shall be appointed by Council on the recommendation of the City Manager in consultation with the City Solicitor which recommendation shall give preference to eligible candidates: (37-2010)
  - (a) with knowledge of and experience in administrative law; and
  - (b) of good character.
4. The following are not eligible for appointment as a Hearings Officer:
  - (a) An employee or member of Council of the City;
  - (b) The Child of a person referenced in paragraph 4(a);
  - (c) The Parent of a person referenced in paragraph 4(a);
  - (d) The Spouse of a person referenced in paragraph 4(a); or
  - (e) A person indebted to the City other than
    - i) in respect of current real property taxes; or

- ii) pursuant to an agreement with the City the terms with which the person is in compliance.

5. Each Hearings Officer shall hold office for the term or remainder of the term of the Council that appointed the Hearings Officer and thereafter until the Hearings Officer is reappointed or a successor is appointed pursuant to this By-law. (37-2010)
6. Each Hearings Officer shall be remunerated at the rate from time to time established by Council. (37-2010)
  - 6.1 The City's Director, Municipal Law Enforcement and Licensing Services, shall determine the scheduling of proceedings before any Hearings Officer having regard to the efficiency and timeliness of hearings processes and to the availability of Hearings Officers. (37-2010)
  - 6.2 In any process or hearing before the Hearings Officer, a statement respecting any matter related to the process or hearing purporting to be signed by the City's Director, Municipal Law Enforcement and Licensing Services or by a person authorized by a City by-law to undertake inspections is, without proof of the office or signature of the Director or such person, receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the statement for all purposes in the process or hearing. (37-2010)
  - 6.3 A representative may act on behalf of and represent a person in respect of a proceeding or hearing before the Hearings Officer where the Hearings Officer is satisfied that: (37-2010)
    - (a) the person is entitled to be heard by the Hearings Officer;
    - (b) the representative is a lawyer, a licensed paralegal or a person who is exempt from the requirement to be licensed by By-law passed pursuant to the *Law Society Act*, R.S.O. 1990, c. L.8;
    - (c) the person has authorized in writing the representative to act on behalf of and to represent the person in the particular proceeding or hearing;
    - (d) the written authorization specifies the representative's qualification for the purpose of paragraph 6.3(b) including, in the case of a representative who claims to be exempt from the requirement to be licensed, the particular ground prescribed by By-law passed pursuant to the *Law Society Act*, R.S.O. 1990, c. L.8 upon which the representative purports to be exempt; and
    - (e) the written authorization has been filed in the proceeding or hearing before the Hearings Officer and remains in effect.
  - 6.4 If a person requires an interpreter for the purpose of any proceeding before a Hearings Officer, the person must provide the interpreter at the person's own expense. (37-2010)
  - 6.5 No person shall take or attempt to take a photograph, motion picture, video recording, or other recording capable of producing visual or aural representations by electronic means or otherwise, at any proceedings of the Hearings officer otherwise open to the public, except in the following circumstances: (37-2010)
    - (a) No fewer than three (3) days prior to the proceeding, the person gives written notice to the City of the person's intention to request the Hearings Officer for permission to record the proceeding which notice specifies the proposed means of recording;
    - (b) The person bears all costs related to the proposed recording;
    - (c) Where the person proposes verbatim transcription:
      - i) the recording is undertaken by a qualified verbatim reporter;
      - ii) all testimony and submissions respecting the proceeding are recorded; and

- iii) the person delivers to the City no fewer than two (2) certified copies of the transcript prepared by the qualified verbatim reporter within three (3) days of the reporter's completion of the transcript;
  - (d) the Hearings Officer determines that the proceeding will not be disrupted or delayed if approval is given;
  - (e) the Hearings Officer determines that the approval will not result in any prejudice to any party to the proceeding;
  - (f) prior to the commencement of the proceeding, the Hearings Officer authorizes the recording and has not revoked the authorization; and
  - (g) the recording is undertaken only in accordance with the Hearings Officer's approval including any terms or conditions to such approval.
7. No person shall attempt, directly or indirectly, to communicate with or influence a Hearings Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Hearings Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal and only by that person or the person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises. Failure to comply with this section constitutes an offence.
8. Section 7 does not prevent a Hearings Officer from seeking and receiving legal advice including from a lawyer in the City's Legal Services.
9. The functions of a secretary-treasurer shall be provided for Hearings Officers by City civic administration including, without limitation, the making and keeping of minutes and records of all applications and the decisions thereon and of all other official business of Hearings Officers. (37-2010)
10. Section 253 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (Inspection of Records) applies with necessary modifications to documents made or kept pursuant to section 9.
11. Proceedings before Hearings Officers shall be subject to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22. (37-2010)
12. This By-law is in effect on the date of its passing.
- By-law passed this twentieth day of February, 2008.



**By-law XX-2024  
of The Corporation of the City of Oshawa**

Being a By-law to establish the positions and appointment processes of Screening Officer and Hearing Officer.

Whereas Section 434.1 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, (the "Municipal Act") authorizes The Corporation of the City of Oshawa (the "City") to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act; and,

Whereas Section 102.1 of the Municipal Act, and Ontario Regulation 333/07 (the "Regulation") authorize the City to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing or stopping of vehicles; and,

Whereas pursuant to the Regulation, a person who receives a penalty notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality; and,

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

Whereas the Council of The Corporation of the City of Oshawa considers it desirable and necessary to establish the positions of Screening Officer and Hearing Officer which are required for the operation of the City's Administrative Penalty Process By-law 63-2013, as amended, and the Parking Administrative Penalty System By-law 24-2011, as amended;

Now therefore the Council of the Corporation of the City of Oshawa enacts as follows:

**1. Definitions**

1.1 In this By-law,

- a. "Chief Administrative Officer" means the Chief Administrative Officer of The Corporation of the City of Oshawa or their designate;
- b. "Child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of her or his family;
- c. "City" means The Corporation of the City of Oshawa;
- d. "City Staff" means employees of the City;
- e. "Council" means the council of the City;



- f. “Delegated Power of Decision” means a power or right, conferred by or under a City By-law, to make a decision deciding or prescribing,
  - i. The legal rights, powers, privileges, immunities, duties or liabilities of any person or party, or
  - ii. The eligibility of any person or party to receive, or to the continuation of, a benefit or licence, whether the person is entitled thereto or not.
- g. “Director” means the City’s Director of Municipal Law Enforcement and Licensing Services.
- h. “Hearing Officer” means each person from time to time appointed by the C.A.O. pursuant to this By-law;
- i. “Parent” means a person who has demonstrated a settled intention to treat a child as a member of her or his family whether or not that person is the natural parent of the child;
- j. “Power of Decision” means a power or right, conferred by or under this By-law, the City’s Administrative Penalty Process By-law and Parking Administrative Penalty System By-law, to make a decision deciding or prescribing the legal rights, powers, privileges, immunities, duties or liabilities of any person.
- k. “Screening Officer” means each person from time to time appointed by the C.A.O. pursuant to this By-law; and,
- l. “Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage.

## **2. Appointment of Screening Officer**

- 2.1 The position of Screening Officer is established for the purpose of exercising the Power of Decision in respect of a request to review an administrative penalty as set out in the City’s Administrative Penalty Process By-law and/or Parking Administrative Penalty System By-law.
- 2.1 Screening Officers shall be appointed by the C.A.O. on the recommendation of the Director which recommendation shall give preference to eligible candidates:
  - a. With knowledge of and experience in administrative law;
  - b. Of good character;
  - c. Able to carry out a fair and impartial screening;
  - d. Able to write a clear and concise decision;
  - e. Able to communicate effectively with the public;
  - f. With excellent written and oral communication skills;

- g. With an understanding of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*; and,
- h. With an understanding of the *Municipal Act, 2001, S.O. 2001, c. 25*.

2.2 The following are not eligible for appointment as a Hearing Officer:

- a. An employee or member of Council of the City;
- b. The Child of a person referenced in paragraph 3.3(a);
- c. The Parent of a person referenced in paragraph 3.3(a);
- d. The Spouse of a person referenced in paragraph 3.3(a); or
- e. A person indebted to the City other than
  - i. In respect of current real property taxes; or
  - ii. Pursuant to an agreement with the City the terms with which the person is in compliance.

2.2 The C.A.O. may appoint as Screening Officers, such individuals and on such terms as the C.A.O. considers appropriate.

2.3 The C.A.O. may revoke the appointment of a Screening Officer at any time.

2.4 Each Screening Officer shall be remunerated at the rate from time to time established by City Staff.

### **3. Appointment of Hearing Officer**

3.1 The position of Hearing Officer is established for the purpose of exercising Delegated Powers of Decision.

3.2 Hearing Officers shall be appointed by the C.A.O. on the recommendation of the Director in consultation with the City Solicitor which recommendation shall give preference to eligible candidates:

- a. With knowledge of and experience in administrative law;
- b. Of good character;
- c. Able to carry out a fair and impartial hearing;
- d. Able to write a clear and concise decision;
- e. Able to communicate effectively with the public;
- f. With excellent written and oral communication skills;
- g. With an understanding of the *Statutory Powers Procedure Act, R.S.O. 1990, c. S.22*; and,

h. With an understanding of the *Municipal Act, 2001, S.O. 2001, c. 25*.

3.3 The following are not eligible for appointment as a Hearing Officer:

- a. An employee or member of Council of the City;
- b. The Child of a person referenced in paragraph 3.3(a);
- c. The Parent of a person referenced in paragraph 3.3(a);
- d. The Spouse of a person referenced in paragraph 3.3(a); or
- e. A person indebted to the City other than
  - i. In respect of current real property taxes; or
  - ii. Pursuant to an agreement with the City the terms with which the person is in compliance.

3.4 Each Hearing Officer is independent and not a City employee. Each Hearing Officer may be required to enter into a contract with the City outlining the terms of service.

3.5 Each Hearing Officer shall be appointed for such a term as the C.A.O. considers appropriate and thereafter until reappointed or until a successor is appointed pursuant to this By-law or is no longer required by the City.

3.6 The C.A.O. may revoke the appointment of a Hearing Officer at any time on the recommendation of the Director in consultation with the City Solicitor.

3.7 Each Hearing Officer shall be remunerated at the rate from time to time established by City Staff.

#### **4. General Provisions**

4.1 No person shall attempt, directly or indirectly, to communicate with or influence a Screening Officer or Hearing Officer respecting the determination of an issue respecting a Delegated Power of Decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer except a person who is entitled to be heard in the proceeding or the person's lawyer or licensed paralegal and only by that person or the person's lawyer or licensed paralegal during the hearing of the proceeding in which the issue arises. Failure to comply with this section constitutes an offence.

4.2 Section 4.1 does not prevent a Hearing Officer from seeking and receiving legal advice.

4.3 Staff will provide administrative support related to proceedings before a Hearing Officer, including without limitation, the making and keeping of minutes and records of all requests for hearings and appeals and decisions arising therefrom and all other official business of Hearing Officers.

4.4 Section 253 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended (Inspection of Records) applies with necessary modifications to documents made or kept pursuant to section 4.3 of this By-law.

4.5 Proceedings before Screening and Hearing Officers shall be subject to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 and the City's established Policies and Procedures.

4.6 This By-law is in effect on the date of its passing.

4.7 The short title of this By-law is the "Screening and Hearing Officer By-law."

By-law passed this \_\_\_ day of \_\_\_\_\_, 2024.

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Mayor

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City Clerk



**By-law XX-2024  
of The Corporation of the City of Oshawa**

Being a By-law to amend Parking Administrative Penalty System By-law 24-2011, as amended, and Administrative Penalty Process By-law 63-2013, as amended.

Whereas Section 434.1 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Municipal Act”) authorizes The Corporation of the City of Oshawa (the “City”) to require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the Municipal Act; and,

Whereas Section 102.1 of the Municipal Act, and Ontario Regulation 333/07 (the “Regulation”) authorize the City to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing or stopping of vehicles; and,

Whereas pursuant to the Regulation a person who receives a penalty notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality; and,

Whereas the Council of The Corporation of the City of Oshawa considers it desirable and necessary to establish the position of Screening Officer which is required for the operation of the City’s Administrative Penalty Process By-law 63-2013, as amended, and the Parking Administrative Penalty System By-law 24-2011, as amended; and,

Whereas the Council of The Corporation of the City of Oshawa considers it desirable to consolidate the appointment process of Screening and Hearing Officers under a single by-law as outlined in Report CNCL-24-02;

Whereas the Screening and Hearing Officers By-law XX-2024, as outlined in Attachment 2 to Report CNCL-24-02 provides for the appointment of Screening Officers and makes the appointment process contained in the Parking Administrative Penalty System By-law 24-2011, as amended, and the Administrative Penalty Process By-law 63-2013, as amended, to be redundant;

Now therefore the Council of the Corporation of the City of Oshawa enacts as follows:

1. The Parking Administrative Penalty System By-law 24-2011 is amended by deleting Section 17.
2. The Administrative Penalty Process By-law 63-2013 is amended by deleting Section 17.
3. This By-law is in effect on the date of its passing.

By-law passed this \_\_\_ day of \_\_\_\_\_, 2024.

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Mayor

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City Clerk



To: City Council

From: Stephanie Sinnott, Commissioner,  
Corporate and Finance Services Department

Report Number: CNCL-24-03

Date of Report: January 24, 2024

Date of Meeting: January 29, 2024

Subject: Oshawa Power Group of Companies Board of Directors'  
Stipends

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

In September 2023 the City received two letters from Oshawa Power's Board of Directors President, Denise Carpenter.

The first letter, Correspondence CF-23-65, requesting stipends for Oshawa Power Group of Companies Board of Directors' Stipend related to additional companies in which Oshawa Power has Ownership or Financial Interests, was considered at the Corporate and Finance Services Committee meeting of September 11, 2023.

The second letter, Correspondence CF-23-66 requesting an increase in the stipends for the Oshawa Power Group of Companies Board of Directors' was also considered at the Corporate and Finance Services Committee meeting of September 11, 2023.

Correspondence CF-23-65 and CF-23-66 were both referred to staff for a report.

Attachment 1 - Oshawa Power Group of Companies Board of Directors' Stipend for Additional Companies in which Oshawa Power has Ownership or Financial Interests (CF-23-65)

Attachment 2 - Oshawa Power Group of Companies Board of Directors' Stipend (CF-23-66)

## **2.0 Recommendation**

It is recommended to City Council:

That pursuant to Report CNCL-24-03 dated January 24, 2024:

1. The stipends for Board Directors for representation at Additional Companies in which Oshawa Power has ownership or financial Interests as outlined in Correspondence CF-23-65 be denied; and,
2. The stipends for Oshawa Power Group of Companies Board of Directors as outlined in Correspondence CF-23-66 be approved; and,
3. The Board of Directors of Oshawa Power be requested to perform a market review of the stipends once every five (5) years to ensure the rates remain competitive and in-line with comparable Local Distribution Companies.

## **3.0 Executive Summary**

Not Applicable

## **4.0 Input From Other Sources**

- Chief Administrative Officer
- Oshawa Power

## **5.0 Analysis**

Every three (3) years, the Mearie Group prepares a survey on the Boards of Directors compensation of Local Distribution Companies ("L.D.C.s"). L.D.C.s are challenged with attracting Board Members that contribute to the oversight, support and guidance of the leadership team.

Forty-four (44) Ontario L.D.C.s were invited to participate in the survey of which thirty-five (35) organizations completed the survey materials. The materials requested a package containing the organizational profile, Board policies, Board of Directors compensation and Committee compensation.

The Oshawa Power Board of Directors are responsible to manage or supervise the management of the business and affairs of the Corporation including strategic planning, identification/mitigation of risks, succession planning, communications and the integrity of internal controls.

The current Board of Directors is comprised of eight (8) Directors. The Shareholder Declaration outlines the expectations of the Shareholder ("City") relating to the principles of governance and other fundamental principles and policies of the Corporation. The compensation of the Directors is also outlined in the Shareholder Declaration and states that the maximum compensation for Directors will be approved by the City.



During the recent Board recruitment and through the Mearie survey it was revealed that the current stipend is quite low. A total rewards program that is not designed strategically to be competitive makes it challenging to attract, recruit and retain talent especially in a specialized industry.

**5.1 Oshawa Power Group of Companies Board of Directors' Stipend for Additional Companies in which Oshawa Power has Ownership or Financial Interests (CF-23-65)**

The Directors of the Board have increased their time commitment by representing Oshawa Power on the Boards of companies in which it has a financial stake, specifically, Zooshare and the investment in the wind turbine. The involvement on the affiliate Boards has increased the demand on certain Board members.

Oshawa Power is proposing that a stipend be paid to those members in order to recognize the extra time and effort they are putting forth. The stipend is proposed to be a meeting fee of \$500 for preparation and attendance at meetings to represent Oshawa Power. As outlined in Correspondence CF-23-65 the financial impact of the meeting fees for Zooshare and wind turbine would amount to approximately \$18,000 annually.

However, this request is contrary to Section 10.2 of the Shareholders Declaration which states:

"No Additional Compensation – Members of the Holdco Board or the board of directors of any Subsidiary, shall not receive additional compensation for also being a member of the board of directors of any Affiliate."

To remain in compliance with the Shareholder Declaration, this request cannot be approved.

**5.2 Oshawa Power Group of Companies Board of Directors' Stipend (CF-23-66)**

The Board of Directors stipend was last reviewed in 2007. The business is growing and there is a need to ensure that appropriate skilled talent is recruited for the Board of Directors.

Oshawa Power is proposing an increase of the stipend rate based on inflation using the Consumer Price Index ("C.P.I.") as the basis for the calculation. Also, Oshawa Power is proposing an additional increase for the Committee Chairs. It is industry best practice to compensate Committee Chairs a slightly higher stipend than other Directors to account for the added duties of chairing a Board Committee.

The rates are proposed as:

Board Position	Per Director Stipend		
	Current	Proposed	\$ Increase
Directors	20,000	25,000	5,000
Cmtee Chair	20,000	30,000	10,000
BOD Chair	35,000	45,000	10,000
Total Extrapolated Annual Charge	175,000	235,000	60,000

## 6.0 Financial Implications

There are no direct financial implications to the City Of Oshawa.

The expenses in Oshawa Power's future budgets will increase by the additional stipends however given the size of the budget the impact is immaterial.

## 7.0 Relationship to the Oshawa Strategic Plan

This report supports the Oshawa Strategic Plan goals of Economic Prosperity & Financial Stewardship and Accountable Leadership by providing proactive and responsible financial management while ensuring respect and transparency.



Stephanie Sinnott, Commissioner,  
Corporate and Finance Services Department

100 Simcoe Street South, Oshawa, Ontario L1H 7M7 | Tel. (905) 723-4623 | Fax (905) 743-5222 | [contactus@oshawapower.ca](mailto:contactus@oshawapower.ca)

September 1, 2023

Tracy Adams, CAO  
City of Oshawa  
50 Centre Street, South  
Oshawa, ON L1H 3Z7

RE: Oshawa Power Group of Companies Board of Directors' Stipend for Additional Companies in which Oshawa Power has Ownership or Financial Interests

Dear Tracy,

I am writing today as a follow up to our meeting of August 3, 2023. In that meeting, we discussed that certain Board of Directors have increased their time commitment by representing Oshawa Power Group of Companies on the Boards of companies we have a financial stake in. As a reminder, Oshawa Power Group of Companies, through various investment opportunities, has expanded its representation on certain Boards namely:

- Zooshare Biogas Development Inc. – Oshawa Power Group of Companies holds 49% interest in the underlying Zooshare Biogas project and maintains 2 seats on the 5 person Board of Directors
- 2825411 Ontario Inc. – Oshawa Power Group of Companies holds 50% interest in the investment in the underlying wind turbine and maintains 3 seats on the 5 person Board of Directors

For details on all affiliates within the Oshawa Power Group of Companies, please see the attached corporate structure in the appendix.

As involvement in these affiliate Boards has increased the demands on certain Board members, we are proposing that those Directors who also sit on the Board of an affiliate company receive a meeting fee of \$500 for meeting preparation and attendance for the extra time and effort they are putting forth to ensure that Oshawa Power Group of Companies is well represented at the Board Room table. Meeting fees are standard business practice for Boards within the industry and would only apply to those attending Board meetings for the affiliates listed above. The estimated costs, based on current meeting schedules, are:

Affiliate	# of mtgs	# of directors	Total \$
Zooshare	12	2	\$ 12,000
Wind	4	3	\$ 6,000

We look forward to hearing back from you on the above proposal.

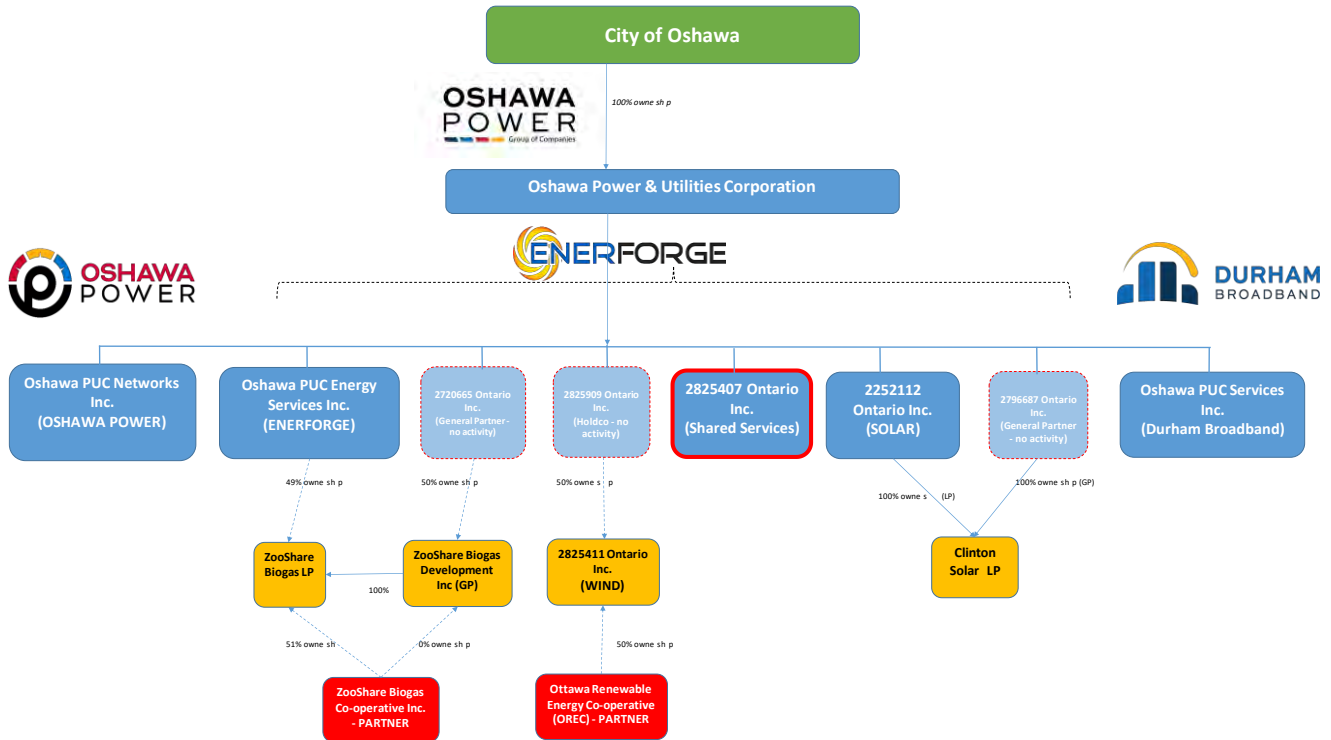
Sincerely,



Denise Carpenter, ICD.D, GCB.D  
Chair, Oshawa Power Board of Directors  
Attachments – Corporate Structure – Oshawa Power Group of Companies

## Appendix

### Corporate Structure



100 Simcoe Street South, Oshawa, Ontario L1H 7M7 | Tel. (905) 723-4623 | Fax (905) 743-5222 | [contactus@oshawapower.ca](mailto:contactus@oshawapower.ca)

September 1, 2023

Tracy Adams, CAO  
City of Oshawa  
50 Centre Street, South  
Oshawa, ON L1H 3Z7

RE: Oshawa Power Group of Companies Board of Directors' Stipend

Dear Tracy,

I am writing today as a follow up to our meeting of February 14, 2023. In that meeting, we discussed that the Board of Directors stipend was last reviewed in 2007. With the growing business and the need to ensure we attract appropriately skilled talent as we head into recruitment for additional Board members, we are seeking approval to increase the Director Stipends.

As current stipends have not increased annually with inflationary increases since 2007, we are proposing a true up based on inflation using the Consumer Price Index ("CPI") as the basis for the calculation. The recommendation is slightly less than what the inflation true up would be. See Appendix for annual CPI increases for 2008 onwards. We are also proposing an additional increase for the Committee Chairs. It is industry best practice to compensate Committee Chairs a slightly higher stipend than other Directors to account for the added duties of chairing a Board Committee. As a reminder, Oshawa Power has the following Committees that support the Board:

- Finance and Audit Committee
- Human Resources and Governance Committee
- Project Monitoring Committee

As Oshawa Power Group of Companies has been growing, the demands on its Board members has also increased. Based on our analysis, we are proposing the following for Oshawa Power Group of Companies Board of Directors:

Board Position	Per Director Stipend		
	Current	Proposed	\$ increase
Directors	20,000	25,000	5,000
Cmtee Chair	20,000	30,000	10,000
BOD Chair	35,000	45,000	10,000
<b>Total Extrapolated Annual Charge</b>	<b>175,000</b>	<b>235,000</b>	<b>60,000</b>

We look forward to hearing back from you on the above proposal.

Sincerely,



Denise Carpenter, ICD.D, GCB.D  
Chair, Oshawa Power Board of Directors  
Attachments – Board Stipend Analysis CPI

## Appendix

### CPI Analysis

Year	CPI	Current Stipend	
		Directors	Board Chair
		20,000	35,000
2008	2.3%	20,460	35,805
2009	0.3%	20,521	35,912
2010	1.8%	20,891	36,559
2011	2.9%	21,497	37,619
2012	1.5%	21,819	38,183
2013	0.9%	22,015	38,527
2014	2.0%	22,456	39,298
2015	1.1%	22,703	39,730
2016	1.4%	23,021	40,286
2017	1.6%	23,389	40,931
2018	2.3%	23,927	41,872
2019	1.9%	24,381	42,668
2020	0.7%	24,552	42,966
2021	3.4%	25,387	44,427
2022	6.8%	27,113	47,448

To: Council in Committee of the Whole

From: Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department

Report Number: CNCL-24-05

Date of Report: January 24, 2024

Date of Meeting: January 29, 2024

Subject: Municipal Comprehensive Review of the Oshawa Official Plan

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

The purpose of this Report is to:

1. Provide an introduction to the Municipal Comprehensive Review process to update the Oshawa Official Plan (the “Official Plan Review”); and,
2. Obtain Council’s authorization to initiate the Municipal Comprehensive Review process under the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) to update the City of Oshawa’s Official Plan through an Official Plan Review, including the scheduling of a Special Meeting of Council.

Attachment 1 is a copy of the current Oshawa Official Plan (the “O.O.P.”). Owing to the size of the document, the O.O.P can be viewed at the following link:  
<https://www.oshawa.ca/en/business-development/resources/Documents/Official-Plan.pdf>.

Attachment 2 is a copy of Envision Durham, the recently adopted Durham Regional Official Plan (the “D.R.O.P”). Owing to the size of the document, it is not attached to this Report but can be viewed at the following link: <https://www.durham.ca/en/doing-business/resources/Documents/PlanningandDevelopment/Envision-Durham/Adopted-Durham-ROP.pdf>.

## **2.0 Recommendation**

It is recommended to City Council:

1. That, pursuant to Report CNCL-24-05 dated January 24, 2024, Economic and Development Services staff be authorized to initiate the Municipal Comprehensive

Review process to update the Oshawa Official Plan, generally in accordance with Section 5.3 of said Report.

2. That, pursuant to Report CNCL-24-05 dated January 24, 2024, a Special Meeting of Council be held in the first or second quarter of 2024 as required under the Planning Act to initiate the Municipal Comprehensive Review process to update the Oshawa Official Plan.
3. That Statutory Notice be provided in accordance with the City's Public Notice Policy GOV-23-02 and the statutory timelines set out in the Planning Act to hear from the public on this matter.
4. That staff be authorized to forward a copy of Report CNCL-24-05 dated January 24, 2024 and the related Council resolution to the Region of Durham.

### **3.0 Executive Summary**

The Oshawa Official Plan is a document that sets out a unified set of policies and land use designations to guide long-term growth and development in the City of Oshawa. The Oshawa Official Plan was last updated in 2016. Now that Envision Durham, the Region's Municipal Comprehensive Review of the Durham Regional Official Plan, has been adopted by Regional Council, it is appropriate to initiate a new City-initiated Municipal Comprehensive Review of the Oshawa Official Plan as required under the Planning Act in order to:

- Conform to the newly adopted Durham Regional Official Plan; and,
- Conform to updated Provincial legislation, policies and plans.

### **4.0 Input From Other Sources**

The following have been consulted in the preparation of this Report:

- Chief Administrative Officer
- Commissioner, Corporate and Finance Services
- City Solicitor
- Director, Legislative Services/City Clerk

### **5.0 Analysis**

#### **5.1 Background**

The O.O.P. is a document that sets out a unified set of policies and land use designations to guide long-term growth and development in the City. The O.O.P. is the highest order land use planning document for the City and it gives direction to zoning by-laws and all other statements of local planning policy. It is the primary tool available by which to manage and guide the physical form and growth of the City and in terms of scope, applies to the entirety of the City.



The most recent City-initiated comprehensive review of the O.O.P. was completed in 2016, through Official Plan Amendment 179 (“O.P.A. 179”). O.P.A. 179 was undertaken to implement a wide variety of policy changes and updates to ensure conformity with the Provincial Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), the Provincial Greenbelt Plan (“Greenbelt Plan”), the D.R.O.P., and environmental policies based on the Central Lake Ontario Conservation Authority’s Natural Heritage System mapping and watershed plans. O.P.A. 179 was adopted by City Council on February 1, 2016 and approved by the Region of Durham on December 15, 2016, subject to a number of modifications and deferrals.

The current O.O.P. contains population, housing, and employment forecasts that are used to plan and manage growth and guide land use decision-making to 2031. However, an updated planning horizon is necessary owing to the City of Oshawa’s growing population. It is estimated that Oshawa’s current population as of 2022 is approximately 185,000, and the City is anticipated to experience significant growth over the next thirty years, as further discussed in Section 5.2.1 (specifically in Table 1) of this Report.

## **5.2 Rationale for Updating the Oshawa Official Plan**

The following sections outline the rationale for updating the O.O.P. and initiating the O.O.P. review process at this time.

### **5.2.1 Envision Durham**

Section 27 of the Planning Act requires that a lower-tier municipality amend its official plan to conform to upper-tier official plans within one year of the upper-tier official plan coming into effect.

The D.R.O.P. guides decisions on long-term growth and development in Durham Region, providing policies to ensure an improved quality of life and securing the health, safety, convenience and well-being of present and future residents of the Region.

In 2019, the Region of Durham launched Envision Durham – the Municipal Comprehensive Review of the D.R.O.P. On May 17, 2023, Durham Regional Council adopted the new D.R.O.P. (see Attachment 2) which includes, among other matters, updated population and job growth projections, density targets and the comprehensive delineation of Regional Corridors. The D.R.O.P. is currently under review by the Province and it is anticipated that approval of the new D.R.O.P. by the Ministry of Municipal Affairs and Housing is imminent.

As part of Envision Durham, the Region of Durham has estimated that Oshawa’s population will increase to 298,540 persons by 2051. The newly adopted D.R.O.P. allocates the following population, employment, and household growth targets for the City of Oshawa to 2051:

**Table 1: City of Oshawa’s Population, Employment and Household Forecasts**

<b>Oshawa</b>	<b>2026</b>	<b>2031</b>	<b>2036</b>	<b>2041</b>	<b>2046</b>	<b>2051</b>
<b>Urban</b>	199,230	218,930	238,320	256,880	276,800	297,450

<b>Oshawa</b>	<b>2026</b>	<b>2031</b>	<b>2036</b>	<b>2041</b>	<b>2046</b>	<b>2051</b>
<b>Rural</b>	1,050	1,060	1,070	1,070	1,080	1,090
<b>Total Population</b>	200,280	219,991	239,390	257,950	277,880	298,540
<b>Households</b>	73,800	81,450	89,060	96,680	104,710	112,970
<b>Employment</b>	70,600	78,070	85,250	92,110	99,670	107,280

The O.O.P. must be updated to ensure conformity with the newly adopted D.R.O.P.

### **5.2.2 Updates to Provincial Legislation, Policies and Plans**

In addition to conforming to the D.R.O.P., the O.O.P. must conform to Provincial legislation, policies and plans, including the Provincial Policy Statement (the “P.P.S.”), the Growth Plan, and the Greenbelt Plan. Staff note that the Province is proposing to combine and replace the existing P.P.S. and Growth Plan with a new Provincial policy document identified as the “Provincial Planning Statement.” Should the Province adopt a new Provincial Planning Statement, the O.O.P. will have to conform to it.

There have been many significant changes to Provincial legislation, policies and plans since O.P.A. 179 was adopted in 2016, including updates to the P.P.S. in 2020 and updates to the Growth Plan in 2017 and 2020. In addition, new legislation has been introduced by the Province in recent years that has significant impacts to land use planning across Ontario. These changes to legislation must be reflected in the O.O.P. and are further described below.

In 2022, the Province announced More Homes Built Faster: Ontario’s Housing Supply Action Plan 2022-23 (the “Action Plan”). This Action Plan includes a suite of legislative and non-legislative changes introduced by the Provincial government intended to help unlock more housing, streamline development approvals, remove barriers, accelerate planning and further protect homebuyers and owners. As part of the Action Plan, the Province identified a goal of building 1.5 million homes across Ontario by 2032. To achieve the goal of building 1.5 million homes, large and fast-growing municipalities across Ontario, including Oshawa, have been assigned a Municipal Housing Target. The City of Oshawa has been assigned a target of constructing 23,000 new homes by 2032.

To support the Action Plan, the Provincial government passed Bill 23, “More Homes Built Faster Act, 2022” (“Bill 23”) on November 28, 2022. Bill 23 was implemented to assist the Province in achieving its goal of constructing 1.5 million homes by 2032 and aims to ensure that cities, towns, and rural communities grow with a mix of ownership and rental housing types that meet the needs of all Ontarians. Bill 23 made fundamental changes to the land use planning system in Ontario through amendments to the Planning Act, Ontario Heritage Act, R.S.O. 1990, c. O.18, Development Charges Act, 1997, S.O. 1997, c. 27, Municipal Act, 2001, S.O. 2001, c. 25 and other statutes. Some of the legislative changes

made under Bill 23 that will have to be considered as part of updating the O.O.P. include, but are not limited to:

- Updating land use permissions to permit increased residential densities, including encouraging the development of the “missing middle” (e.g. townhouses, stacked townhouses, triplexes, fourplexes, etc.) and supporting higher density development around transit stations;
- Updating parkland requirements; and,
- Updating the role of Conservation Authorities.

Staff note that some of the considerations listed above have already been implemented, in part, through recent City-initiated amendments to the O.O.P. Nonetheless, they will need to be assessed comprehensively on a City-wide basis as part of the Official Plan Review process.

The Provincial government also passed Bill 109, the More Homes for Everyone Act, 2022 (“Bill 109”) on April 14, 2022. Bill 109 implemented amendments to various Provincial statutes, including the Planning Act, to address housing, development and certain other matters, all of which were intended to streamline and speed up the approval process for the delivery of new housing. While many of the legislative changes made under Bill 109 have already been implemented through City-initiated amendments to the O.O.P. (including expanding the list of holding symbol conditions and adding pre-consultation policies), these amendments will need to be carried forward in the Official Plan Review process.

More recently, on August 21, 2023, the Province announced the Building Faster Fund (“Fund”), a new three-year, \$1.2 billion program intended to provide funding to municipalities that meet or exceed their annual housing targets. As one of the identified fastest-growing municipalities in Ontario, the City of Oshawa was assigned specific targets for the first three years of the Fund (see Table 2 below). Oshawa’s target for 2026-2032 will be even greater than 2,300 units for the remaining years. However, a specific number has not yet been provided to the City.

**Table 2: City of Oshawa’s Housing Targets under the Building Faster Fund**

<b>Year</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>Oshawa’s Target (number of units)</b>	1,687* *The 2023 actual number of units achieved is 1,204.	1,917	2,300

Owing to the above-noted updates to Provincial legislation, policies and plans, as well as the various housing and population targets that the City has been assigned, it is appropriate to initiate the City’s Official Plan Review in order to address all of these changes and plan for the future growth of the City accordingly.

### **5.3 The Official Plan Review Process**

#### **5.3.1 Planning Act Requirements**

In order to initiate the Official Plan Review process, Section 26(3) of the Planning Act directs any Council to consult with the approval authority (in this case, the Region of Durham) and other prescribed public bodies, as well as hold a Special Meeting of Council open to the public to generally discuss the revisions that may be required as part of the Official Plan Review.

It is recommended that the Special Meeting of Council required under the Planning Act be held in the first or second quarter of 2024 and be held in the evening (vs. during the day). The meeting will be open to the public. As per Section 26(4) of the Planning Act, notification of the Special Meeting of Council must be advertised at least once a week in each of two separate weeks, and the last of the minimum required notifications shall take place at least 30 days before the date of the meeting. The Special Meeting of Council will be advertised generally six weeks in advance of the meeting by posting on the City's website, e-newsletters and through the City's social media accounts, pursuant to the City of Oshawa's Public Notice Policy GOV-23-02.

Staff will be preparing a discussion paper that provides background information on the O.O.P., details of the Official Plan Review process, and key themes to explore that will assist with updating the O.O.P. The discussion paper will be released in advance of the Special Meeting of Council.

#### **5.3.2 Scope of Work**

The Official Plan Review will be generally advanced as follows:

- Phase 1: Visioning/Background Research and Review
  - This phase includes a review of relevant policies, legislation and various “themes” (such as parks and open space, heritage, housing, the environment, etc.). This phase will also include public engagement.
- Phase 2: Initial Findings/Policy Development
  - This phase includes O.O.P. policy development, public engagement and preliminary drafting of the Official Plan Amendment.
- Phase 3: Statutory Phase
  - This phase includes the introduction of the draft Official Plan Amendment, as well as the statutory open house and public meeting(s) required under the Planning Act.
- Phase 4: Adoption
  - This phase includes Council adoption of the Official Plan Amendment.

Staff note that the above-noted scope of work is subject to change. A more detailed work program will be prepared following the Special Meeting of Council.

### **5.3.3 Consultation and Engagement**

An important part of the Official Plan Review process will be extensive consultation and engagement with residents, community members, Indigenous Communities, and all stakeholders, in order to ensure that the future O.O.P. meets the needs of the entire Oshawa community.

The Special Meeting of Council will be the first of many opportunities for community engagement. The Planning Act requires at least one statutory public open house and separately, one statutory public meeting. However, staff will be offering additional engagement opportunities beyond the legislative minimum requirements, including, but not limited to, public information centres, feedback forms and more.

A more detailed consultation and engagement plan will be prepared following the Special Meeting of Council.

## **6.0 Financial Implications**

The majority of the work to undertake the Official Plan Review will be completed in-house. However, certain components of the Official Plan Review may require further analysis and/or studies to be undertaken that will require consulting services. It is anticipated that consulting services, should they be needed, would not be required until 2025, in which case funding generally in the amount of \$300,000 to cover the cost of future consulting services or any other unforeseen costs will be proposed in the 2025 Mayor's budget, which would typically get approved by the end of 2024. The costs to cover the future consulting services may in part or be fully funded through Development Charges or the Community Benefit Charge.

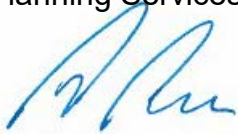
Additional financial implications may include communication costs, which can be funded from the appropriate Departmental budget. Staff note that any expenses associated with the public consultation and engagement portion of the Official Plan Review, as described in Section 5.3 of this Report, can also be accommodated through the appropriate Departmental budget.

## 7.0 Relationship to the Oshawa Strategic Plan

The Recommendation advances the Accountable Leadership, Economic Prosperity and Financial Stewardship, Cultural Vitality, Environmental Responsibility and Social Equity goals of the Oshawa Strategic Plan.

A blue ink signature of Tom Goodeve, written in a cursive style.

Tom Goodeve, M.SC.Pl., MCIP, RPP, Director,  
Planning Services

A blue ink signature of Anthony Ambra, written in a cursive style.

Anthony Ambra, P.Eng., Commissioner,  
Economic and Development Services Department