



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL AGENDA

FEBRUARY 21, 2023 – 7:00 P.M.

COUNCIL CHAMBERS

C04/23

- 1. Call to Order**
- 2. National Anthem**
- 3. Land Acknowledgement Statement**
- 4. Disclosures of Interest and the General Nature Thereof**
- 5. Mayor's Announcements & Remarks**
- 6. Councillor's Announcements & Remarks**
- 7. Adoption of Previous Council Minutes**
 - a) Minutes of the Regular Meeting of Council held February 7, 2023
- 8. Public Meeting**
- 9. Delegations**
- 10. Staff Reports & Recommendations**
 - a) Community & Development Services Staff Reports
 - i. CDS-001/2023 Re: Short-Term Rental Licensing By-law
 - ii. PSR-004/2023 Re: Draft Plan of Subdivision – File No. P02/2021W
Zoning By-law Amendment – File No. Z06/2021W
2709998 Ontario Inc. (LandPro Planning Solutions Inc.)
 - b) Fire Staff Reports
 - i. FSR-002/2023 Re: 2022 Annual Report

c) Public Works Staff Reports

- i. PWSR-001/2023 Re: Award of Tender for Pearson Bridge Rehabilitation

11. Review of Correspondence

12. By-laws

- a) By-law No. 010-2023 being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 581-78 of the Corporation of the Township of Wainfleet with respect to those lands forming Part Lot 32, Concession 4 RP 59R4745 Part 1 in the Township of Wainfleet.

13. Notices of Motion

14. Closed Meeting

- a) Item under Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 1 matter (a litigation matter)

15. Rise & Report

16. By-law to Confirm the Proceedings of Council

- a) By-law No. 011-2023 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held on the 21st day February, 2023

17. Adjournment



THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
REGULAR MEETING OF COUNCIL MINUTES

C03/23
FEBRUARY 7, 2023
6:30 P.M.
COUNCIL CHAMBERS

PRESENT: B. Grant Mayor
J. Anderson Councillor
T. Gilmore Councillor
J. MacLellan Councillor
S. Van Vliet Councillor

STAFF PRESENT: W. Kolasa Chief Administrative Officer
M. Kirkham Deputy Clerk
L. Gudgeon Manager of Human Resources
S. Ivins Planner
M. Luey Manager of Corporate Services/Treasurer
M. Jemison Drainage Superintendent
R. Nan Manager of Operations
A. Chrastina Administrative Assistant

C03/23

1. **Call to Order**

Mayor Grant called the meeting to order at 6:30 p.m.

2. **Closed Meeting**

Resolution No. C-2023-018

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“**THAT** Council now move into closed session to discuss:

- a) Item under Section 239 (2)(d) of the *Municipal Act, 2001*, labour relations or employee negotiations – 1 item (A negotiation matter)

CARRIED

3. **Rise & Report**

The Deputy Clerk reported that Council met in open session at 6:30 p.m. and passed a resolution to go into closed session to receive information and provide staff with direction to the Mayor and Chief Administrative Officer to execute a new collective agreement with CUPE.

4. **National Anthem**

5. Land Acknowledgement Statement

Mayor Grant acknowledged that the land on which we gather is the traditional territory of the Anishinaabeg and Haudenosaunee Peoples, acknowledging the One Bowl and Spoon Treaty.

6. Disclosures of Interest and the General Nature Thereof

None.

7. Mayor's Announcements & Remarks

- Please note that these meeting proceedings are being broadcast live, recorded and made available through the Township website and youtube.com.
- I've been involved in some preliminary discussions on ensuring the continued provision of Emergency Room services and Urgent Care services for the citizens of Wainfleet at Welland Hospital as well as other sites in South Niagara.
- Our next regular meeting of Council will be held Tuesday February 21 at 7:00 p.m.
- There will be a special meeting of Council held February 28 at 7:00 p.m. where we will be considering the Operating Budget. Special meetings are not typically live-streamed however, they are open to the public to attend.

8. Councillor's Announcements & Remarks

Councillor MacLellan commented that he is in support of Welland Mayor, Frank Campion's fight to work with the Provincial Government to resolve concerns about retaining services at the Welland hospital.

9. Adoption of Previous Council Minutes**Resolution No. C-2023-019**

Moved by Councillor Gilmore

Seconded by Councillor Anderson

"THAT the minutes of the regular meeting of Council held January 10, 2023 and the minutes of the special meeting of Council held January 31, 2023 be adopted as circulated."

CARRIED

10. Public Meeting**a) 53814 Zion Road – Upper Canada Consultants (Pols Enterprises Ltd.)**

Draft Plan of Subdivision P01/2022W

Zoning By-law Amendment Z07/2022W

Mayor Grant advised that the purpose of the Public Meeting is to provide more information about applications P01/2022W and Z07/2022W and provide an opportunity for public input

The Planner provided an information report outlining application details and consultant, Craig Rohe, from Upper Canada Consultants also provided a presentation.

The Planner outlined agency comments received by the Township and discussed next steps in the application process.

The public meeting portion of the meeting was adjourned.

11. Delegations

- a) Steven Roman Soos – Niagara Wide State of Emergency on Mental Health, Homelessness and Addiction

Resolution No. C-2023-20

Moved by Councillor MacLellan

Seconded by Councillor Van Vliet

“**THAT** the delegation presentation from Steven Soos on Niagara wide State of Emergency on Mental Health, Homelessness and Addiction be received as information.”

CARRIED

12. Staff Reports & Recommendations

- a) Administrative Staff Reports

- i. 2023 Capital Budget

Resolution No. C-2023-21

Moved by Councillor Anderson

Seconded by Councillor Gilmore

“**THAT** the tax levy in the 2023 Capital Budget be reduced from 2.49% to 2.00%.”

CARRIED

Resolution No. C-2023-22

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

“**THAT** the presentation by the Treasurer regarding the Draft 2023 Capital Budget be received; and

WHEREAS, at its meeting held January 31, 2023 and February 7, 2023; the Council of the Township of Wainfleet has considered and evaluated the capital

requirements for the Township to ensure the efficient delivery of municipal services to the ratepayers of the Township of Wainfleet;

NOW THEREFORE BE IT RESOLVED THAT the 2023 Capital Budget Expenditures of \$ 5,062,891 be approved.”

CARRIED

b) Building Staff Reports

- i. BSR-001/2023 Re: Summary of 2022 Building Permit Activity

Resolution No. C-2023-23

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“**THAT** Building Staff Report BSR-001/2023 respecting Summary of 2022 Building Activity within the Township of Wainfleet be received for information.”

CARRIED

c) Community & Development Services

- i. Memorandum Re: Land Disposal Policy

Resolution No. C-2023-24

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** Council adopt the Revised Land Disposal Policy as presented; and

THAT a by-law to repeal By-law No. 033-2015 (Land Disposal Policy) be presented for consideration.”

CARRIED

d) Fire Staff Reports

- i. FSR-001/2023 Re: 2022 Fourth Quarter Review

Resolution No. C-2023-25

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“**THAT** Fire Staff Report FSR-001/2023 respecting 2022 Fourth Quarter Fire & Emergency Services Review be received for information.”

CARRIED

ii. 2022 Multi-Hazard Weather Event (Presentation)

Resolution No. C-2023-26

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“THAT the presentation from Chief Alcock respecting the 2022 Multi-Hazard Weather Event be received as information.”

CARRIED

e) Planning Staff Reports

i. PSR-001/2023 Re: Condominium Agreement and Final Approval of Draft Plan of Condominium P01/2021W (Daniel & Kandace Bunz)

Resolution No. C-2023-27

Moved by Councillor Van Vliet

Seconded by Councillor MacLellan

“THAT Planning Staff Report PSR-001/2023 be received; and

THAT the Mayor and Clerk be authorized to execute the draft condominium agreement with Bunz Properties & Management Ltd. attached as Appendix “B”, subject to any revisions deemed necessary by staff; and

THAT the by-law attached as Appendix “C” be adopted by Council to amend By-law 042-2010 to add Bunz Lane to the consolidated list of street names; and

THAT staff be authorized to grant final approval upon execution of the condominium agreement.”

CARRIED

13. Review of Correspondencea) C-2022-033 – Winger Public School
Request for Waiving of Community Hall Rental Fees**Resolution No. C-2023-28**

Moved by Councillor Gilmore

Seconded by Councillor Van Vliet

“THAT the request submitted by Winger Public School to have the Community Hall rental fees waived for their event scheduled for Wednesday, March 29, 2023, be supported.”

CARRIED

14. By-laws**Resolution No. C-2023-29**

Moved by Councillor MacLellan

Seconded by Councillor Gilmore

“THAT the following by-laws be read and passed this 7th day of February, 2023:

- a) By-law No. 005-2023 being a by-law to appoint members to the Committee of Adjustment for the Township of Wainfleet for the current term of Council
- b) By-law No. 006-2023 being a by-law to appoint members to the Township of Wainfleet Public Library Board for the current term of Council
- c) By-law No. 007-2023 being a by-law to amend By-law No. 042-2010 being a by-law to adopt municipal and private road names in the Township of Wainfleet
- d) By-law No. 008-2023 being a by-law to repeal By-law No. 033-2015 being a by-law to establish a policy for the sale of land owned by the Township of Wainfleet

CARRIED

15. Notices of Motion

None.

16. Closed Meeting**Resolution No. C-2023-30**

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“THAT Council now move into closed session to discuss:

- a) Item under Section 239 (2) (b) of the *Municipal Act, 2001*, Personal matters about an identifiable individual, including municipal or local board employees - 1 item (Consideration of applications to the Age-Friendly Advisory Committee)
- b) Item under Section 239 (2) (c) of the *Municipal Act, 2001*, a proposed or pending acquisition or disposition of land by the municipality or local board – 2 items (A potential disposition of land matter and a potential acquisition of land matter)
- c) Minutes of the closed meeting of Council held January 10, 2023

CARRIED

17. Rise & Report

Council met in closed session to review confidential applications to the Age-Friendly Advisory Committee and provided direction to staff to prepare the following motion for consideration:

Resolution No. C-2023-31

Moved by Councillor Gilmore

Seconded by Councillor MacLellan

“THAT the following members be appointed to the Age-Friendly Advisory Committee for the current term of Council (2022-2026):

1. Katharina Krause
2. Patrick Shaw
3. Louise Hickey
4. Allison Stapleton
5. Deanna Flagg
6. Lynn Gibson
7. Maureen Grace

CARRIED

Council received information and provided confidential direction to staff on a land acquisition matter and a land disposition matter.

18. By-law to Confirm the Proceedings of Council**Resolution No. C-2023-32**

Moved by Councillor Anderson

Seconded by Councillor MacLellan

“THAT By-law No. 009-2023 being a by-law to adopt, ratify and confirm the actions of the Council at its meeting held on the 31st day January, 2023 and the 7th day of February, 2023.

CARRIED

19. Adjournment

There being no further business, the meeting was adjourned at 10: 50 p.m.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

**COMMUNITY & DEVELOPMENT SERVICES
STAFF REPORT**

CDS-001/2023

TO: Mayor Grant & Members of Council

FROM: Lindsay Earl, Manager of Community & Development Services

DATE OF MEETING: February 21, 2023

SUBJECT: **Short-Term Rental Licensing By-law**

RECOMMENDATION(S):

THAT Community & Development Services Staff Report CDS-001/2023 be received as information; and

THAT the draft Short-Term Rental Licensing By-law appended to this report be presented to Council for adoption at the next available meeting.

EXECUTIVE SUMMARY:

Given the continued expansion of the STR industry, it is envisioned that the number of STR's in the Township will continue to increase. As such, Council has identified a need for further regulation of short-term rental accommodations through the implementation of a new licensing system.

Staff are looking for Council's direction in order to finalize the Township's approach to STR's in a timely manner.

BACKGROUND:

Township Council has identified a need for further regulation of short-term rental accommodations. For reference, pertinent dates and related staff reports are outlined below:

- August 4, 2020 through resolution, Council directed staff to investigate and report on the policy considerations of regulating short-term housing uses in the Township.
- April 20, 2021 Report ASR-010/2021- Initial Short Term Rental report, outlining options and recommending a licensing by-law.
- October 26, 2021 Report PSR-011/2021- The draft licensing by-law was brought forward for Council's information.
- December 23, 2021 date in which public commenting period opened.
- January 18, 2022 date of the Virtual Public Open House.
- February 4, 2022 date in which public commenting period closed.
- May 10, 2022 Report CDS-002/2022 – Report to provide Council with a summary of the public comments received on the draft licensing by-law.

- June 7, 2022 through resolution Council directed staff to prepare a report to outline the framework for Planning Act regulation of short-term rentals in the Township of Wainfleet.
- June 21, 2022 Report CDS-003/2022 – Report seeking Council's direction. Council passed an Interim Control By-law to prohibit the establishment of any new Short-Term Rental units in the Township for a period of one year (June 21, 2023).

As Council is aware, implementing a new licensing system has proven to be an onerous task. Given the continued expansion of the STR industry, it is envisioned that the number of STR's in the Township will continue to increase, which is evident in recent advertisements for property sales listed as "STR potential" mainly within the Lakeshore area. In an effort to move the program forward, this report provides Council with an updated draft STR Licensing By-law for consideration and direction.

OPTIONS/DISCUSSION:

Option A: Licence Only (Currently Underway)

The Licensing By-law currently in draft form will make licensing short-term rentals mandatory, aims to ensure compliance with Fire Code, Building Code, other applicable law and Township By-laws, and establishes a system of demerit points for violations including noise, nuisance, parking and safety which will encourage short-term rental owners into supplying a safe, responsible, and respectful accommodation.

As noted, additional staff resources would be required to both set up and maintain the program. Staff do not believe that the "Licensing only" option would require any changes to the Township's zoning by-law or any other land use document, as it would provide the Township with broader authority than the Planning Act controls. Unlike other Options, all existing and future STR operations would be subject to Municipal Act licensing.

Option B: Status Quo with Advocacy

Status Quo would have the Township's Official Plan and Zoning By-law continue to be silent on the issue of STR's and have no licensing occur. Interpretations have been that STR's are allowed where residential uses are permitted in the municipality and not subject to any regulatory provisions.

In this scenario, no licensing would occur and behaviours on properties would continue to be regulated through existing by-laws (i.e. noise, fireworks, open air burning, parking, etc.) and existing regulations under the Ontario Building Code (OBC). Based on the recent changes Council has made to the Township's by-laws (i.e. new noise by-law), maintaining status quo is a viable option at the current time. Costs for this option would be limited to staff time and resources spent on enforcement of complaints received and updating applicable by-laws as necessary.

Alternative Options Previously Presented to Council for Consideration:

- a) Prohibit STR's in the Township's Zoning By-law;
- b) Regulate through Official Plan and/or Zoning By-law Amendments;
- c) A combination approach. Council may wish to combine any of the above options as a preferred approach (i.e. Alternative Option a or b- Zoning plus Licensing etc.); or
- d) Council may choose to provide alternative direction to staff.

FINANCIAL CONSIDERATIONS:

Licensing short-term rentals will allow for the collection of fees to offset some the costs of administration for the licensing program. However, the program will significantly increase administrative staff time and resources needed to monitor and regulate the program, including (multiple departments such as planning, building, by-law and fire) administrative time in reviewing and processing applications as well as enforcement through conducting inspections and investigating complaints. Currently, we do not have sufficient staff resources to implement and enforce the proposed licensing by-law.

A new full-time position will need to be created (By-law division) to be responsible for the administration, inspection and enforcement of the STR program. The position will need to have alternative hours of work (afternoons, evenings, weekends and holidays) during peak season. The collection of application fees may not fully offset additional costs to the Township through licensing alone. However, costing implications have been reviewed along with an annual recommended fee schedule as follows:

Township of Wainfleet annual Short-Term Rental licence fees (recommended):

1-2 Bedrooms	\$750
3+ Bedrooms	\$1,000

Staff suspect that should the municipality receive an average of 100 applications annually, the majority of licensing fees will offset the additional staffing salary as needed. These fees remain consistent with other local Municipal fees for the Short-Term Rental Applications (annually). It is timely that Council direct staff on the implementation of this By-law and licensing program so that the appropriate costs and expenditures can be allocated for in the 2023 Budget along with the updates needed to the Fees & Charges By-law.

OTHERS CONSULTED:

- 1) Township In-house Solicitor
- 2) Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A"- Draft By-law to License and Regulate Short-Term Rentals in the Township of Wainfleet

Respectfully submitted by,

Lindsay Earl, MES, MCIP, RPP
Manager of Community and Development Services

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX “A”

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**THE CORPORATION OF THE
TOWNSHIP OF WAINFLEET**

BY-LAW NO. 0XX-2023

Being a By-law to Licence and Regulate Short-
Term Rentals in the Township of Wainfleet.

WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*" or "the statute") provides that the powers of a municipality under the statute or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the statute or any other Act;

AND WHEREAS section 11 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS section 151 of the *Municipal Act, 2001* authorizes a municipality to provide for a system of licences with respect to a business or any activity, matter or thing for which a by-law may be passed under sections 9 and 11 of the statute;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes a municipality to impose fees and charges on persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes a municipality to create offences for the contravention of its by-laws;

AND WHEREAS section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under its by-laws;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws;

AND WHEREAS section 436 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that the municipality may enter onto any land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law, direction, order or condition of a licence;

AND WHEREAS the Council of the Corporation of the Township of Wainfleet considers it necessary and desirable to regulate and licence Short-Term Rentals as described herein;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet enacts as follows:

1. SHORT TITLE

1.1. This By-law shall be known as the “Short-Term Rental Licensing By-law”.

2. DEFINITIONS

2.1. For the purposes of this By-law:

“**Administrative Monetary Penalty**” means a monetary penalty administered pursuant to Township By-law No. 027-2019, as amended from time to time.

“**Agent**” means a Person duly appointed by an Owner or Licensee to act on behalf of the Owner or Licensee in relation to a Short-Term Rental Unit.

“**Appeals Committee**” means a committee duly appointed by the Township or Council to conduct hearings under this By-law.

“**Applicable Law**” means all applicable by-laws of the Township and Niagara Region and all applicable provincial and federal statutes and regulations.

“**Applicant**” means a Person applying for a new Licence or the renewal of a Licence under this By-law.

“**Application Form**” means a form prepared by the Township to obtain from Applicants the information necessary for the issuance of a Licence.

“**Building Code Act**” means the *Building Code Act*, 1992, S.O. 1992, c. 23.

“**Building Code**” means Ontario Regulation 332/12 established under the *Building Code Act*.

“**By-law**” means this Short-Term Rental Licensing By-law.

“**Council**” means the Council of the Township.

“**Dwelling Unit**” means one or more rooms designed and used or intended to be used as a home by one or more persons and usually containing cooking, living, sleeping and sanitary facilities, and does not mean or include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house or in a hotel or motel.

“**Electrical Safety Code**” means Ontario Regulation 164/99 established under the *Electricity Act*, 1998, S.O. 1998, c. 15, Sched. A.

“**Fees and Charges By-law**” means Township By-law No. 011-2019, as amended from time to time.

“**Fire Code**” means Ontario Regulation 213/07 established under the *Fire Protection and Prevention Act*.

“Fire Protection and Prevention Act” means the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4.

“Fire Safety Plan” means a written document that sets out the actions to be taken in the event of a fire emergency at a Short-Term Rental Unit, a floor plan for the Short-Term Rental Unit including the location of all emergency exits and all fire-related safety equipment, contact information for the Licensee and/or the Agent of the Licensee, and an undertaking of the Licensee to comply with all applicable laws in relation to fire safety.

“Licence” means a licence issued under this By-law for the operation of a Short-Term Rental Unit.

“Licence Administrator” means the by-law enforcement officer authorized by the Township to administer this By-law or his/her designate.

“Licensee” means any Person who holds a valid and current Licence issued under this By-law.

“Niagara Region” means the Regional Municipality of Niagara.

“Officer” means any by-law enforcement officer appointed by Council for the purpose of enforcing by-laws of the Township or any provincial offences officer, member of the Niagara Regional Police Service and/or member of the Ontario Provincial Police.

“Owner” means any Person that is a registered owner of a Property.

“Person” means an individual, firm, corporation, association or partnership.

“Property” means any land or premises within the Township.

“Qualified Inspector” means a person who has the qualifications set out in Division C, Section 3.3, Article 3.3.3.1 and Article 3.3.3.2 of the Building Code but does not include any person employed by the Township.

“Short-Term Rental Unit” means all or part of a Dwelling Unit used to provide sleeping accommodations to one or more persons other than the Owner for a period of not more than thirty (30) consecutive days, during which period the Owner does not occupy the Dwelling Unit, and in exchange for payment but does not include a Bed and breakfast, Boarding or Rooming House or Motel or Hotel as those terms are defined in Township By-law No. 034-2014, as amended from time to time.

“Township” means the Township of Wainfleet.

3. APPLICATION

3.1. This By-law shall apply to all Short-Term Rental Units within the Township.

4. PROHIBITIONS

- 4.1. No Person shall operate a Short-Term Rental Unit without holding a current and valid Licence issued in accordance with this By-law. For greater certainty, in the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a current and valid Licence is required.
- 4.2. No Person shall advertise a Short-Term Rental without a Licence or for which a Licence has expired, been revoked or is under suspension.
- 4.3. No Person shall operate a Short-Term Rental without a Licence or for which a Licence has expired, been revoked or is under suspension.
- 4.4. No Person shall advertise a Short-Term Rental that contains more than three (3) bedrooms. All bedrooms exceeding three (3) shall be closed off with appropriate signage posted on the door(s).
- 4.5. No Person shall operate a Short-Term Rental that contains more than three (3) bedrooms. All bedrooms exceeding three (3) shall be closed off with appropriate signage posted on the door(s).
- 4.6. No Person shall advertise a Short-Term Rental with an occupancy that exceeds the maximum occupancy limits of 8 people for three (3) bedrooms, 6 people for two (2) bedrooms, and four (4) people for 1 bedroom.
- 4.7. No Person shall operate a Short-Term Rental with an occupancy that exceeds the maximum occupancy limits of 8 people for three (3) bedrooms, 6 people for two (2) bedrooms, and four (4) people for 1 bedroom.
- 4.8. No Person shall contravene or fail to comply with a term or condition of a Licence issued in accordance with this By-law.
- 4.9. No Person shall falsely hold himself, herself or itself out to be a Licensee.
- 4.10. No Person shall cause or permit any vehicle to be parked on any part of a Property where a Short-Term Rental Unit is situated other than in a designated driveway as shown in a site sketch submitted to and approved by the Township pursuant to section 6.4 or section 6.5 of this By-law or on an adjacent roadway where parking is permitted.
- 4.11. No Short-Term Rental Unit shall be operated during any period in which a building permit that has been issued to the Owner in relation to the Property where the Short-Term Rental Unit is situated remains open.
- 4.12. No Person shall permit guests, other than occupants listed in the rental agreement to remain at the Short-Term Rental Premises beyond 11:00 p.m. each day.

5. ADMINISTRATION

- 5.1. This By-law shall be administered by the Licence Administrator, who shall perform all administrative functions conferred upon him or her by this By-law and without limitation may:
- (a) receive and process all applications for new Licences and renewals of Licences under this By-law;
 - (b) issue Licences in accordance with this By-law;
 - (c) impose terms and/or conditions on Licences in accordance with this By-law;
 - (d) refuse to issue or renew a Licence, revoke a Licence or suspend a Licence in accordance with this By-law; and
 - (e) conduct inspections of Short-Term Rental Units in accordance with this By-law.

6. APPLICATIONS FOR NEW LICENCE AND RENEWAL OF A LICENCE

- 6.1. Every application for a new Licence or a renewal of a Licence shall be submitted in accordance with this By-law and shall be accompanied by the full Licence fee as set out in the Fees and Charges By-law.
- 6.2. There shall be a separate Licence application for each Short-Term Rental Unit. In the event that a Property contains more than one Dwelling Unit to be used as a Short-Term Rental Unit, each Dwelling Unit shall be considered a separate Short-Term Rental Unit for which a separate Licence application is required.
- 6.3. Every Applicant for a new Licence or a renewal of a Licence shall be the Owner of the Property where the Short-Term Rental Unit is situated or the Agent of the Owner. However, only the Owner of the Property is eligible to become a Licensee. For greater certainty, any Licence issued pursuant to this By-law shall be issued only to the Owner and not to an Agent or any other Person.
- 6.4. Every application for a new Licence shall include a completed Application Form and the following information and documents:
- (a) the name and contact particulars of the Owner including address, telephone number and email address;
 - (b) the name and contact particulars of any Agent or Local Contact including address, telephone number and email address;
 - (c) the municipal address and legal description of the Short-Term Rental Unit;
 - (d) a site sketch depicting the location of the Short-Term Rental Unit, including any proposed garbage and refuse area(s), designated driveway(s) and/or adjacent roadway parking, which is subject to approval by the Licence Administrator prior to issuing a Licence;

- (e) a floor plan of the Short-Term Rental Unit clearly indicating the location and number of rooms;
 - (f) the proposed total occupancy limit in accordance with section 4.7 of this By-law, which is subject to approval by the Licence Administrator prior to issuing a Licence;
 - (g) a Fire Safety Plan;
 - (h) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;
 - (i) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;
 - (j) a proposed form of "Boil Water Advisory" notice to be posted in all rooms of the Short-Term Rental Unit in a conspicuous and visible location, which is subject to approval by the Licence Administrator prior to issuing a Licence;
 - (k) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional;
 - (l) proof of insurance for use as a Short-Term Rental Unit;
 - (m) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law;
 - (n) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner's behalf; and
 - (o) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.
- 6.5. Every application for a renewal of a Licence shall include a completed Application Form and the following information and documents where applicable:
- (a) the name and contact particulars of the Owner including address, telephone number and email address;
 - (b) the name and contact particulars of any Agent including address, telephone number and email address;
 - (c) the municipal address and legal description of the Short-Term Rental Unit;
 - (d) a fire safety inspection report from Township Fire Services dated within sixty (60) days of the date of the application confirming that the Property and its proposed use as a Short-Term Rental Unit comply with the *Fire Protection and Prevention Act* and the Fire Code, which report shall be prepared at the expense of the Applicant and/or Owner;

- (e) a report dated within thirty (30) days of the date of the application confirming that the drinking water at the Short-Term Rental Unit is potable and safe for consumption;
 - (f) a report from a Qualified Inspector dated within thirty (30) days of the date of the application confirming that the septic system at the Short-Term Rental Unit is functional;
 - (g) if there have been no changes to the site sketch, floor plan, Fire Safety Plan or electrical wiring, a statement signed by the Owner declaring that there have been no such changes;
 - (h) if there have been changes to any of the site sketch, floor plan, Fire Safety Plan or electrical wiring, such updated documents as are necessary to satisfy the requirements of section 6.4 of this By-law;
 - (i) proof of insurance for use as a Short-Term Rental Unit;
 - (j) consent for the Township to use any information, database and/or registry available to it to verify information provided by the Applicant or to enforce the provisions of this By-law;
 - (k) where the Applicant is an Agent, an authorization and consent form signed by the Owner authorizing the Agent to act on the Owner's behalf; and
 - (l) a statement signed by the Owner certifying the accuracy, truthfulness and completeness of the application.
- 6.6. Notwithstanding section 6.5, the Licence Administrator may require the Applicant for a renewal of a Licence to include in the application anything that is required under section 6.4 where, in the opinion of the Licence Administrator, the renewal application is substantially different than the initial application or if circumstances warrant it.
- 6.7. Where a Licensee fails to submit an application to renew a Licence no less than ninety (90) days prior to its expiration, the application to renew the Licence will be processed as a new application under section 6.4.
- 6.8. The submission of an application to renew a Licence does not authorize, entitle or permit the Applicant to continue operating the Short-Term Rental Unit after the expiration of the existing Licence.

7. REVIEW OF APPLICATION AND PREMISES INSPECTION

- 7.1. The Licence Administrator shall receive all Licence applications and shall maintain a record to document all applications received and all Licences issued pursuant to this By-law. The Licence Administrator shall further establish and maintain a registry of all Short-Term Rental Units in the Township.
- 7.2. Upon receipt of a complete application as set out in section 6 of this By-law, the Licence Administrator may require such additional information and/or documents as the Licence Administrator determines are reasonably necessary to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.

- 7.3. Upon receipt of a complete application as set out in section 6 of this By-law and any additional information or documents required by the Licence Administrator in accordance with section 7.2 of this By-law, the Licence Administrator may require an inspection of the Short-Term Rental Unit to ascertain if the Applicant is entitled to a Licence under the provisions of this By-law.

8. ISSUANCE OF LICENCE

- 8.1. The Licence Administrator shall issue a new Licence or a renewal of a Licence to any Owner who meets the requirements of this By-law.
- 8.2. Notwithstanding section 8.1 of this By-law, the Licence Administrator may at any time impose such terms and conditions on a Licence as the Licence Administrator considers appropriate in the circumstances, including but not limited to terms and conditions pertaining to the size, location or particulars of the Short-Term Rental Unit, and may refuse to issue or renew a Licence or may suspend or revoke a Licence in accordance with sections 9 and 10 of this By-law.
- 8.3. The Licence fee paid by the Applicant for a new Licence or a renewal of a Licence is non-refundable if a decision is made by the Licence Administrator to refuse to issue or renew a Licence or to suspend or revoke a Licence.
- 8.4. Every Licence issued under this By-law shall be in the form that is prescribed by the Township and shall include without limitation the following information:
- (a) the Licence number;
 - (b) the municipal address of the Short-Term Rental Unit;
 - (c) the name, address and telephone number of the Owner/Licensee; and
 - (d) the date on which the Licence was issued and the date on which it expires.
- 8.5. All Licences issued or renewed pursuant to this By-law shall be valid for a period of one (1) year from the date of issuance or renewal, as the case may be.
- 8.6. Licences issued or renewed pursuant to this By-law are not transferable to any Owner or Short-Term Rental Unit other than those identified on the Licence. An otherwise valid Licence shall automatically expire upon a change in ownership of the Property where the Short-Term Rental Unit is situated.
- 8.7. Licences issued or renewed in accordance with this By-law are conditional upon the Licensee's compliance with this By-law, all Applicable Law and any terms or conditions imposed on the Licence.

9. REFUSAL TO ISSUE OR RENEW A LICENCE

- 9.1. The Licence Administrator may refuse to issue a new Licence or a renewal of a Licence where:

- (a) the past conduct of the Owner or the Agent of the Owner affords the Licence Administrator reasonable grounds to believe that the Owner or Agent has not or will not operate the Short-Term Rental Unit with honesty and integrity and/or in accordance with this By-law and all other Applicable Law;
- (b) the Licence Administrator reasonably believes that an application or other document submitted by or on behalf of the Owner contains false information;
- (c) the Licence Administrator reasonably believes that issuing a Licence may be adverse to the public interest;
- (d) the Licence Administrator reasonably believes that issuing the Licence may pose a threat to the health and safety of persons or property;
- (e) a Licence issued to the Owner was suspended or revoked under section 10 of this By-law within the previous two (2) years;
- (f) a Short-Term Rental Unit or the Property on which it is situated is in violation of or is subject to any order or orders made under Applicable Law including any by-law of the Township or Niagara Region, the *Building Code Act*, the Building Code, the *Fire Protection and Prevention Act* and/or the Fire Code;
- (g) the Owner owes any fine or fee to the Township in relation to the Short-Term Rental Unit; or
- (h) the Owner of the Property or the Property on which the Short-Term Rental Unit is situated is indebted to the Township by way of fines, administrative penalties, judgments and/or past due property taxes.

10. SUSPENSION OR REVOCATION OF LICENCE

10.1. The Licence Administrator may suspend or revoke a Licence at any time where:

- (a) the Licence was issued or renewed in error;
- (b) the Licensee contravenes the provisions of this By-law;
- (c) the Licensee fails to comply with the requirements of this By-law, all other Applicable Law and/or any terms or conditions imposed on the Licence;
- (d) the Short-Term Rental Unit and/or the Property on which it is situated do not comply with the provisions of this By-law or other Applicable Law;
- (e) the total number of demerit points imposed upon a Licensee in accordance with section 13 of this By-law exceeds the prescribed maximum;
- (f) the Licensee fails to pay any property taxes, administrative penalties or fines owing to the Township within the prescribed time;
- (g) the Licence Administrator reasonably believes that the Short-Term Rental Unit being licensed poses a threat to the health and safety of persons or property; or

- (h) the Licence Administrator becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Licence Administrator refusing to issue or renew the Licence.
- 10.2. The Licence Administrator may suspend a Licence for a period of time and subject to such terms and conditions that the Licence Administrator considers appropriate.

11. NOTICE AND APPEAL

- 11.1. Where the Licence Administrator refuses to issue or renew a Licence or suspends or revokes a Licence, the Licence Administrator shall provide written notice to the Applicant or Licensee of the decision and of the grounds on which the Licence was refused, suspended or revoked.
- 11.2. The written notice required under section 11.1 of this By-law shall be sent to the Applicant or Licensee by registered or regular mail, personal service or email to the last known address of the Applicant or Licensee and shall be deemed to have been served on the fifth day after it was mailed or, in the case of email, on the day that it was sent.
- 11.3. An Applicant or Licensee whose Licence has been refused, suspended or revoked may, within ten (10) days of being notified of the refusal, suspension or revocation, as the case may be, submit an application to appeal to the Appeals Committee for a review of the decision.
- 11.4. An application to appeal to the Appeals Committee shall be submitted in writing to the Licence Administrator and shall be accompanied by the full appeal fee as set out in the Fees and Charges By-law.
- 11.5. Where no application to appeal is submitted to the Licence Administrator within the prescribed period, the decision of the Licence Administrator shall be final.
- 11.6. On appeal, the Appeals Committee may affirm, vary or reverse the decision of the Licence Administrator and may direct the Licence Administrator to issue, renew or reinstate a Licence.
- 11.7. The appeal fee paid by the Applicant for an application to appeal to the Appeals Committee shall be refunded in full if the Appeals Committee varies or reverses the decision of the Licence Administrator.
- 11.8. The decision of the Appeals Committee is final.
- 11.9. Matters arising during the course of an appeal that are not provided for in this By-law shall be governed by the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.
- 11.10. No Person whose appeal from a decision to refuse, suspend or revoke a Licence has been finally decided by the Licence Administrator or the Appeals

Committee shall apply for a Licence for one (1) year after the date of the final decision.

12. LICENCE CONDITIONS

12.1. The following conditions are attached to every Licence issued under this By-law:

- (a) the Short-Term Rental Unit is lawfully constructed;
- (b) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Licence shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
- (c) when a Dwelling Unit is occupied as a Short-Term Rental Unit, the Licensee shall ensure that no vehicle is stopped or parked on any part of the Property except in accordance with the site sketch submitted with the application;
- (d) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of the Fire Safety Plan shall be posted in a conspicuous interior location within one (1) metre of the primary entrance to the Short-Term Rental Unit;
- (e) when a Dwelling Unit is occupied as a Short-Term Rental Unit, a legible copy of an approved Boil Water Advisory notice shall be posted in a conspicuous and visible location in each room containing plumbing of the Short-Term Rental Unit;
- (f) the Licensee shall ensure compliance with all Applicable Law and Township By-laws;
- (g) the Licensee shall allow, at any reasonable time and when permitted by law, the Township to inspect the Short-Term Rental Unit to ensure compliance with this By-law;
- (h) the Licensee shall ensure that the Licensee, Agent or local Contact of the Licensee is available to attend at the Short-Term Rental Unit at all times within a period of no more than two (2) hours after being contacted by telephone or email; and
- (i) the Licensee shall maintain records in relation to the operation of the Short-Term Rental Unit, including the dates of use and the number of occupants, and shall submit said records to the Licence Administrator upon request.

12.2. The Licence Administrator may, at any time during the term of a Licence, impose such additional terms and conditions as the Licence Administrator determines are necessary and appropriate to give effect to the purposes of this By-law.

12.3. Where a Licensee is dissatisfied with a term or condition imposed by the Licence Administrator in accordance with section 8.2 or section 12.2 of this By-law, the Licensee may request a review of the term or condition by the Appeals Committee in accordance with section 11 of this By-law.

13. DEMERIT SYSTEM

- 13.1. If at any time the Licence Administrator determines that the operation of a Short-Term Rental Unit does not comply with this By-law, other Applicable Law and/or any terms or conditions imposed on the Licence, the Licence Administrator shall impose demerit points upon the Licensee in accordance with Schedule "A", which is attached hereto and forms part of this By-law.
- 13.2. Demerit points shall remain in place for two (2) years after the date of imposition.
- 13.3. Where a total of ten (10) demerit points is imposed upon a Licensee in relation to one Short-Term Rental Unit, the Licence for that Short-Term Rental Unit shall be suspended for a period of three (3) months from the date on which the tenth demerit point is imposed.
- 13.4. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, the Licence for that Short-Term Rental Unit shall be revoked.
- 13.5. Where a total of fifteen (15) demerit points is imposed upon a Licensee in relation to two or more Short-Term Rental Units owned by the Licensee, the Licences for all Short-Term Rental Units shall be suspended for a period of three (3) months from the date on which the fifteenth demerit point is imposed.
- 13.6. Where the Licensee fails to correct the violations that resulted in the imposition of the demerit points within the suspension period, all Licenses shall be revoked.
- 13.7. A Licensee may submit an application to appeal to the Appeals Committee for a review of a decision to impose demerit points and/or to suspend or revoke one or more Licences under this section in accordance with section 11 of this By-law.

14. ENFORCEMENT

- 14.1. For the purposes of enforcing this By-law, the Licence Administrator or an Officer may exercise any power, authority or remedy granted to the Township pursuant to the *Municipal Act, 2001* and the *Provincial Offences Act, R.S.O. 1990, c. P. 33* ("*Provincial Offences Act*").
- 14.2. The Licence Administrator or an Officer may, at any reasonable time and when permitted by law, enter any Short-Term Rental Unit for the purpose of carrying out an inspection to determine if the Short-Term Rental Unit is in compliance with this By-law and may make any order necessary to bring the Short-Term Rental Unit into compliance.
- 14.3. Where the Owner of a Short-Term Rental Unit fails to comply with an order made pursuant to section 14.2 of this By-law within the time prescribed in the order, the Township may carry out any work necessary to bring the Short-Term Rental Unit into compliance, which work shall be done at the expense of the Owner.

- 14.4. No Person shall hinder or obstruct the Licence Administrator or an Officer carrying out an inspection for the purposes of enforcing this By-law, nor shall any Person hinder or obstruct the Township or its agents from carrying out any work necessary to bring a Short-Term Rental Unit into compliance with this By-law.

15. OFFENCES AND PENALTIES

- 15.1. Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the *Municipal Act, 2001* and the *Provincial Offences Act*.
- 15.2. Where an Officer is satisfied that a Person has failed to comply with any provision of this By-law, the Officer may issue a penalty notice imposing an Administrative Monetary Penalty. The Administrative Monetary Penalties for failures to comply with this By-law are set out in Schedule "B", which is attached hereto and forms part of this By-law.
- 15.3. Township By-law No. 027-2019, as amended, being a By-law to Establish an Administrative Monetary Penalty System for Non-Parking Related Offences, applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 15.4. The fines approved under the Provincial Offences Act are set out in "Schedule C", which is attached hereto and forms part of this by-law.

16. GENERAL

- 16.1. In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used with a reference to any gender shall be deemed to include all genders.
- 16.2. If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the By-law, or its application in other circumstances, shall not be affected and shall remain in full force and effect.
- 16.3. If there is a conflict between a provision of this By-law and a provision of any other by-law of the Township, the provision that establishes the higher standard shall prevail.
- 16.4. Any reference to legislation in this By-law includes the legislation referred to and any amendments, replacement, subsequent enactment or consolidation of such legislation.
- 16.5. This By-law shall come into full force and effect on the date on which it is passed.

B. Grant, MAYOR

M. Kirkham, DEPYUTY CLERK

DRAFT

Schedule “A”

License to Regulate Short-Term Rentals Demerit Point System

Type of Infraction	By-law Section	Demerit Points
Failure to comply with the Fire Protection & Prevention Act	6.4 (g)	15
Failure to comply with the Fire Safety Protocol	6.4 (h) & 12.1 (d)	15
Obstruction of Inspection	14.4	5
Failure to comply with the Ontario Building Code Act	4.11 & 9.1 (f)	15
License number not posted	12.1 (b)	5
Operating or Advertising without a Licence	4.1 & 4.2	15
Failure to comply with the Open Air Burn By-law	12.1 (f)	2
Failure to comply with the Health Protection and Promotion Act	6.4 (i) & (j) & 12.1 (f)	4
Failure to comply with the Nuisance By-law	12.1 (f)	2
Failure to comply with the Noise By-law	12.1 (f)	2
Failure to comply with the Fireworks By-law	12.1 (f)	2
Non-Availability of Agent or Local Contact Person	6.4 (b) & 12.1 (h)	3
Not providing updated information	6.4 (l)	3
Failure to comply with the Parking By-law	4.10 & 6.4 (d) & 12.1 (c)	2
Failure to comply with the Zoning By-law	6.4 (f)	2
Failure to comply Property Standards By-law	12.1 (f)	2
Failure to comply with the Clean Yards By-law	12.1 (f)	2
Failure to comply with the Fence By-law	12.1 (f)	2
Advertising or Operating more than 3 bedrooms	4.4 & 4.5	15
Advertising or Operating in exceedance of maximum occupancy	4.6 & 4.7	10
Non-occupying Guests after 11:00pm	4.12	5

Schedule “B”

License to Regulate Short-Term Rentals Short Form Wording and Administrative Penalties

Section	Short Form Wording	Penalty
4.1	Operating a Short-Term Rental without a current and valid license in accordance with this by-law	\$1,500.00 1 st Offence \$2,000.00 2 nd & Subsequent
4.2	Advertising a Short-Term Rental without a current and valid license in accordance with this by-law	\$1,500.00 1 st Offence \$2,000.00 2 nd & Subsequent
4.4	Advertising a Short-Term Rental that contains more than 3 bedrooms	\$1,000.00
4.5	Operating a Short-Term Rental that contains more than 3 bedrooms not in accordance with this section	\$1,000.00
4.6	Operating a Short-Term rental exceeding maximum occupancy limits	\$1,000.00
4.7	Advertising a Short-Term rental exceeding maximum occupancy limits	\$1,000.00
4.8	Fail to comply with conditions of the licence	\$1,000.00
4.9	Falsely advertise to be a Short-Term Rental Licensee	\$750.00
4.10	Park on property not in approved Location	\$500.00
4.11	Operating a Short-Term Rental during an open Building Permit	\$1,000.00
4.12	Permitting Non-Occupying guests after 11:00PM	\$500.00
12.1(h)	Agent or Local Contact not available	\$1,000.00
14.2	Fail to comply with a Notice or Order	\$1,000.00
14.4	Hinder or Obstruct an Officer carrying out an inspection or work	\$1,500.00

Schedule “C”

Part 1 Provincial Offences Act

Set Fine Schedule

TBD

DRAFT

TO: Mayor Grant & Members of Council

FROM: Sarah Ivins, Planner

DATE OF MEETING: February 21, 2023

SUBJECT: Draft Plan of Subdivision – File No. P02/2021W
Zoning By-law Amendment – File No. Z06/2021W
2709998 Ontario Inc. (LandPro Planning Solutions Inc.)

RECOMMENDATION(S):

THAT Planning Staff Report PSR-004/2023 be received; and

THAT draft plan of subdivision application P02/2021W for the lands described as Concession 4, Part Lot 32, RP 59R-4745 Part 1, Township of Wainfleet, be approved for the reasons outlined in this report and subject to the conditions of draft approval in Appendix “C”; and

THAT zoning by-law amendment application Z06/2021W for the lands described as Concession 4, Part Lot 32, RP 59R-4745 Part 1, Township of Wainfleet, be approved for the reasons outlined in this report; and

THAT the zoning by-law amendment attached as Appendix “D” be adopted; and

THAT the applications be deemed to be consistent with the Provincial Policy Statement 2020 and other matters of Provincial interest.

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with a recommendation regarding the draft plan of subdivision application and zoning by-law amendment application filed by LandPro Planning Solutions Inc. on behalf of 2709998 Ontario Inc. for lands known municipally as Concession 4, Part Lot 32, RP 59R-4745 Part 1, Township of Wainfleet.

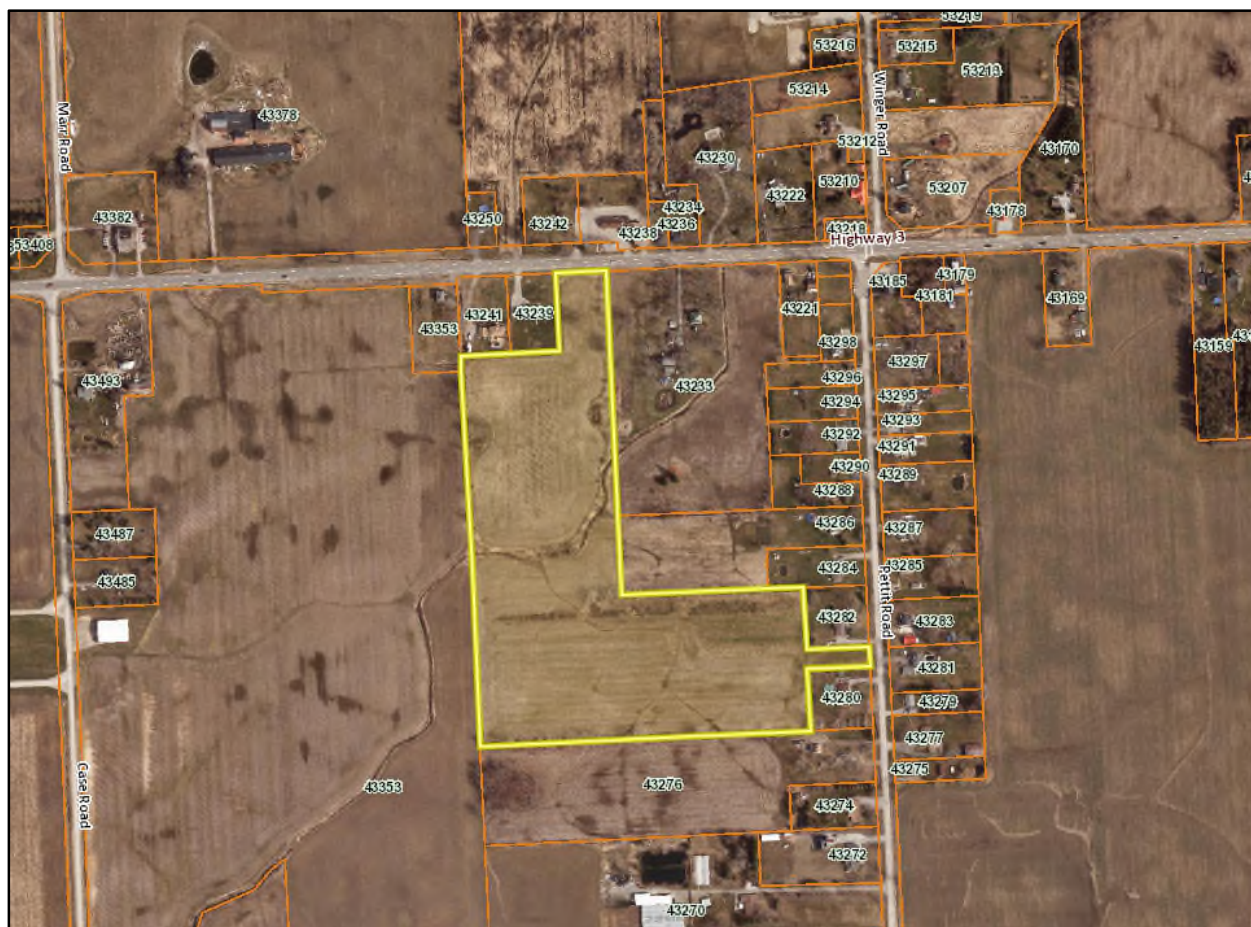
The purpose of the draft plan of subdivision application is to create fifteen (15) lots for single detached dwellings, one (1) block for the existing municipal drain, two (2) blocks for stormwater management, one (1) block for water for firefighting purposes and two (2) public roads.

The purpose of the zoning by-law amendment is to rezone the subject property from a Development – D and Hazard – H zone to a Residential – R1-358 and Hazard – H zone to permit single detached dwellings and protect the watercourse traversing the subject property.

BACKGROUND:

The subject property, shown in Figure 1, is located on the west side of Pettit Road between Highway #3 and Bell Road and is within the Hamlet of Winger. The subject property is 8.93 hectares in size and the surrounding land uses include residential and agricultural.

Figure 1 – Subject Property, Pettit Road



In May of 2019, a pre-consultation meeting was held with the applicants and Township staff as well as Niagara Region Development Services and Niagara Peninsula Conservation Authority staff.

In August of 2021, the draft plan of subdivision and zoning by-law amendment applications were filed with the Township and the following documents were submitted in support of the applications:

- Draft Plan of Subdivision prepared by LandPro Planning Solutions Inc. (July 2021);
- Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. (June 2020);
- Environmental Impact Statement prepared by Terrastory Environmental Consulting Inc. (August 2021);
- Hydrogeological Assessment prepared by Terra-Dynamics Consulting Inc.

- (October 2019);
- Phase One Environmental Site Assessment prepared by Hallex Environmental Ltd. (May 2020);
 - Phase Two Environmental Site Assessment prepared by Hallex Environmental Ltd. (August, 2020);
 - Planning Justification Brief prepared by LandPro Planning Solutions Inc. (July 2021);
 - Civil Drawings prepared by Hallex Engineering Ltd. (April 2021);
 - Sewage System Servicing Design prepared by Attema Consulting Services Inc. (August 2021);
 - Stormwater Management Design Brief prepared by Hallex Engineering Ltd. (July 2021);
 - Water Servicing Design Brief prepared by Hallex Engineering Ltd. (July 2021).

In September of 2021, the applications were circulated for review and comment and a public meeting was scheduled for October 26, 2021. Upon the receipt of preliminary comments from Township staff, Niagara Region and the NPCA, some modifications to the application and additional information was requested, requiring cancellation of the public meeting.

The applicant submitted the following documents to address the preliminary comments:

- Draft Plan of Subdivision prepared by LandPro Planning Solutions Inc. (April 2022);
- Planning Addendum prepared by LandPro Planning Solutions Inc. (February 2022);
- Civil Drawings prepared by Hallex Engineering Ltd. (February 2022);
- Stormwater Management Design Brief prepared by Hallex Engineering Ltd. (March 2022);
- Water Servicing Design Brief prepared by Hallex Engineering Ltd. (March 2022).

The revised applications were circulated and a new Notice of Public Meeting was issued.

On May 31, 2022, the statutory public meeting respecting the applications was held and an information report was presented to Council. The minutes of the public meeting are attached as Appendix "A".

Following the public meeting, a Wetland Hydrologic Evaluation prepared by Terra-Dynamics Consulting Inc. (September 2022) was submitted.

With reference to the draft plan of subdivision provided below in Figure 2, application P02/2021W proposes to create fifteen (15) lots for single detached dwellings, one (1) block for the existing municipal drain, two (2) blocks for stormwater management, one (1) block for water for firefighting purposes and two (2) public roads.

KING'S HIGHWAY No. 3

0 50 75 100m

POTENTIAL LOT DEVELOPMENT

DESCRIPTION	LOT AREA	LOT FRONTAGE
LOT 1	5098.639 m ²	75.76 m
LOT 2	4687.154 m ²	72.87 m
LOT 3	5131.015 m ²	67.10 m
LOT 4	4003.280 m ²	84.15 m
LOT 5	4315.829 m ²	35.93 m
LOT 6	4363.725 m ²	36.94 m
LOT 7	4041.449 m ²	64.34 m
LOT 8	4037.813 m ²	63.36 m
LOT 9	4317.979 m ²	63.87 m
LOT 10	4661.416 m ²	28.45 m
LOT 11	4002.262 m ²	33.15 m
LOT 12	4001.836 m ²	63.50 m
LOT 13	4004.873 m ²	63.44 m
LOT 14	4005.261 m ²	63.34 m
LOT 15	4002.804 m ²	63.26 m

NOTE: Building coverage is 231 m² for each lot.

PROJECT: WINGER SUBDIVISION

Part Lot 32, Concession 4
RP 59R4745 Part 1
Township of Wainfleet

SHEET TITLE: SITE PLAN

LENGTH OF THE PROPOSED ROAD (FROM THE FIRE POND TO THE CUL-DE-SAC):

453.88 m

VARIANCES REQUIRED:

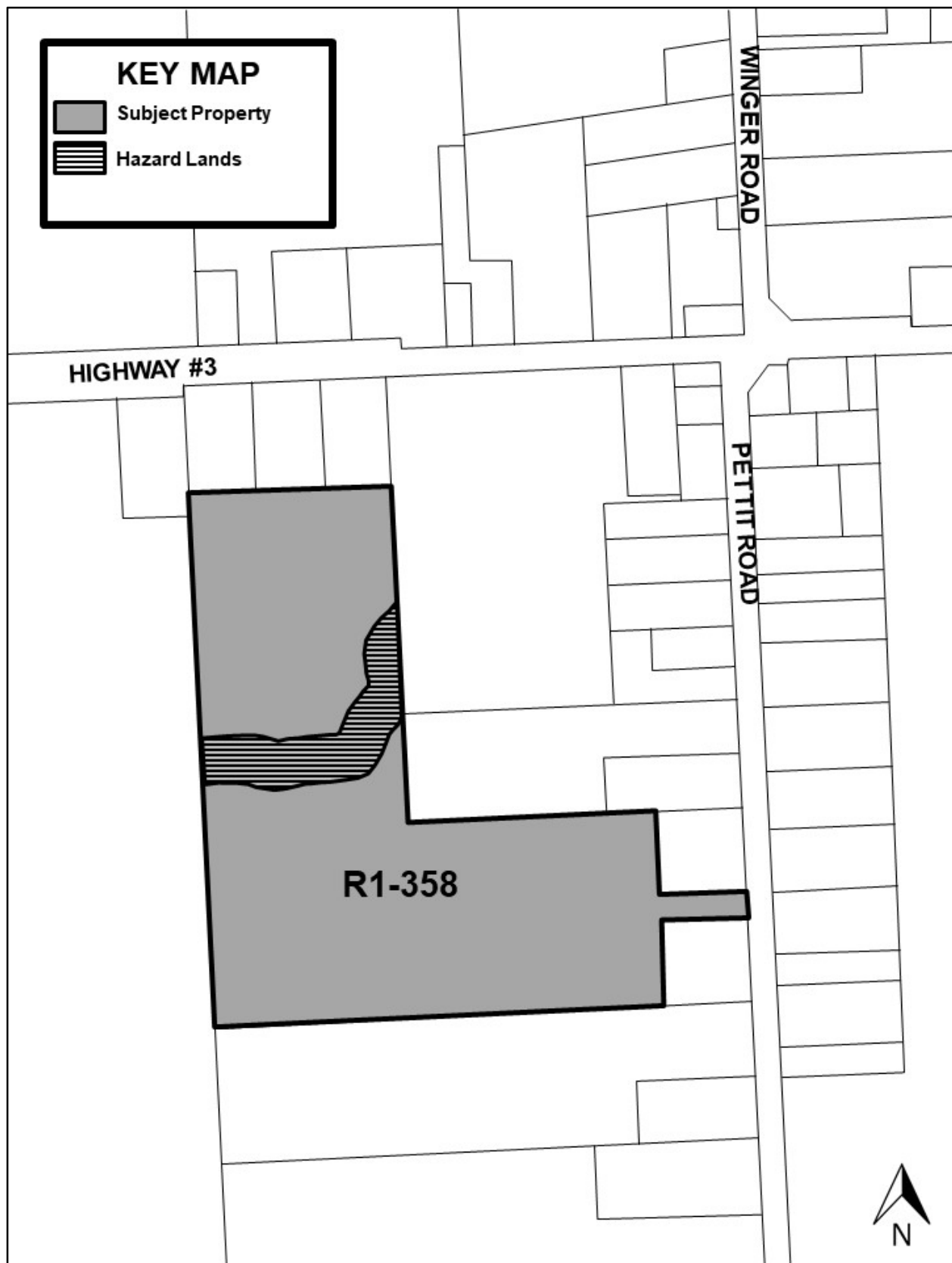
The Township of Wainfleet Zoning Bylaw 581-78 requires all lot frontages within the R1 zone to be a minimum of 46 metres.

The proposed lot frontages of Lots 5, 6, 10, and 11 do not currently meet this zoning provision. Included as part of the attached zoning by-law amendment application is a recognition of the reduced lot frontage

SCALE: 1: 2500
DATE: April 26, 2022

- Minimum Lot Frontage for Lot 5: 35.93m;
- Minimum Lot Frontage for Lot 6: 36.94m;
- Minimum Lot Frontage for Lot 10: 28.45m;
- Minimum Lot Frontage for Lot 11: 33.15m.

Figure 3 – Proposed Zoning



OPTIONS/DISCUSSION:

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (PPS) provides overall policy direction on matters of provincial interest relating to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment. Any decision on planning matters shall be consistent with the policies of the PPS.

The policy statements of particular applicability, reviewed below, largely relate to “Building Strong Healthy Communities” (Section 1.0 of the PPS).

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

Consistency

The proposed development is located with the Hamlet of Winger, which is designated to accommodate such a development. The proposed development has been designed in such a way that it is efficient by utilizing smaller lot sizes while not impacting serviceability. The proposed

development provides a connection to adjacent lands to facilitate future development opportunities for underutilized residential lands.

The zoning by-law amendment request to permit reduced lot frontages for Lots 5, 6, 10 and 11 is minor and allows for the efficient design of the proposed subdivision. The expanded Hazard – H zone ensures that the environmental features and natural hazards associated with the municipal drain traversing the subject property are appropriately protected.

Section 1.1.3 of the PPS contains policies related to settlement areas, which includes rural settlement areas such as the Township's Hamlets, specifically:

1.1.3.1 Settlement areas shall be the focus of growth and development.

Consistency

The proposed development is located within the Hamlet of Winger and is designated for residential development subject to specific criteria in the Township's Official Plan. Further discussion on official plan policies for residential development can be found below.

Section 1.1.4 of the PPS contains policies related to rural areas in municipalities, which may include rural settlement areas, specifically:

- 1.1.4.1 Healthy, integrated and viable rural areas should be supported by:*
- a) building upon rural character, and leveraging rural amenities and assets;*
 - b) promoting regeneration, including the redevelopment of brownfield sites;*
 - c) accommodating an appropriate range and mix of housing in rural settlement areas;*
 - d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
 - e) using rural infrastructure and public service facilities efficiently;*
 - f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
 - g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
 - h) conserving biodiversity and considering the ecological benefits provided by nature; and,*
 - i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.*

Consistency

The proposed development will build upon the character of the Hamlet of Winger and provide additional lots for rural residential development. The proposed Hazard – H zone will provide protection to the municipal drain traversing the subject property.

In recognition of the rural character of the Township and due to the fact that the subject property is adjacent to agricultural uses, staff recommend that as a condition of approval that the following warning clause be required in all offers of purchase and sale or lease for each dwelling unit:

“The lands in the plan of subdivision may be exposed to noise, odour and dust from nearby agricultural operations and agricultural-related traffic that may occasionally interfere with some activities of the owners who may occupy the lands.”

This warning clause will let future owners know that being part of a rural community may result occasional nuisances associated with nearby agricultural uses.

- 1.1.4.2 *In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.*

Consistency

The proposed development is located within the Hamlet of Winger and is designated for residential development subject to specific criteria in the Township's Official Plan. Further discussion on official plan policies for residential development can be found below.

- 1.1.4.3 *When directing development in rural settlement areas in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.*

Consistency

The scale of the proposed development fits within the rural character of the surrounding Hamlet as the proposed lots range from 1 acre to 1.3 acres.

Regional and Township policies typically require a minimum lot size of 1 hectare (2.47 acres) to accommodate private on-site servicing but do allow lots to be as small as 0.4 hectares (1 acre) provided it can be demonstrated through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for the long-term operation. A Hydrogeological Assessment prepared by Terra Dynamics Consulting Inc. (dated October 2019) concludes that the proposed residential subdivision is isolated from the underlying water supply aquifer and that there were no hydrogeological-based impediments to site development as long as the following recommendations are implemented:

1. Lots on private sewage systems and cisterns may be sustainably created as small as 0.4 hectares (1 acre) as long as Ontario Building Code and NPCA setbacks are met, including a recommended 15m setback from the external subdivision property boundary.
2. The design of the site layout can be completed during the building

permit stage.

3. A development agreement should be completed with the Township indicating water supply by cisterns.

Township staff have included these recommendations in the list of conditions of draft approval in Appendix "C", to be implemented in a future subdivision agreement.

The Township's Official Plan has established specific policies and design guidelines for development within residential areas that consider the character of the Hamlets and appropriate scale for the provision private servicing, which are discussed below.

Section 2.1 of the PPS contains policies related to natural heritage, specifically:

- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

Consistency

The subject property has been identified as containing Type 2 (Important) Fish Habitat within the watercourse (municipal drain) traversing the property. An Environmental Impact Statement (EIS) prepared by Terrastory Environmental Consulting Inc. (dated August 2021) and a Wetland Hydrologic Evaluation prepared by Terra-Dynamics Consulting Inc. (September 2022) were submitted with the applications.

The EIS concluded that no negative impact can be achieved with the implementation of recommendations and mitigation measures including but not limited to:

1. That any necessary vegetation removal (e.g. trees, meadow vegetation, etc.) be undertaken outside of the primary bird nesting period (i.e. to be completed between September 1 and March 31). Should minor vegetation removal be proposed during the bird nesting period, a bird nesting survey will be undertaken to confirm the presence or absence of nesting birds or bird nests within or adjacent to the areas subject to vegetation clearance. The survey is to take place within 48 hours of vegetation removal.
2. That Bird-Friendly Guidelines such as those published in City of Toronto Best Practices for Bird-Friendly Glass (Toronto 2016) and Best Practices for Effective Lighting (Toronto 2017) be incorporated at detailed design.
3. That should any construction activities occur during the active bat season (i.e. between May 1 and September 31) that work will be restricted to daylight hours only and the use of artificial lighting be avoided.

4. That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.

Implementation of the recommendations and mitigation measures identified in the EIS have been included in the list of conditions of draft approval in Appendix "C".

The Wetland Hydrologic Evaluation concluded that there is no hydrologic connection, above or below ground, between the dug pond and the adjacent agricultural ditch and that as such is not a regulated feature.

Section 2.6 of the PPS contains policies related to cultural heritage and archaeology, specifically:

- 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

Consistency

The subject property has been identified as an area of archaeological potential due to its proximity to a watercourse and historical transportation route. As such, a Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. (June 2020) was submitted as part of the applications. The assessment included background research on the subject property as well as pedestrian surveys and test pit surveys. The assessment concluded that since no archaeological materials were identified that no further assessments were required. The applicant has subsequently provided a copy of the Ministry of Heritage, Sport, Tourism and Culture Industries acknowledgement letter (dated February 2, 2021) confirming that the assessment has been entered into the Ontario Public Register of Archaeological Reports without technical review.

Staff have also included a standard archaeological warning clause in the list of conditions of draft approval in Appendix "C".

Section 3.2 of the PPS contains policies related to human made hazards, specifically:

- 3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

Consistency

Based on historical aerial imagery, the subject property appears to have been a planted orchard and while that use is no longer on the subject property, it is quite possible that older generation herbicides and pesticides were in use. As part of the application, a Phase One and Phase Two Environmental Site Assessment (ESA) prepared by Terra Dynamics

Consulting Inc. were submitted (dated May 2020 and August 2020). The Phase One ESA concluded that there are two potentially contaminating activities which resulted in two areas of potential environmental concern, requiring a Phase Two ESA. The Phase Two ESA found that the tested soil samples met applicable Ministry of Environment, Conservation & Parks (MECP) Site Condition Standards for Residential Land Use in a potable groundwater condition, for coarse textured soil. As such, the Phase Two ESA concluded that no additional environmental work was required and that the soil conditions satisfy the components of O. Reg. 153/04, as amended.

It is staff's opinion that the applications are consistent with the PPS, subject to the conditions of draft approval attached as Appendix "C".

Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides policy direction for municipalities on where and how to grow within the Greater Golden Horseshoe which includes focussing development to Urban and Settlement Areas which have municipal services while balancing protection of natural heritage features.

Rural settlement areas are to be the focus of growth and development and shall provide an appropriate range and mix of housing as well as a variety of cultural and economic opportunities. The proposed development is located within the Hamlet of Winger which is considered a rural settlement area as defined in the Growth Plan. The proposed development represents efficient development of the subject property given the restrictions on lot size and provides additional housing stock to achieve the Township's growth targets.

It is staff's opinion that the applications conform to the Growth Plan.

Regional Official Plan

The new Niagara Official Plan (NOP) was adopted by Regional Council on June 23, 2022 and approved by the Province in November of 2022. Under the implementation policies contained in Chapter 7 of the NOP, any development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the policies in existence at the time the applications were deemed complete. The applications were deemed complete prior to the adoption of the NOP and as such will be reviewed against the policies contained within the previous Regional Official Plan (ROP).

The subject property is designated as Hamlet in the ROP. Hamlets are areas designated for further development of a low-density nature without the provisions of municipal water and sewers. Section 5.D Policies for Villages and Hamlets apply, specifically:

- 5.D.6 *Development in Villages and Hamlets will be permitted by plan of subdivision or by consent. Development will be encouraged in depth rather than in strips along roads. Provision shall be made to permit access at*

appropriate locations from the main road to second or third tiers of lots behind the existing development, where proposed. Wherever possible, the local municipality shall obtain such access in the course of considering plans of subdivision and consents for land severances.

Conformity

The proposed development will have access to the existing road network (Pettit Road) through the creation of two new public roads. The public roads are required to meet Regional standards for the provision of waste collection and Township Rural Road standards. Detailed design and engineering drawings for the public roads have been included in the list of conditions of draft approval attached as Appendix "C".

- 5.D.7 *Proposals for development will be carefully reviewed by both the local municipality and the Region to ensure that the development is orderly and well planned, that adequate services such as school bussing and fire protection can be provided, that the added development will not interfere with the operation of the arterial road system and that existing problems such as pollution, inadequate water supply or conflicting land uses will not be aggravated.*

Conformity

The proposed development is considered orderly and well planned as it represents the efficient infilling of lands designated for residential development. The proposed development will be accessed via two new public roads accessing Pettit Road and these new roads are required to meet Regional and Township standards. There are no concerns with respect to additional traffic associated with the proposed units and impacts to the local road network.

- 5.D.8 *Development must be on lots having an adequate water supply and suitable for private waste disposal systems in accordance with the requirements of the Ministry of the Environment and the Medical Officer of Health. The minimum lot size for new lots in Villages and Hamlets should be 1 hectare unless it is determined through a hydrogeological study that a smaller lot size will adequately accommodate private water and sewage treatment facilities for long term operation.*

Conformity

As discussed above, the proposed lots are less than the 1 hectare required. However, the Hydrogeological Assessment submitted in support of the application supports the smaller lot sizes as they will be able to accommodate private water and sewage. The recommendations from the Hydrogeological Assessment have been included in the list of conditions of draft approval attached as Appendix "C".

The subject property is impacted by the Region's Core Natural Heritage System (CNHS), consisting of a watercourse providing Type 2 (Important) Fish Habitat. Section 7.B Policies for The Core Natural Heritage System applies, specifically:

7.B.1.15 Within Fish Habitat as identified on Schedule C, or adjacent lands as specified in Table 7-1, development and site alteration may be permitted if it will result in no net loss of the productive capacity of fish habitat as determined by the Department of Fisheries and Oceans or its designate, in accordance with Policies 7.B.2.1 to 7.B.2.5.

First priority will be given to avoiding harmful alteration or destruction of fish habitat by redesigning or relocating the proposal or mitigating its impacts. A naturally vegetated buffer zone, a minimum 30 metres in width as measured from the stable top of bank, generally shall be required adjacent to Critical Fish Habitat as defined by Ministry of Natural Resources. A minimum 15 metre buffer from the stable top of bank shall be required adjacent to Important or Marginal Fish Habitat as defined by that Ministry. A narrower buffer may be considered where the EIS has been demonstrated that it will not harm fish or fish habitat, but in no case shall the buffer adjacent to Critical Fish Habitat be less than 15 metres.

Agricultural cultivation does not require planning approval and is not subject to these requirements.

Conformity

The Environmental Impact Statement (EIS) prepared by Terrastory Environmental Consulting Inc. (dated August 2021) proposes a 15m setback from the watercourse top of bank as well as a comprehensive set of recommendations and mitigation measures to achieve no negative impact. Regional Environmental Staff and Township Staff are satisfied with the assessment and implementation of the recommendations and mitigation measures identified in the EIS have been included in the list of conditions of draft approval in Appendix "C".

Section 10.C.2 Policies for Built Heritage Resources, Cultural Heritage Landscapes and Archaeological Resources applies, specifically:

10.C.2.1.13 Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.

Conformity

As discussed above, a Stage 1 & 2 Archaeological Assessment prepared by Earthworks Archaeological Services Inc. (June 2020) was

submitted as part of the applications. The assessment identified that no further assessments were required and the applicant has subsequently provided a copy of the Ministry of Heritage, Sport, Tourism and Culture Industries acknowledgement letter (dated February 2, 2021) confirming that the assessment has been entered into the Ontario Public Register of Archaeological Reports without technical review.

Staff have included a standard archaeological warning clause in the list of conditions of draft approval in Appendix "C".

It is staff's opinion that the applications conform to the ROP, subject to the conditions of draft approval attached as Appendix "C".

Township Official Plan

The subject property is designated as Village Residential in the Township Official Plan (OP). Permitted uses within the Village Residential Area designation include single detached dwellings and secondary suites, converted dwellings, home occupations, public and private utilities, parks and open spaces, bed and breakfast establishments, day care facilities, communal housing, group homes and small-scale institutional uses.

The proposed plan of subdivision is subject to the following policies:

3.3. 2 General Policies

3.3.2.2 *Residential building forms shall not exceed a height of 2 storeys.*

Conformity

The proposed single detached dwellings shall comply with Township Zoning Bylaw 581-78 which sets the maximum height at 9 metres. A height of 9 metres is sufficient for a two-storey dwelling with a pitched roof.

3.3.2.3 *All new residential development shall respect the character and image of the surrounding residential area in accordance with the design policies of Section 3.3.5.*

Conformity

The existing development patterns on the adjacent lands to the subject property includes a mixture of one and two storey single detached dwellings with a variety of styles and a variety of lot sizes. Further analysis of the design policies of Section 3.3.5 can be found below.

3.3.2.4 *New development shall front directly on a public road.*

Conformity

The proposed development will front onto two new municipal roads (to be named), which will connect to Pettit Road. The Township will assume the new roads once they have been constructed and after a maintenance

guarantee period concludes. The required subdivision agreement will contain provisions for assumption of the new roads.

- 3.3.2.5 *Multiple new lots are encouraged in depth on new roads rather than in strips along main roads.*

Conformity

As discussed above, the proposed development will front onto two new municipal roads, which will connect to Pettit Road.

- 3.3.2.6 *The minimum lot size for new lots shall be 1.0 hectares, unless it can be demonstrated through a hydrogeological study that the necessary on-site sustainable private servicing can be accommodated on the smaller lot with no negative impacts on surface and/or ground water features. Where it is feasible to have smaller lots, such lots shall be promoted and encouraged. However, lot sizes shall be no less than 0.4 hectares.*

- 3.3.2.7 *The hydrogeological study referred to in Section 3.3.2.6 shall demonstrate that:*

- a) Soil and land area capabilities are sufficient to meet the Ministry of the Environment's Procedure D-5-4 Technical Guideline;*
- b) Ground water quantity and quality for drinking water are capable of providing potable water supply; and*
- c) The septic system and well are situated a safe distance from each other.*

Conformity

As discussed above, the proposed lots are less than the 1 hectare required. However, the Hydrogeological Assessment submitted in support of the application supports the smaller lot sizes as they will be able to accommodate private water and sewage. The recommendations from the Hydrogeological Assessment have been included in the list of conditions of draft approval attached as Appendix "C".

- 3.3.2.8 *Where a smaller lot size is justified through a hydrogeological study, the minimum lot size shall be reflective of the results of the hydrogeological study including the consideration of new septic disposal technologies along with the character and lots size pattern within each Hamlet, while also contributing where possible to a compact hamlet area.*

Conformity

The proposed development contains lots that range from 1 acre to 1.3 acres, which is consistent with existing development patterns in the Hamlet of Winger. The smaller lot sizes allow for more compact hamlet area while still being able to accommodate private water and septic services.

- 3.3.2.9 *Where new local roads are required, the Township shall encourage a lotting pattern that minimizes the length of roads through reduced lot frontage, while being reflective of the pattern of lot frontages in the Hamlet.*

Conformity

The proposed development has four lots with frontages less than the minimum 46m required under the Township's Zoning By-law. This is to accommodate the turning radius required for both the bend in the road and the cul-de-sac at the end of the subdivision. It is staff's opinion that the lotting pattern is appropriate.

- 3.3.2.10 *The Township may require applicants for new lots to submit:*
- a) A stormwater management plan and a sediment and erosion control plan which addresses the requirements set out in Section 5.2; and*
 - b) A landscape analysis illustrating how natural features of the site, including healthy trees will be retained and protected.*

Conformity

A Stormwater Management Design Brief prepared by Hallex Engineering Ltd. (dated July 2021 and March 2022) was submitted in support of the applications. A detailed grading plan, sediment and erosion control plan and landscape/enhancement plan have been included in the list of conditions of draft approval attached as Appendix "C". Staff have also included a condition requiring a streetscape plan for the proposed development to address items such as location of any on-street parking, street trees, community mailbox locations, regulatory signage and streetlighting.

3.3.5 Design Policies for Residential Areas

- 3.3.5.1 *It is an objective of this Plan to:*
- a) Enhance the livability and physical appeal of the Township through the quality, layout and attractiveness of both public streetscapes and private spaces and buildings.*
 - b) Ensure that development within residential areas reflects and fits in with the established character.*
 - c) Create a built environment which provides:*
 - i. Sensitive integration of new development with existing development;*
 - ii. Visual diversity, interest and beauty; and*
 - iii. A well-defined public realm, including an interconnected open space network.*

Conformity

The proposed development proposes residential uses that will fit in with the existing residential development in the surrounding area, which consists of a mixture of older and newer homes. The development has been efficiently designed given the configuration of the subject property and has been designed in such a way as to minimize impacts on adjacent properties.

The required landscape plan and streetscape plan is an opportunity to incorporate some urban design elements to create an appealing public realm.

3.3.5.3 *New lots and/or the location of new dwellings on a lot shall:*

- a) Maintain the established rhythm of lot frontages on adjacent housing lots;*
- b) Provide a building height that reflects the pattern of heights of adjacent housing;*
- c) Provide for a similar lot coverage to adjacent housing to ensure that the massing or volume of the new dwelling reflects the scale and appearance of adjacent housing. This coverage may be less than that permitted by the zoning by-law under Section 3.3.4.9;*
- d) Maintain the predominant or average front yard setback for adjacent housing to preserve the streetscape edge and character;*
- e) Provide for similar side yard setbacks to preserve the spaciousness on the street.*

Conformity

The existing development within the surrounding Hamlet area has a mixture of housing styles, lot frontages, lot areas, building heights, lot coverages and front yard setbacks. The proposed lots and their building envelopes will comply with the provisions in Zoning Bylaw 581-78 and be in line with the existing development.

The subject property is not mapped as containing any Natural Environment features in Schedule B4 (Land Use – Winger) or Schedule E (Environmental Features).

It is staff's opinion that the applications conform to the OP, subject to the conditions of draft approval attached as Appendix "C".

Township Zoning By-law 581-78

The subject property is zoned Development – D and Hazard – H in the Township Zoning By-law 581-78. Permitted uses within the Development – D zone include:

- agricultural uses, including one single detached dwelling on one lot, but excluding all livestock and poultry operations, mushroom farms, fur farms, greenhouses and commercial dog kennels; and
- single detached dwellings existing at the date of the passing of the by-law and uses, buildings and structures accessory thereto; and
- the conversion of a building existing at the date of passing of the by-law to a duplex or semi-detached dwelling.

Permitted uses within the Hazard – H zone include:

- agricultural uses, excluding buildings and structures accessory thereto;

- dwellings existing at the date of the passing of the by-law and uses, buildings and structures accessory thereto, but excluding enlargement or conversion thereof;
- parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, shelters and docking facilities, together with necessary accessory structures, saving and excepting human habitation.

The applicant is requesting that the subject property be rezoned from Development – D and Hazard – H to a site specific Residential – R1-358 and an expanded Hazard – H zone to permit dwellings with reduced lot frontage for Lots 5, 6, 10 & 11 and to provide a 15m buffer for the watercourse traversing the subject property.

In accordance with Section 12.2 Residential – R1 zone, Regulations for Dwellings – Conforming Lots, the following provisions apply to the proposed use:

Zoning Provision	Requirement
Minimum Lot Area	4000m ²
Maximum Lot Coverage	10%
Minimum Lot Frontage	46m
Minimum Front Yard Setback	15m
Minimum Exterior Side Yard Setback	15m
Minimum Interior Side Yard Setback	6m except: An attached garage or attached carport with no rooms above may be erected at a distance of not less than 3m from a side lot line which does not abut a public road. On an interior lot where no attached carport is provided, the minimum side yard on one side shall be 7.5m.
Minimum Rear Yard Setback	15m
Maximum Height	9m
Minimum Floor Area for a Dwelling	90m ²

The proposed lots conform to the required minimum lot area and staff are of the opinion that there is a sufficient building envelope where the above setbacks can be met on the proposed lots. As discussed above, the applicant is requesting site-specific zoning to permit reduced lot frontages for Lots 5, 6, 10 and 11:

- Minimum Lot Frontage for Lot 5: 35.93m;
- Minimum Lot Frontage for Lot 6: 36.94m;
- Minimum Lot Frontage for Lot 10: 28.45m;
- Minimum Lot Frontage for Lot 11: 33.15m.

Lots 5 and 6 are located at the end of the proposed road and require a reduced lot frontage due to the cul-de-sac which provides a means for vehicles to turn-around

within the subdivision. Similarly, Lots 10 and 11 are located on the bend in the proposed road and require reduced lot frontages to accommodate the turning radius needed.

The expanded Hazard – H zone is for the 15m setback from the top of bank of the watercourse/municipal drain traversing the subject property. The 15m setback is a minimum requirement under planning policies for Type 2 (Important) Fish Habitat. The watercourse/municipal drain and the 15m setback is shown as Block B within the draft plan of subdivision, which will be transferred to the Township upon registration of the final plan of subdivision. Township staff feel as though the Hazard – H is an appropriate zone to provide protection to the watercourse/municipal drain and its 15m buffer.

Staff are of the opinion that the proposed zoning by-law amendment is appropriate and conforms to the residential policies of the official plan.

FINANCIAL CONSIDERATIONS:

None at this time. The required subdivision agreement will contain requirements for cash payments and securities for the development. More information on this will be provided at the final approval stage.

OTHERS CONSULTED:

Public Meeting

A statutory public meeting was held on May 31, 2022. Notice of the public meeting was mailed to landowners within 120m of the subject property on April 29, 2022 with details on the proposed applications and how to participate or provide comments on the proposed applications.

Below is a summary of comments received from members of the public:

- The proposed lot configuration should comply with the by-law requirements for lot frontage;
- A public park should be provided within the development;
- Additional information is needed from the Environmental Impact Statement, such as the required vegetation enhancement plan, erosion and sediment control plan
- The applicant should be required to plant trees along the external property lines of the subdivision to reduce impact to the existing residential lots;
- Concerns regarding responsibilities and costs for the future maintenance of the stormwater facilities;
- There should be a fence around the stormwater ponds;
- A traffic study should be completed to address additional cars generation from the development and service vehicles (e.g. water trucks to fill cisterns);
- Concern that overflow parking may impeded emergency vehicle access;
- The proposed design does not show the location of mailboxes;
- Concerns regarding light pollution from vehicles turning into and out of the proposed subdivision and the impact to existing dwellings on Pettit Road;
- Concerns regarding farmland being developed.

Planning Staff Response:

- The reduction in lot frontage for four of the proposed lots is minor and allows for the efficient design of the subdivision;
- Cash in lieu of parkland has been added as a condition of draft approval instead of requiring parkland within the development – the cash in lieu will be used for the enhancement or establishment of parks elsewhere in the Township;
- The required vegetation enhancement plan, erosion and sediment control plan have been added as conditions of draft approval;
- Staff have required a landscape plan for plantings within the subdivision and a vegetation enhancement plan is required for the buffer adjacent to the watercourse;
- The stormwater facilities are to be constructed by the applicant and will be transferred to the Township for ongoing future maintenance;
- In order to maintain a rural landscape, staff do not feel that a fence around the stormwater ponds is appropriate;
- The increase in daily trips anticipated to be generated from the subdivision is minimal and does not warrant the completion of a traffic study;
- Review of parking restrictions, speed limits and no stopping zones as well as a location of the community mailbox will be done through streetscape plan required as a condition of draft approval;
- A photometric plan and landscape plan have been added as conditions of draft approval to try to mitigate impacts on existing residential uses on Pettit Road;
- While the subject property is currently being farmed, the lands have been designated for residential development.

Township Department and Agency Comments

Bell Canada noted no objection to the applications but advised that the Owner should contact Bell Canada during the detailed design stage to confirm the provisioning of communication/telecommunication infrastructure needed to service the development. Bell Canada also requested that the following paragraph be included as a condition of approval:

“The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

Bell Canada also be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Planning Staff Response:

The requested paragraph has been included in the list of conditions of draft approval attached as Appendix “C”. Additionally, the applicant will be required to

coordinate with appropriate utilities and submit a comprehensive utility plan indicating how the development will be serviced. Clearances from such utilities will also be required.

Canada Post noted that this development will receive mail service to centralized mail facilities provided through their Community Mailbox program and requested that conditions regarding the requirements for the Community Mailbox be added as conditions of draft approval.

Planning Staff Response:

The requested conditions have been included in the list of conditions of draft approval attached as Appendix "C".

Hydro One noted no comments or concerns at this time. The preliminary review considered issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only and that the local area Distribution Supplier should be contacted for proposals affecting 'Low Voltage Distribution Facilities'.

Planning Staff Response:

The applicant will be required to coordinate with appropriate utilities and submit a comprehensive utility plan indicating how the development will be serviced. Clearances from such utilities will also be required.

The Ministry of Transportation (MTO) noted that the subject lands are located outside of the Ministry's permit control limit and as a result, there are no further comments and Ministry permits will not be required. MTO also noted that the applicant should be made aware that the shown dashed line indicating a future access to Highway #3, located outside the subject draft plan and zoning applications, will not be permitted.

Planning Staff Response:

No action required. The proposed road allowance to provide connection to an adjacent property is not intended to access Highway #3. The MTO will be circulated on any future development applications for the adjacent parcel.

Niagara Region Planning and Development Services staff noted that the proposed subdivision application and concurrent zoning by-law amendment are considered to align with the intent and direction of Regional and Provincial policy. As such, the Region offers no objections to the approval of the applications subject to a number of conditions regarding an archaeological warning clause, implementation of the stormwater management report and associated engineering plans, waste collection, implementation of the mitigation measures outlined in the Environmental Impact Statement, erosion and sediment control plan, grading plan, landscape plan/enhancement plan and compliance with the requirements of the Federal Fisheries Act.

Planning Staff Response:

The requested conditions have been included in the list of conditions of draft approval attached as Appendix "C".

Niagara Peninsula Conservation Authority staff noted no objection to the approval of the applications subject to conditions of approval regarding detailed grading and construction sediment control drawings, erosion and sediment control fencing and NPCA permits.

Planning Staff Response:

The requested conditions have been included in the list of conditions of draft approval attached as Appendix "C".

The Township's Drainage Superintendent noted that the subject property is assessed to the Big Forks and McCallum municipal drains and that any changes, including parcel boundary adjustments or physical work on the drain need to be captured under the Drainage Act.

Planning Staff Response:

A condition requiring the completion of a Section 78 Drainage Act Improvement Project prior to site alteration has been included in the list of conditions of draft approval attached as Appendix "C".

The Township's Operations Department has requested several conditions regarding detailed engineered drawings for the proposed roads, a street lighting and photometric plan as well as pre-condition survey of the haulage route prior to site alteration.

Planning Staff Response:

The requested conditions have been included in the list of conditions of draft approval attached as Appendix "C".

The Township's Fire Department noted that the proposed water supply for firefighting purposes appear to be sufficient but that additional details regarding connections for Fire Department use and maintenance of water levels are required. The Fire Department also noted preference for the water supply to be located at the beginning of the subdivision, before Lot 1 or 15, so that apparatus does not have to travel past structures on Lot 1 and 15 to access the dry hydrant.

Planning Staff Response:

A condition regarding further details on the water supply for firefighting purposes has been included in the list of conditions of draft approval attached as Appendix "C". With respect to the location of the water supply, the proposed fire pond is located adjacent to Lot 1 and at the corner of the proposed road allowance that provides access to other Hamlet lands for future development.

CONCLUSION:

Township staff have reviewed the applications for a draft plan of subdivision and zoning by-law amendment for the subject property. It is the opinion of staff that the applications are consistent with/conforms to Provincial, Regional and Township planning policy and recommends that the draft plan of subdivision application be approved subject to the

conditions of draft approval in Appendix “C” and that the zoning by-law amendment attached as Appendix “D” be adopted by Council.

ATTACHMENTS:

- 1) Appendix “A” – Minutes of the Public Meeting held on May 31, 2022
- 2) Appendix “B” – Draft Plan of Subdivision
- 3) Appendix “C” – Conditions of Draft Approval
- 4) Appendix “D” – Zoning By-law Amendment

Respectfully submitted by,

Reviewed by,

Sarah Ivins
Planner

Lindsay Earl, MES, MCIP, RPP
Manager of Community & Development Services

Approved by,

William J. Kolasa
Chief Administrative Officer

APPENDIX “A”

Minutes of the Public Meeting held on May 31, 2022

8. Public Meeting

a) Draft Plan of Subdivision P02/2021W & Zoning By-law Amendment Z06/2021W

Applicant: 270998 Ontario Inc. (LandPro Planning Solutions Inc. – Agent)

Subject Property: Vacant Lot Pettit Road

Mayor Gibson advised that the purpose of this meeting is for applicants to present their proposal to Council and the public and for Council to receive comments from the public.

The Planner reported that the Draft Plan of Subdivision proposes fifteen lots for single detached dwellings, one block for the existing municipal drain, two blocks for stormwater management, one block for water for firefighting purposes and two public roads.

The Zoning By-law Amendment proposes to rezone the subject lands from Development – D and Hazard – H to Residential – R1-358 and Hazard – H under Zoning By-law 581-78. The proposed Residential – R1-358 zone contains the following site specific provisions:

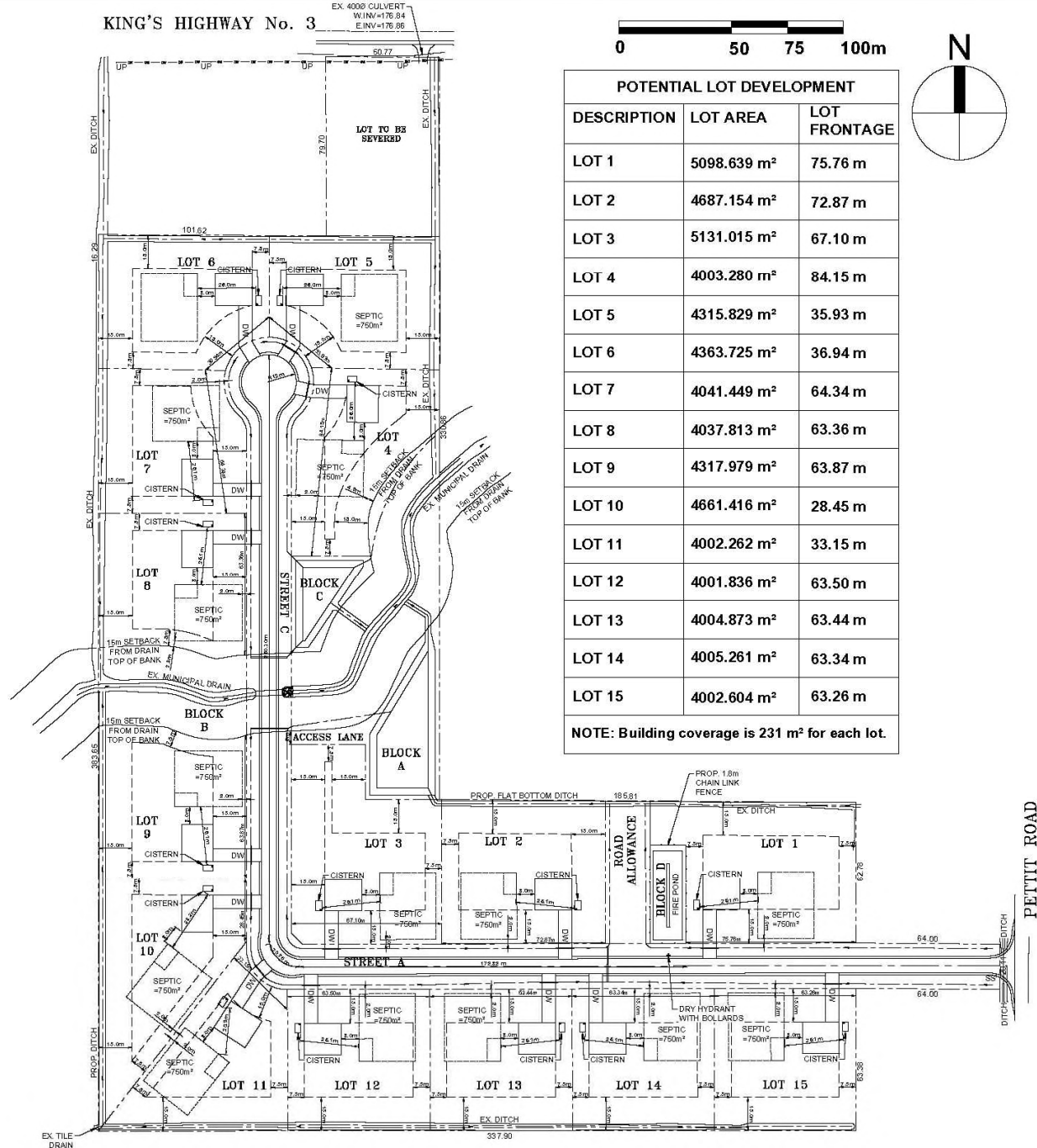
- Minimum Lot Frontage for Lot 5: 35.93m;
- Minimum Lot Frontage for Lot 6: 36.94m;
- Minimum Lot Frontage for Lot 10: 28.45m;
- Minimum Lot Frontage for Lot 11: 33.15m.

A list of applications in support of the applications were provided (as listed in the Planner's Public Meeting Information Report). The Planner also outlined agency comments received by the Township.

Councillors discussed concerns surrounding storm water management, potential light pollution and lot sizes.

Public comments were received respecting concerns around drainage and flooding, a request for a traffic study to be done on Pettit Road and a park be built for the young families in the neighbourhood.

APPENDIX "B"



PROJECT: WINGER SUBDIVISION

Part Lot 32, Concession 4
RP 59R4745 Part 1
Township of Wainfleet

SHEET TITLE: SITE PLAN

**LENGTH OF THE PROPOSED
ROAD (FROM THE FIRE POND
TO THE CUL-DE-SAC):**
453.88 m

VARIANCES REQUIRED:

The Township of Wainfleet Zoning By-law 581-78 requires all lot frontages within the R1 zone to be a minimum of 46 metres.

The proposed lot frontages of Lots 5, 6, 10, and 11 do not currently meet this zoning provision. Included as part of the attached zoning by-law amendment application is a recognition of the reduced lot frontages.

SCALE: 1: 2500

DATE: April 26, 2022



APPENDIX “C”

Conditions of Draft Approval

DRAFT PLAN

1. That this draft approval applies to the Hessels Draft Plan of Subdivision, CON 4 PT LOT 32 RP 59R-4745 PT 1, Township of Wainfleet prepared by LandPRO Planning Solutions Inc. dated April 26, 2022.
2. That the headings inserted in these conditions of draft approval are inserted for convenience only and shall not be used as a mean of interpreting these draft plan conditions.
3. That this draft approval is for a period of three (3) years. Draft approval may be extended pursuant to Section 51 (33) of the *Planning Act R.S.O. 1990, c. P.13* but no extension can be granted once the draft approval has lapsed. If the Owner wished to request an extension to the draft approval, a written request with an explanation of why the extension is required must be submitted for the Township Council's consideration, prior to the lapsing date.
4. That if final approval is not given to this draft plan within three (3) years of the approval date, and no extensions have been granted, approval will lapse under Section 51 (32) of the *Planning Act R.S.O. 1990, c. P.13*.
5. That prior to final approval the Owner shall provide three (3) paper copies and an electronic copy of the pre-registered plan, prepared by an Ontario Land Surveyor, and a letter to the Township of Wainfleet stating how all the conditions imposed have been or are to be fulfilled.
6. That it is the Owner's responsibility to fulfill the conditions of draft plan approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Township, quoting file number P02/2021W and referencing the conditions that are cleared.

AGREEMENTS & FINANCIAL REQUIREMENTS

7. That prior to final approval, the Owner shall enter into a suitable subdivision agreement with the Township of Wainfleet. The subdivision agreement shall contain all matters set out as conditions of approval as deemed necessary in this decision and any other matters as deemed appropriate by the Township to satisfy all requirements, financial or otherwise including but not limited to the provision of roads and the installation of drainage. The subdivision agreement shall be registered against the lands to which it applies prior to the registration of the plan of subdivision and shall be completed at the Owner's expense. The subdivision agreement may contain provisions for the phasing of the subdivision.

LAND TRANSFERS & EASEMENTS

8. That prior to final approval, the Owner agrees to deed any and all easements that may be required for access, utility and drainage purpose be granted to the appropriate authorities and utilities.

TOWNSHIP OF WAINFLEET – PLANNING

9. That prior to final approval, the zoning by-law amendment application (File No. Z06/2021W) has come into effect in accordance with the provisions of Section 34 of the *Planning Act R.S.O. 1900, c. P.13*.
10. That the Owner shall submit to the Township of Wainfleet three (3) paper copies and an electronic copy of the draft plan and a letter prepared by an Ontario Land Surveyor to confirm zoning compliance.
11. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions that require the installation of sustainable private services in accordance with the recommendations of the Hydrogeological Assessment prepared by Terra-Dynamics Consulting Inc. (dated October 3, 2019).
12. That the Owner pay 5% cash-in-lieu of parkland dedication in accordance with Section 51 of the *Planning Act R.S.O. 1900, c. P.13*.
13. That the subdivision agreement between the Owner and the Township of Wainfleet include the following agricultural warning clause:

“The lands in the plan of subdivision may be exposed to noise, odour, dust, light, vibration, smoke and flies from nearby agricultural operations that may interfere with some activities of the Owners/Tenants who occupy these lands.”
14. That prior to final approval, the Owner shall provide a detailed Landscaping Plan to address the mitigation of light impacts on existing dwellings on Pettit Road from vehicles accessing the subdivision.

TOWNSHIP OF WAINFLEET – OPERATIONS

15. That the proposed road(s) be named in accordance with the road naming policies of the Township Municipal Addressing Policy and to the satisfaction of the Planner and Manager of Operations.
16. That the Owner provide detailed engineering drawings and photometric plan for street lighting facilities required to service the subject lands.
17. That the Owner provide a streetscape plan showing the location of any on-street parking, street trees, community mailbox locations, regulatory signage (including but not limited to street name signs, stop signs, parking signs and speed limit signs) and streetlighting required for the subject lands.
18. That the Owner provide detailed engineering drawings for the proposed road(s) and stormwater required to service the subject lands, to the satisfaction of the Manager of Operations.

19. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions for the requirement of a temporary turn-around on Street B until future development connections are made.
20. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions requiring the completion of a Section 78 improvement project for the McCallum Drain to the satisfaction of the Drainage Superintendent and prior to site alteration.
21. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions for the staging of construction equipment, construction access, signage and dust control.
22. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions stating that prior to any construction activities taking place within the Township road allowance (Pettit Road), the Owner shall obtain the appropriate permits from the Operations Department.
23. That the subdivision agreement between the Owner and the Township of Wainfleet contain provisions requiring the submission of a haulage route and the completion of a pre-condition survey of all Township roads, in high resolution, prior to the commencement of site alteration and to the satisfaction of the Manager of Operations.

TOWNSHIP OF WAINFLEET – FIRE & EMERGENCY SERVICES

24. That prior to final approval, the Developer shall provide detailed drawings regarding the provision of water for firefighting purposes, completed by a qualified engineer, to the satisfaction of the Fire Chief and Chief Building Official.

NIAGARA PENINSULA CONSERVATION AUTHORITY

25. That the Developer submits to the NPCA for review and approval, detailed grading and construction sediment control drawings.
26. That erosion and sediment control and limit work fencing be shown on the Grading Plan to the satisfaction of the NPCA and no alterations to the existing grades or vegetation occur beyond this point. Limit of work fencing and sediment erosion controls shall be maintained for the duration of the development process and shall only be removed once work is completed, and all exposed soils are re-vegetated or otherwise stabilized.
27. That prior to construction, all applicable Permits from the NPCA are obtained for any development or site alterations within 15 metres of the McCallum Drain (NPCA Regulated Watercourse) – including, but not limited to, watercourse alterations.

28. That Conditions 25-27 above, be incorporated into the subdivision agreement between the Developer and the Township of Wainfleet, to the satisfaction of the Niagara Peninsula Conservation Authority. The Township of Wainfleet shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

NIAGARA REGION PLANNING & DEVELOPMENT SERVICES DEPARTMENT

29. That the subdivision agreement between the Owner and the Township of Wainfleet include the following archaeological resource warning clause:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."

30. That the subdivision agreement between the Owner and the Township contain provisions whereby the owner agrees to implement the approved stormwater management report and associated engineering plans.
31. The Owner shall comply with the requirements of Niagara Region's Corporate Waste Collection Policy and By-laws relating to the curbside collection of waste as well as complete the Application for Commencement of Collection with Niagara Region's Waste Management Services Division.
32. That the subdivision agreement between the Owner and the Township contain wording wherein the owner agrees to implement the following mitigation measures as described in the Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc., (dated August 12, 2021), including but not limited to:
- a) That any necessary vegetation removal (e.g. trees, meadow vegetation, etc.) be undertaken outside of the primary bird nesting period (i.e. to be completed between September 1 and March 31). Should minor vegetation removal be proposed during the bird nesting period, a bird nesting survey will be undertaken to confirm the presence or absence of nesting birds or

- bird nests within or adjacent to the areas subject to vegetation clearance. The survey is to take place within 48 hours of vegetation removal.
- b) That Bird-Friendly Guidelines such as those published in City of Toronto Best Practices for Bird-Friendly Glass (Toronto 2016) and Best Practices for Effective Lighting (Toronto 2017) be incorporated at detailed design.
 - c) That should any construction activities occur during the active bat season (i.e. between May 1 and September 31) that work will be restricted to daylight hours only and the use of artificial lighting be avoided.
 - d) That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
33. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
34. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the watercourse or its buffer will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the watercourse and its buffer.
35. That a Landscape Plan/Enhancement Plan be prepared to the satisfaction of the Niagara Region. The Plan should incorporate dense plantings of native trees, shrubs and wildflowers that complement the adjacent vegetation communities. The Plan should also include a monitoring strategy and consider opportunities for invasive species removal.
36. That the Owner confirm requirements associated with the Federal Fisheries Act.
37. That the subdivision agreement between the Owner and the Township contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan and Landscape Plan/Enhancement Plan.
38. That prior to granting final approval, the Township of Wainfleet must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.
39. That prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

BELL CANADA

40. That the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

CANADA POST

41. That the Owner shall complete to the satisfaction of the Manager of Operations of the Township of Wainfleet and Canada Post:
- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
 - b) The owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
 - c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more], at their own

expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

UTILITIES

42. That the Owner shall submit a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities, to the satisfaction of all affected agencies. The Owner shall enter into any agreements required by affected agencies.
43. That the Subdivision Agreement between the Owner and the Township contain provisions whereby the Owner agrees to install and construct hydro electric, telephone, gas, television cable services and any other form of telecommunication services as underground facilities, as approved on the composite utility plan, to the satisfaction of the Township and all affected agencies.

APPENDIX “D”

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 0XX-2023**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 581-78 of the Corporation of the Township of Wainfleet with respect to those lands forming Part Lot 32, Concession 4 RP 59R4745 Part 1 in the Township of Wainfleet.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 581-78 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 4 of Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of the subject property from Development – D and Hazard – H to Residential – R1-358 and Hazard – H as shown on Schedule “A” attached hereto.

THAT Section 31 entitled “Exceptions” is hereby further amended by adding the following text:

Legal Description, Bylaw No.	Exception	Provisions
Part Lot 32, Concession 4 RP 59R4745 Part 1 Bylaw 0XX-2023	358	(a) Notwithstanding the provisions in Section 12.2 of the Township of Wainfleet Zoning By-law 581-78, the following provisions shall apply: i. Minimum Lot Frontage for Lot 5: 35.93m; ii. Minimum Lot Frontage for Lot 6: 36.94m; iii. Minimum Lot Frontage for Lot 10: 28.45m; iv. Minimum Lot Frontage for Lot 11: 33.15m.

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

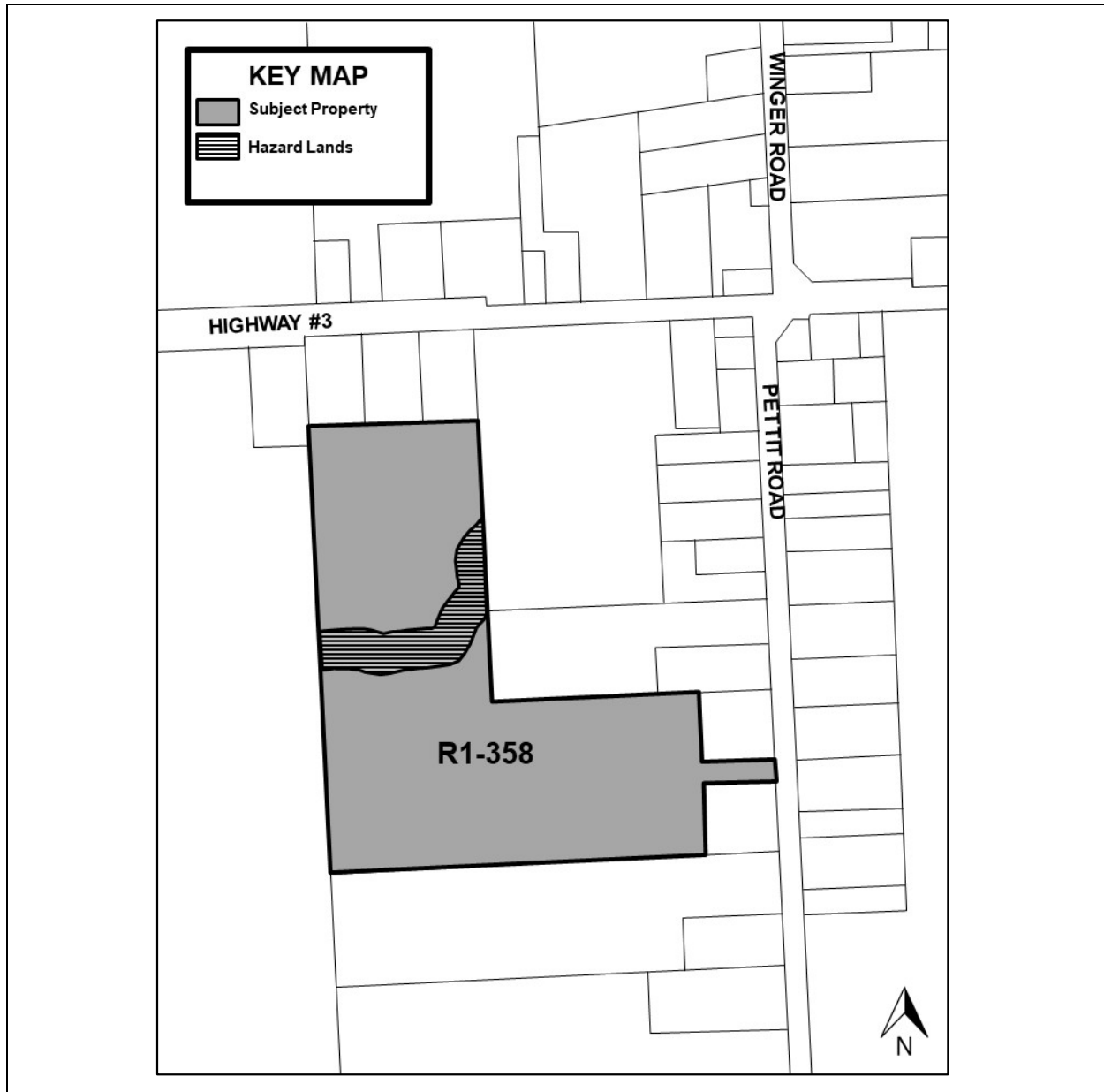
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 21ST DAY OF FEBRUARY, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 0XX-2023



TOWNSHIP OF WAINFLEET

Purpose & Effect of By-law No. 0XX-2023:

This by-law affects lands described as Part of Lot 19, Concession 1 RP 30R-13314 Part 1 in the Township of Wainfleet. This by-law has been enacted to rezone the subject property from Development – D & Hazard – H to Residential - R1-358 & Hazard – H. The Residential – R1-358 zone permits reduced lot frontages for Lots 5, 6, 10 & 11 and the expanded Hazard – H zone is for a 15m buffer from the watercourse/ municipal drain.

File No. Z06/2021W (2709998 Ontario Inc.)

THIS IS SCHEDULE "A" TO BY-LAW NO. 0XX-2023.
PASSED THIS 21ST DAY OF FEBRUARY, 2023.

MAYOR

DEPUTY CLERK

FIRE STAFF REPORT

FSR-002/2023

TO: Mayor Grant & Members of Council

FROM: M. Alcock, Fire Chief/CEMC

DATE OF MEETING: February 21, 2023

SUBJECT: 2022 Annual Report

RECOMMENDATION(S):

THAT Fire Staff Report FSR-002/2023 regarding the 2022 Annual Report be received for information.

EXECUTIVE SUMMARY:

This report includes a summary of Fire Department activity within the Township of Wainfleet for the 2022 Calendar year, attached as Appendix "A".

OPTIONS/DISCUSSION:

None.

FINANCIAL CONSIDERATIONS:

None.

OTHERS CONSULTED:

Deputy Fire Chief – Shawn Schutten
Strategic Leadership Team

ATTACHMENTS:

- 1) Appendix "A" – 2022 Wainfleet Fire & Emergency Services Annual Report

Respectfully submitted by,

Approved by,

Morgan Alcock
Fire Chief/CEMC

William Kolasa
Chief Administrative Officer



2022 ANNUAL REPORT

YEAR IN REVIEW

Summary of Emergency Responses, Training, Achievements, Success and Investments that have been accomplished in 2022. Review of the status of Stations, Apparatus & Equipment.

31940 Highway 3,
P.O. Box 40
Wainfleet ON, L0S1V0

Tel: 905-899-3463
Fax: 905-899-2340
Email: fire@wainfleet.ca



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CHIEF'S MESSAGE

On behalf of Wainfleet Fire & Emergency Services (WFES), it is my pleasure to present the 2022 Annual Fire & Emergency Services Report. Despite the challenges that post Covid-19 Pandemic continued to present, 2022 has been the busiest and our most productive year to date. The members of WFES continue to deliver professional and excellent service to the community, and I am incredibly proud of their dedication to excellence, knowledge, skills and teamwork to serve Wainfleet 24 hours a day, 365 days a year.

WFES accomplished a number of items in 2022.

- Responded to **233** calls for service
- Maintained an average response time of 9.75 minutes from time of dispatch to time first units on scene (for Wainfleet calls only)
- Completed a total of 2,604 hours (1.43FTE) of personnel time responding to calls for service
- Over 5,400 hours (2.97FTE) of personnel time conducting training, apparatus, equipment & station maintenance and attending meetings
- Personnel were able to deliver more than 134 hours (0.07FTE) of Public Education & Fire Prevention
- Began construction of the new Central Fire Station Project
- Purchased and placed into service a new Squad Utility unit.

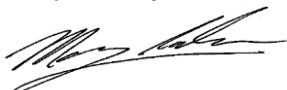
In 2022, firefighters attended a number of training events focused on further developing the skills and knowledge required to meet the needs of the community and the levels of service set by Council. Given the additional stressors that the pandemic, global conflicts and volatile market conditions brought forward, the Mental Health & Wellness of our personnel were a priority to ensure they remained resilient and flexible while continuing to serve our community.

As with previous year's reports, WFES personnel continue to deliver fire & emergency services with dedication and professionalism that the Township of Wainfleet have come to expect and deserve.

As a public safety professional and fire service leader, it is comforting to know that the community is protected by such a professional group of volunteers who bring such value and savings to the residents of Wainfleet. When looking at the value our volunteers bring it is amazing that approximately 55 volunteers performing almost 7,730 hours (4.25 FTE) of service for about \$200,000.00, ultimately saves the taxpayer more than \$350,000.00 if full time staff had to be utilized. The Township should be incredibly proud of their Fire Service and continue supporting the men and women who serve them.

As we look to 2023, I am excited and confident that WFES will handle whatever situation or need arises with Compassion, Integrity & Excellence.

Respectfully submitted,



Morgan Alcock
Fire Chief/CEMC



CORE VALUES, MISSION & VISION

CORE VALUES

Compassion

Caring for the community as if they are family

Integrity

Honesty, Trustworthy, Steadfast and True

Excellence

Dedicated to excellence and professionalism, in the delivery of the services our community expects and deserves.

MISSION STATEMENT

The Mission of the Wainfleet Fire Department is to take action to protect and/or rescue citizens and/or property from threats to health, the effects of natural or man-made disaster, and in particular the risk that a fire, if started, would seriously endanger the health and safety of any person or quality of the natural environment for any use that can be made of it.

PRIMARY GOALS

The primary goal of the Fire Department is to provide fire protection and rescue services through a range of programs designed to protect the lives and property of the inhabitants from the adverse effects of fire, sudden medical emergencies, or exposure to dangerous conditions created by man or nature; secondly to those Municipalities requiring assistance through authorized emergency fire service plan and program (mutual aid) activities; and thirdly, to those Municipalities which are provided fire protection by the Department of Fire and Emergency Services via authorized agreement.

PRIMARY OBJECTIVES of the FIRE DEPARTMENT:

In order to achieve the goal of Fire Department, necessary funding must be in place and the following objectives met:

1. Reduce the incidence of injury, loss of life, and property damage by providing public education programs, fire cause investigation, and prevention services to secure public safety and code compliance.
2. Be responsive to local and global economics so that our service model reflects the needs of the community we serve and the changing technologies that influence cost effective delivery of services to recognized standards.
3. Provide a timely response for all services through properly equipped, trained, skilled, and efficient firefighters.
4. Identify and review the Fire Department requirements of the Municipality.
5. Provide an administrative process consistent with the needs of the Department.
6. Ensure that firefighting equipment and operating personnel are available within the Municipality to provide adequate response to a citizen's call within a reasonable length of time.
7. Provide departmental training, to an accepted standard, which will ensure the continuous up-grading of all personnel in the latest technique of fire prevention, firefighting and control of emergency situations and to co-operate with other Municipal departments with respect to management training and other programs.



- 8.** Provide a maintenance program to ensure all fire protection apparatus, involving all equipment, is ready to respond to emergency calls.
- 9.** Provide an effective Fire Prevention Program to:
 - (a) Ensure, through plan examination and inspection, that required fire protective equipment is installed and maintained within buildings,
 - (b) Reduce and/or eliminate fire hazards,
 - (c) Ensure compliance with applicable Municipal, Provincial and Federal fire prevention legislation, statutes, codes and regulations in respect to fire safety.
- 10.** Develop and maintain an effective public information system and educational program, with particular emphasis on school fire safety programs, and commercial, industrial and institutional staff training.
- 11.** Ensure in the event of a major catastrophe in the Municipality, that assistance to cope with the situation is available from outside departments and other agencies.
- 12.** Develop and maintain a good working relationship with all Federal, Provincial and Municipal departments, utilities and agencies, related to the protection of life and property.
- 13.** Interact with other Municipal departments respecting the aspects of fire or any given programs.
- 14.** Ensure these objectives are not in conflict with any other Municipal department.

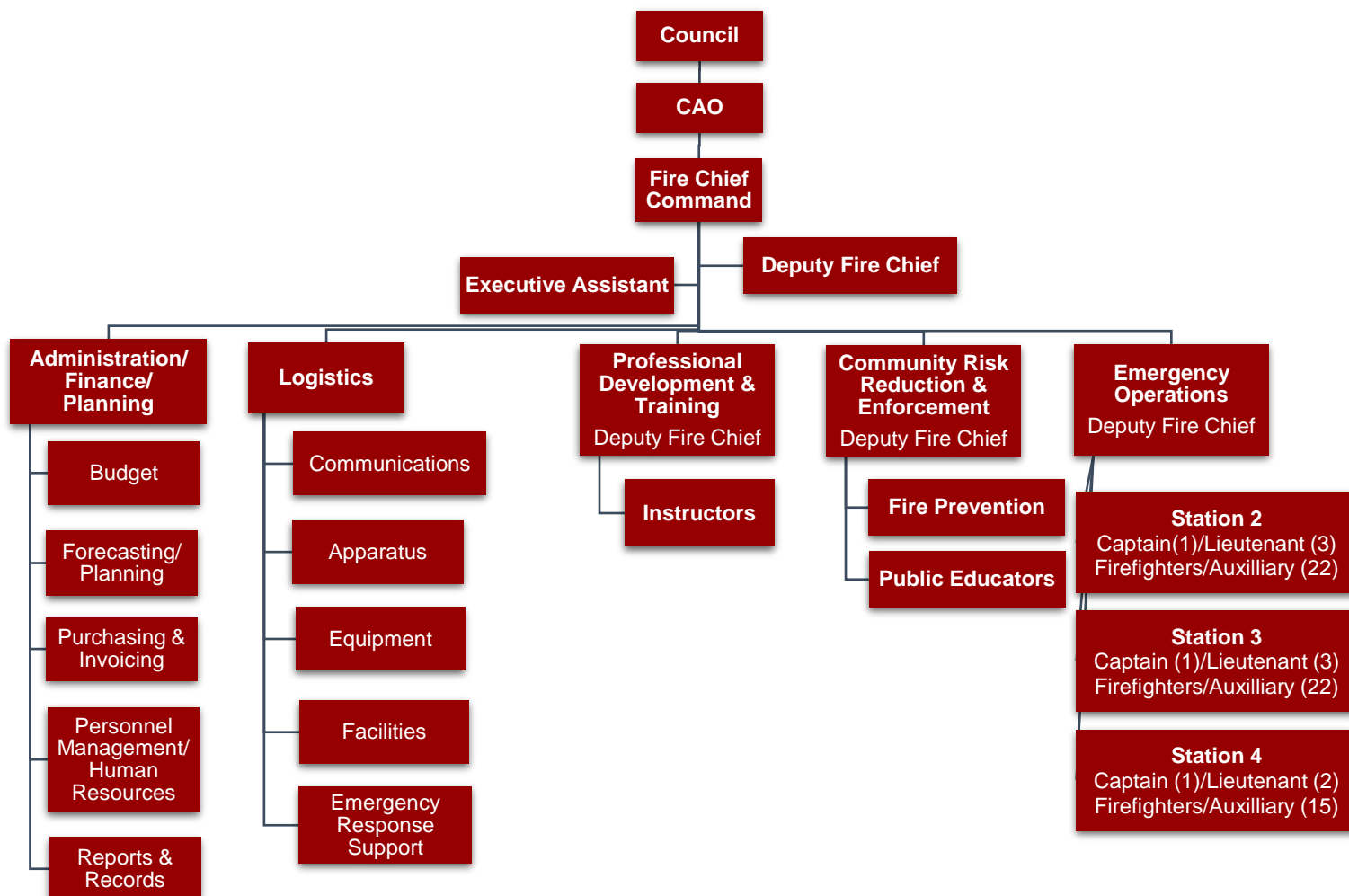


ORGANIZATIONAL STRUCTURE

Wainfleet Fire & Emergency Services Organizational Chart

The Wainfleet Fire & Emergency Services has more than 50 active volunteer firefighters, supported by Executive Assistant, Tara McLachlan, Deputy Fire, Chief Shawn Schutten and Fire Chief, Morgan Alcock.

In 2022, Council amended the Establishing & Regulating by-law and approved the new WFES Organizational Chart to reflect the three-station model in preparation for the new Central Station becoming operational in 2023.



DEPARTMENT PERSONNEL (As of December 31st, 2022)

Chief Officers	
Fire Chief - Morgan Alcock	Deputy Fire Chief - Shawn Schutten
Company Officers	
Central Station	
Captain – Harold Kelly	Lieutenant - Matthew Holinaty
	Lieutenant - Trevor Airhardt
	Lieutenant - Joe Rodrigues
Station 3	
Captain - Conrad Beckingham	Lieutenant - Bruce Vandelaar
	Lieutenant – Brandon Mater
Station 4	
Captain - Jason Mous	Lieutenant - Ben Benson
	Acting Lieutenant - Dawsen Schutten
	Acting Lieutenant - Rachel VanGeel
Department Wide	
Public Education Officer - Charles Farkas	
FIRST CLASS FIREFIGHTERS	
ETHIER, Dawson	MASOTTI, Mike
FANG, Brendan	SNIPPE, Mark
JOHNSON, Leanne	TEDESCO, Aaron
KARPINCHICK, Chris	
MALLON, John	
SECOND CLASS FIREFIGHTERS	
BARKER, Sean	SHOALTS, Ben
BEATTIE, Brandon	SIDER, Tyson
CHASTELET, Nicholas	STATON, Tom
GRAEF, James	STOUTH, Zachary
HOSKIN, Jason	VANDELAAR, John
KISS, Amy	VRIEND, Jerry
MONTREUIL, Christopher	WHITEHALL, Ian
MYERS, Jay	WORRALL, Jeremy
NEUDORF, Stephen	
THIRD CLASS FIREFIGHTERS	
AARTS, Jonathon	HERBERT, Christopher
BOUWERS, Taylor	SCHNEIDER, Jeremy
DUFF, Scott	
PROBATIONARY FIREFIGHTERS	
ANNETT, Sarah	GILMORE, Jacob
BALCH, Allie	MCDONALD, Brad
BLACK, Mitch	
AUXILLARY FIREFIGHTERS	
HESSELS, Ted	



RETIREMENTS & RESIGNATIONS, PROMOTIONS & APPOINTMENTS, RECOGNITION

2022 Retirements, Resignations & Returns

Acting Captain Chad Rumsby retired after 12 years of service
Acting Captain Drew Robins retired after 6 years of service
Firefighter Jeff Grondin retired after 6 years of service
Firefighter Scott Walls retired after 6 years of service
Firefighter Michael Mascitelli resigned after 4 years of service
Firefighter Nick Carter-Flagg resigned after 3 years of service
Firefighter Joseph Bos resigned after 2 years of service

Promotions and Appointments

- 5 members from the class of 2022 Recruits completed their probationary period and became 3rd Class Firefighters on January 1st 2023.
- Brendan Mater was promoted to Station 3 Lieutenant on January 1, 2022.
- Trevor Airhardt was promoted to Central Station Acting Lieutenant on January 1, 2022.

Recognition & Awards

On January 4, 2022, WFES held its annual recruit class graduation and awards ceremony. They completed their oath and were presented their badges and helmets.



HEALTH & SAFETY

Mental Health & Wellness

In Q1, the Fire Services leadership team partnered with a local Mental Health Professional (MHP) to conduct a review of the Post Traumatic Stress Disorder (PTSD) Prevention Plan/Program. The MHP utilized a Needs & Capacity Assessment prepared by the Centre for Addiction & Mental Health (CAMH), which resulted in 52 recommendations, or industry best practices, for fire services in Ontario to review and guide program evolution.

This review resulted in a new Mental Health & Wellness working group being formed. This working group includes members of the Fire Services Leadership Team, Peer Support and Critical Incident Stress Management Team, Joint Health & Safety Committee, as well as the fire services Chaplain and the Mental Health Professional.

The working group reviewed a draft Mental Health & Wellness Plan/Program (MH&WP) that was developed by the MHP. The MH&WP addresses the broader mental health of first responders, while still ensuring we meet all the legislative requirements for PTSD prevention.

Focusing on resiliency and post incident processing, the MH&WP now includes quarterly screening, rapid access to resources, and pre-planned pathways for care for all WFES personnel.

On July 13, 2022 the working group met to review the revisions to the Mental Health & Wellness Action Plan (MH&WAP) and conduct a pilot of the Mental Health & Wellness Screening Tool. There was a 90% completion rate of the tool, with 100% of those who responded indicating that access to the tool was secure and smooth, completion of the screening was easy, and that the tool was asking the correct questions related to first-responders mental health. The results of this pilot provided ample feedback to make final revisions to the program before rollout to the entire department.

The Mental Health & Wellness Action Plan includes items such as:

- Post Traumatic Stress Disorder (PTSD) prevention policy and plan,
- Mental Health Anti Stigma Policy
- Reporting of Exposures Operational Guidelines
- Post Critical Incident Screening
- Quarterly MH&W screenings
- Substance Misuse Service & Care Pathways
- WSIB Service & Care Pathway
- Peer Support & Critical Incident Stress Team training
- Employee & Family Assistance Plan
- Fire Service Chaplain
- Psychotherapist services
- Early access to intervention & care services

On September 6, 2022, the MH&WAP was presented to all personnel, including presentations by the Rapid Access to Addictions Medicine (RAAM) clinic.



Rollout of the first quarterly screening occurred in November, which aligned with “Movember”.

There was a 96% completion rate within 2 weeks.

Of the 47 personnel who completed the screening:

- 25% were offered a follow up call based on clinically significant scoring
Which is slightly lower than the 30% clinically significant scoring in July.

Of those 25% who received follow up by WFES Psychotherapist:

- 16% received a follow-up call, were provided with resources and information and agreed to a future follow up call to check in
- 24% booked in an initial appointment (12% fire related and require funding,)
- 4% received a follow up call with no further action required

High level themes from follow up include:

- Major life transitions i.e. grief and loss, separation and divorce
- Low Resilience
- Anticipatory anxiety re: dealing with future fire & emergency responses
- Performance and personnel issues
- Trauma symptoms present from a call(s) which have not cleared

A common trend among respondents indicated:

- They have been thinking about needing support for a while but find it difficult to put needs first/ask for help
- Thinking it is best to just block out intrusive thoughts and feelings in order to move on
- Feeling supported by Chiefs
- Generally protected from unnecessary exposure

For 2023, the MHWP and any required assistance will be funded through the Professional Fees budget. Staff will be provided reports, as personnel access various resources, which will assist in the next needs assessment and development of future budgetary requirements.

Planned Activity for 2023:

- Co-facilitation of The Working Mind- First Responder (TWMFR) to new recruits
- Development and delivery of session for new recruits and partners
- Utilisation of Post Critical Incident 2-2-6 Screening and CISM support
- Quarterly skills workshops based on Before Occupational Stress (BOS) modules
- Report to MH&W Working Group/review of MH&W Action Plan with considerations re: financial implications and budget requests
- Ongoing screening, follow up and quarterly reporting to Chief

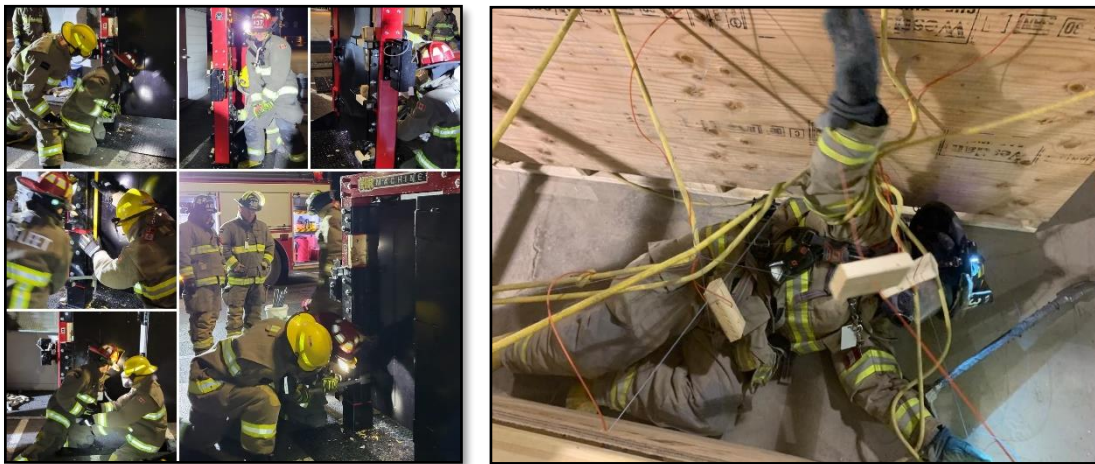


PROFESSIONAL DEVELOPMENT

Following a workplace inspection that had been completed at the Training House on Forks road in late 2021, Several Health & Safety items were identified and the workplace was deemed unsafe. Given that the Township does not own the property or the building, it was determined that corrective actions could not be undertaken. All training and operations within the structure ceased immediately, resulting in the loss of a training resource. Additionally, as part of the tender process for the new central fire station, Council made the decision to demolish the existing structure on the property that was being used and was planned for renovation to be repurposed as a training building. These events have significantly impeded the ability of the fire service to conduct appropriate and realistic training while also forcing personnel and resources to leave the township, ultimately reducing the level of service to the community while these training events occur.

Throughout 2022, WFES maintained firefighter training in accordance with the Collective Agreement, NFPA and OSHA requirements, Firefighters participated in regular training meetings demonstrating both theoretical and practical skills in areas such as:

- Use, Care, Inspection and Maintenance of Personal Protective Equipment (PPE) and Self-Contained Breathing Apparatus (SCBA)
- Medical Response: First Aid, CPR, AED, Overdose response
- Rural Water Supply: Tanker Shuttle & Alternative water sources
- Pump Operations: Apparatus and Portable
- Command & Accountability
- Rescue Operations: Extrication, Patient packaging, Low angle, Rapid Intervention Teams
- Ladders and Ventilation
- Interior Fire Attack including Search & Rescue Techniques



Additionally, WFES focused on Mental Health & Wellness training for not only the firefighters but also the peer support members. WFES also hosted Critical Incident Stress Team training in November of 2022.

Training events include:

- The Working Mind – First Responder (Firefighter mental health resiliency)
- Safe Talk – Suicide awareness and intervention training (Peer Support Team)
- CISM – Assisting Individuals in Crisis (Peer Support Team)
- CISM – Group Crisis Intervention (Peer Support Team)



Live Fire Training

As required in the WVFFA Collective Agreement, all firefighters must attend 1 Live Fire training event annually. Due to WFES not having dedicated training facilities, WFES utilized the Fort Erie Fire Training Tower for these training events. This requires at least half of the department personnel and equipment to be out of service and out of the township during these events.

During two Saturdays in October & November, all members were offered the opportunity to participate in live fire training sessions at the Fort Erie Fire Training Tower to practice fire ground skills. Drills included: Fire Behavior, Interior Fire Attack, Search & Rescue, Command, Accountability, Rapid Intervention Teams, and more.



Accredited Red Cross, NFPA & Recruit Training Program

On July 1st 2022, [O. Reg 343/22 Firefighter Certification](#) came into force. This regulation requires that all firefighters within the Province of Ontario be NFPA certified to the level of service set by the municipal E&R Bylaw within 4 years.

In anticipation of this regulation coming, WFES proactively began its certification process in 2018. As part of the ongoing certification program, WFES continues to provide NFPA certification courses that are recognized by the Academic Standards and Evaluation branch of the Ontario Fire College. In addition to the regular course offerings, our Recruit Training Program (RTP) meets all the Job Performance Requirements (JPRs) for NFPA 1001 Level I & II.

Every year WFES operates the following certified programs:

- NFPA 1001- Firefighter Level I & II – January 1 to July 1
- NFPA 1002 - Pump Operations – October/November
- NFPA 1072 - Hazardous Materials (Awareness & Operations) – October/November
- Red Cross - Standard First Aid & Basic Life Support CPR/AED – January/February
- Red Cross - Emergency First/Medical Responder (EFR/EMR) – November/December

WFES has partnered with Local Area Municipalities and Regional Training Centers to provide the following certified programs:

- Fort Erie Regional Training Centre
 - NFPA 1021 - Fire Officer Levels I & II
 - NFPA 1041 - Fire Service Instructor Levels I & II
 - NFPA 1521 - Incident Safety Officer
- Grimsby Regional Training Centre
 - NFPA 1031 - Fire Inspector Levels I & II
 - NFPA 1033 - Fire & Explosion Investigator
 - NFPA 1035 - Fire & Life Safety Educator Levels I & II & Public Information Officer

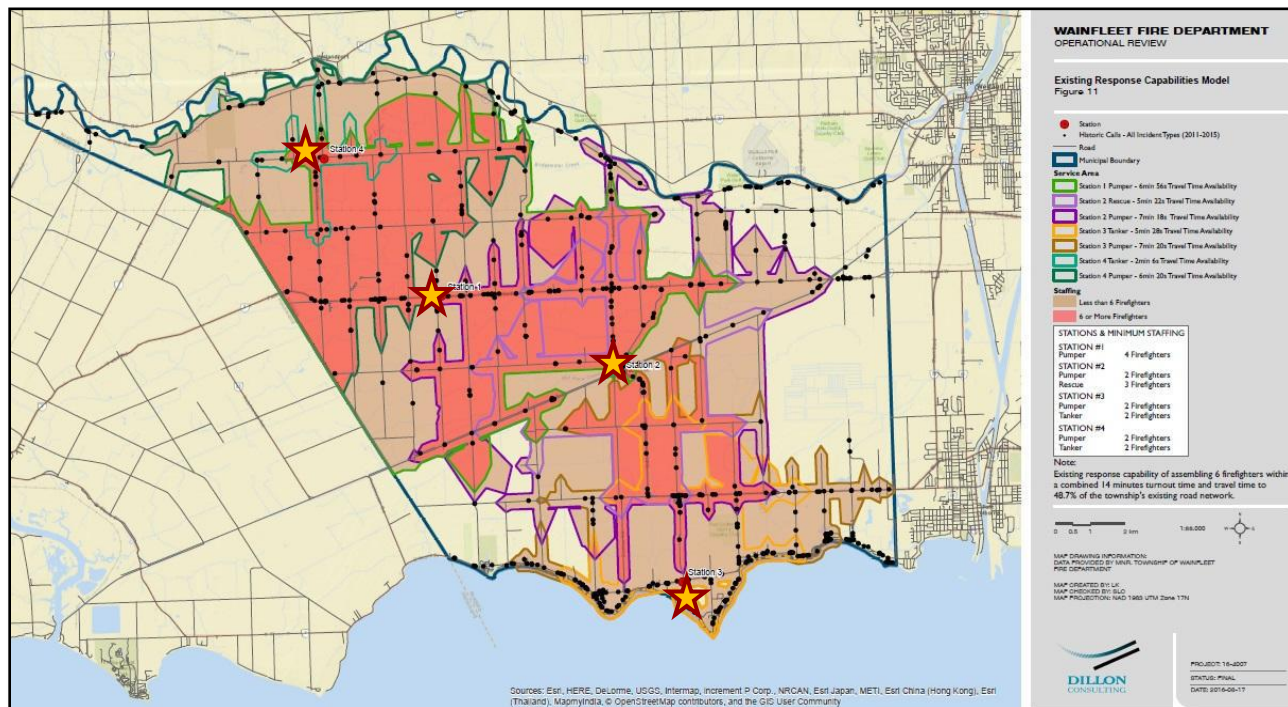


FACILITIES, APPARATUS, EQUIPMENT, & OPERATIONS

The Wainfleet Fire & Emergency Services operates from four stations, with administration offices located within the Town Hall.

Number	Location	Address	Apparatus	Personnel
Administration	Wainfleet	31940 Hwy 3	Car 1, Car 2, Squad 2, UTV 2	3
Station # 1	Winger	43178 Hwy. 3	Engine 1	7
Station # 2	Wainfleet	31907 Park St.	Engine 2, Rescue 2	14
Station # 3	Burnaby	11603 Lakeshore Rd.	Engine 3, Tanker 3	19
Station # 4	Schwoob	63959 Concession 6	Engine 4, Tanker 4	12

Current Stations & Response Areas



STATIONS

In 2022 Council approved several capital investments to be made into Stations 3 (Burnaby) & 4 (Schwoob).

STATION 3- BURNABY

Constructed in 1968, this is a two-bay block building with metal siding. Capital Upgrades completed in 2022 included:

- Interior Wall Paint
- Repair of Concrete Sidewalk (deferred to 2023)
- Floor repairs & coating (deferred to 2023)



STATION 4- SCHWOOB (WELLANDPORT)

Constructed in 1982 this is a two-bay station constructed of metal frame and metal external walls. Capital Upgrades completed in 2022 included:

- Interior Wall Paint
- Foundation repairs
- Floor repairs & coating (deferred to 2023)



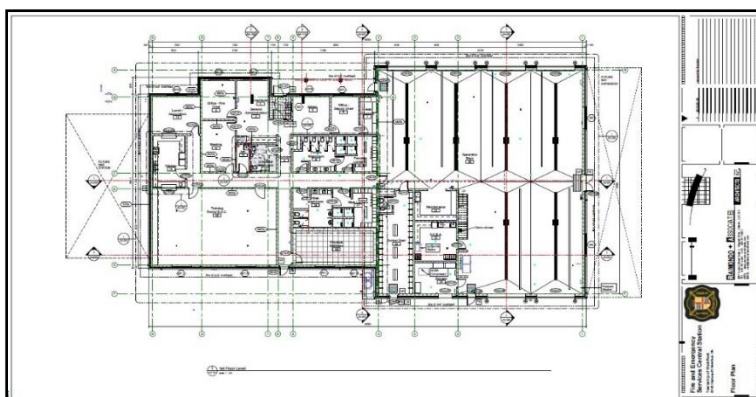
While completing the foundation repair at station 4 (Schwoob), it was discovered that much of the block walls do not have a footing and were placed directly on the clay. With this discovery, staff engaged an engineer to inspect the foundation. They reported that there are footings and piers for the steel posts and point loads and that there is no concern for the safety of the building. However, this lack of support for the block walls, provides an explanation for the movement and cracking and water infiltration of the block. Staff have asked the engineer to determine if the existing structure can be upgraded to a post disaster building. Initial discussions were that it is not and cannot become post disaster rated, however, a forthcoming report from the engineer will provide further detail.

CENTRAL FIRE STATION PROJECT



CENTRAL FIRE STATION PROJECT PROGRESS

Date	Benchmark
January	<ul style="list-style-type: none"> Project Charter approved by Council
February	<ul style="list-style-type: none"> Tender & Bid Documents issued and Bid period opens Mandatory site meeting for all bidders
March	<ul style="list-style-type: none"> Tender Closing Date (moved from February 24, 2022)
April	<ul style="list-style-type: none"> Award of Tender to TRP Construction Construction contract finalization & preconstruction meeting
May	<ul style="list-style-type: none"> Ground Breaking Ceremony Demolition Permit issued MTO Permit issued Building Permit issued
June	<ul style="list-style-type: none"> Demolition of House & Barn completed Site stripping completed New site entrance constructed
July	<ul style="list-style-type: none"> Footings and foundation walls complete Damp proofing complete Slab back-fill complete Pond infill complete Septic bed constructed, and tank installed
August	<ul style="list-style-type: none"> Electrical underground complete Mechanical underground complete Road and parking lot granular complete
September	<ul style="list-style-type: none"> Apparatus bay trench drains complete Roof trusses delivered Under slab insulation complete Floor slab reinforcing complete
October	<ul style="list-style-type: none"> In-floor radiant heat piping complete Floor slab complete Structural steel columns completed Load bearing masonry commenced
November	<ul style="list-style-type: none"> Load bearing masonry ongoing Electrical rough-ins within masonry Mechanical rough-ins within masonry
December	<ul style="list-style-type: none"> Load bearing masonry complete Roof trusses and sheathing complete Mezzanine stair and metal decking installed Attic space electrical conduit installed Roof membrane commenced



APPARATUS

WFES Services "Operates" ten (10) on road vehicles and one (1) off road vehicle.

2020 APPARATUS ROSTER				
	STATION	UNIT ID	DESCRIPTION	YEAR
1	Admin.	Car 1	Personally Owned Vehicle	
2	Admin.	Car 2	GMC Sierra 1500 4x4 – Custom Command Slide	2014
3	1	Engine 1	Pierce – Kenworth T370 (750gpm)	2003
4	2	Engine 2	Superior- International (1250gpm)	1999
5	2	Rescue 2	Fort Garry - Dodge 5500 – Walk around rescue	2018
6	2	Squad 2	2023 GMC Sierra 2500 4x4 – Utility Unit	2023
7	3	Engine 3	HME – 1870SFO (1500gpm) Rescue-Pumper	2021
8	3	Tanker 3	Fort Garry – International (3000gal.)	2018
9	4	Engine 4	Fort Garry – International (1250gpm)	2018
10	4	Tanker 4	Swentz- Freightliner (2500gal.)	2005
11	Admin.	UTV 2	Kubota RTV – Sidekick w/ CET Skid Unit	2019

Engine 2 (1999) was to be replaced in 2019 however its replacement has been deferred until the opening of the new Central Station. Due to several irreparable items on Squad 1 (2005) it was removed from service in 2021. A new 2021 Engine was purchased and placed at Station 3, with the old Engine 3 (2003) moved to Station 1, which will move again to the new Central Station.

This revised plan meant that once the new station opens, it will require a new Engine and a Tanker. Other apparatus will still need to be acquired to meet the needs of the community.

The table below outlines a ten year the fleet purchasing/replacement plan and does not forecast the replacement of the entire fleet beyond 2033.

APPARATUS FORECAST			
UNIT ID	D.O.M.	APPARATUS PLAN & DATE	*ESTIMATED REPLACEMENT COST
OVERDUE			
Engine 2	1999	To be removed from Service (2024)	\$0.00
2023-2025			
Car 1	New	2023	\$ 105,000.00
Engine 1	2003	Replace in 2023 (will remain as reserve)	\$ 850,000.00
Tanker 2	New	2024	\$ 650,000.00
Car 2	2014	2024	\$ 110,000.00
		1-3 Years Subtotal	\$ 1,715,000.00
2026-2029			
Tanker 4	2005	2025	\$ 650,000.00
Rehab/Decon	New	2026	\$ 110,000.00
Rescue 2	2018	2028	\$ 650,000.00
		4-6 Years Subtotal	\$ 1,410,000.00
2030-2032			
Engine 4	2017	2032	\$ 900,000.00
Squad 2	2023	2033	\$ 150,000.00
Car 1	2023	2033	\$ 125,000.00
		6-10 Years Subtotal	\$ 1,175,000.00
10 YEAR TOTAL ESTIMATED REPLACEMENT VALUE			\$4,300,000.00
Estimated Annual Replacement Funding Requirement			+/- \$ 430,000.00

*Estimates are calculated using recent comparable purchases with forecasted inflation & Values are Unaudited



SQUAD 2

Following Council's approval of the 2022 Capital Budget, for a new Squad (Heavy Duty Crew Cab pickup truck). Council approved the purchase of a 2023 GMC Sierra 2500HD from Niagara Motors, which was delivered in September of 2022. The vehicle was then sent to up-fitters for the installation of the graphics, cap, bed-slide, emergency warning equipment (lights & sirens) and radio communications equipment. The vehicle was placed in service on December 9, 2022.

As previously reported, the purpose of this truck is to serve as a multi-role response and support vehicle. During the grass fire season, it will be loaded with wildland firefighting equipment and pre-connected to the UTV as a "brush truck".

However, during structure fire responses it will be utilized to transport personnel and equipment to and from the scene.

Additionally, as part of our "Cancer Prevention Plan" it will be used as a "Decon." truck, where all contaminated equipment, gear & PPE, post fire incident, will be bagged and transported in the bed of the truck, reducing contamination of the passenger compartments of other apparatus and personal vehicles.



EQUIPMENT

Beginning in 2019, Council approved an annual equipment replacement program that would provide the necessary resources for the continued replacement of aging equipment and Personal Protective Equipment (PPE). Some of the equipment purchased in 2022 includes:

2- Battery Operated Chainsaws	2000' of 2 1/2" (65mm) Fire Attack Hose
1 - Battery Operated Ventilation Fan	1 - Cordless tool set
200' of 4" (100mm) LDH Supply Hose	4 - Cordless reciprocating saws
Mobile Data Terminal (Tanker iPads)	Tracks for the UTV
Battery Operated Portable Scene Lighting	Portable Ground Monitor



RURAL WATER SUPPLY PROGRAM

The Township of Wainfleet does not operate a Municipal Water Supply system and as such the Fire Service relies on a “Rural Water Supply Program” which includes impounded water, dry hydrants and mobile water supply apparatus (Tankers) for firefighting operations.



Berg Farm Supply



Wills Rd



Arena

As recommended by the Master Fire Plan, Operational Review and as approved in the Capital & Operational Budgets, WFES has begun to identify areas with water supply gaps in accordance with Fire Underwriters guidelines and NFPA standards, and is working to address these gaps with new installations. In 2021 Council approved an annual Capital Budget line for the Rural Water Supply program. Piping, hardware, connections and materials were purchased in 2021 for the installation of 2 new dry hydrants.

In 2022, various community partners installed drafting sites and to ensure FD accessibility, WFES supplied the final connections and piping. Staff have identified 2 areas for installation and are working with the necessary permitting agencies to facilitate the design and installation of these units, pending Council approval in 2023.

COMMUNITY RISK REDUCTION

PUBLIC EDUCATION EVENTS

March 19, 2022 - Public First Aid & CPR course

WFES personnel provided a Red Cross First Aid & CPR course to approximately 20 members of the public.



June 2023 – Tax Mailer

An insert with Residential Fire Safety Inspection information was included with the June Property Tax mailer.

July-September 2022 – Wainfleet Farmers Market

Members of the WFES attended some of the Wainfleet Farmers Markets and delivered Fire & Life Safety messages to people of various age groups.

Messages included:

Farm Safety, Escape Planning, Safe Cooking, Working Alarms Save Lives.

July 1, 2022 – Canada Day

Members of the WFES conducted apparatus and equipment tours and delivered Fire & Life Safety messages to people of various age groups. Messages included: Farm Safety, Escape Planning, Safe Cooking, Working Alarms Save Lives.

**Wainfleet Fire &
Emergency Services**

**For a Free Home Fire
Safety Inspection**

Call 905-899-3463
Email fire@wainfleet.ca
Click wainfleet.ca/WakeUpWainfleet

**Wake Up
Wainfleet!**

Only Working Smoke/CO Alarms
Save Lives!



September 22-24, 2022 – Wainfleet Fall Fair

Every year WFES provides standby Emergency Services for the motorsport's portions of the Wainfleet Fall Fair. This year, crews were only required to provide fire suppression, auto extrication and emergency medical response for the Demolition Derby on the Saturday evening.

There were no incidents that occurred and crews were able to conduct Public Education messaging while on standby. It should be noted that 2 apparatus and at least 8 firefighters are out of service when dedicated to the fall fair.



October 9-15, 2022 - Fire Prevention Week

The theme for Fire Prevention Week 2022 was,
"Fire won't wait. Plan your Escape™",

Which is intended to educate everyone about simple but important actions they can take to keep themselves and those around them safe from home fires.

Today's homes burn faster than ever. You may have as little as two minutes (or even less time) to safely escape a home fire from the time the smoke alarm sounds. Your ability to get out of a home during a fire depends on early warning from smoke alarms and advance planning.

October 10, 2022 Staff attended Port Colborne for a joint Fire Prevention Week event with CHCH News.

<https://youtu.be/lsZIS7yN7k4>

On October 12, 2022 WFES personnel attended all four schools in the township to deliver Fire & Life Safety Public Education messaging.



October 14, 2022 – 75th Anniversary Open House

On October 14, 2022, WFES celebrated its 75th Anniversary of providing Fire & Emergency Services to the community of Wainfleet.

Members of the community, past firefighters and council were invited to attend, to share stories, see the equipment and apparatus, all while providing Fire & Life Safety messaging.



November 1-7, 2022 – Carbon Monoxide Awareness Week

Carbon Monoxide Awareness Week took place November 1st – 7th. Information was made available at the municipal office and was also posted on Social Media and on the municipal website. Residents were encouraged to properly install and maintain their carbon monoxide alarms.

<http://cosafety.ca/>

<https://www.wainfleet.ca/en/living-here/fire-and-carbon-monoxide-hazards.aspx#CARBON-MONOXIDE>

<https://fb.watch/b3XTecTUuQ/>



November 13, 20, 27 & December 4, 2022 – Wainfleet Christmas Vendors Market

Members of the WFES attended the Wainfleet Christmas Vendors Market and delivered Fire & Life Safety messaging, while also accepting food and toy donations for the 2022 Christmas Basket Program. Messaging included:

- Home Escape Planning
- Smoke and CO Alarm Requirements
- Seasonal Fire Safety
- Emergency Preparedness (72 hour kits)



December 12-23, 2022 - 12 Days of a Holiday Fire Safety

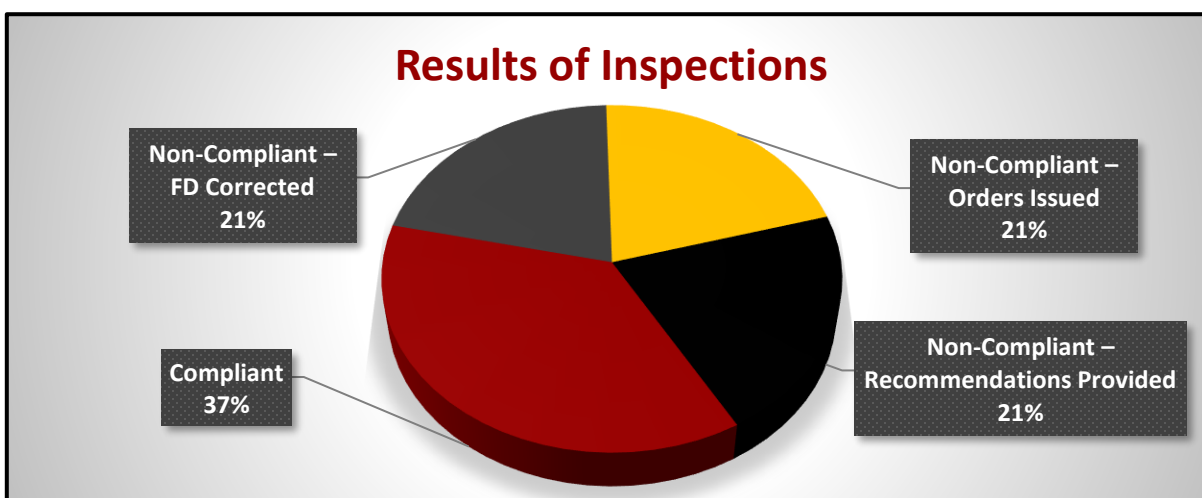
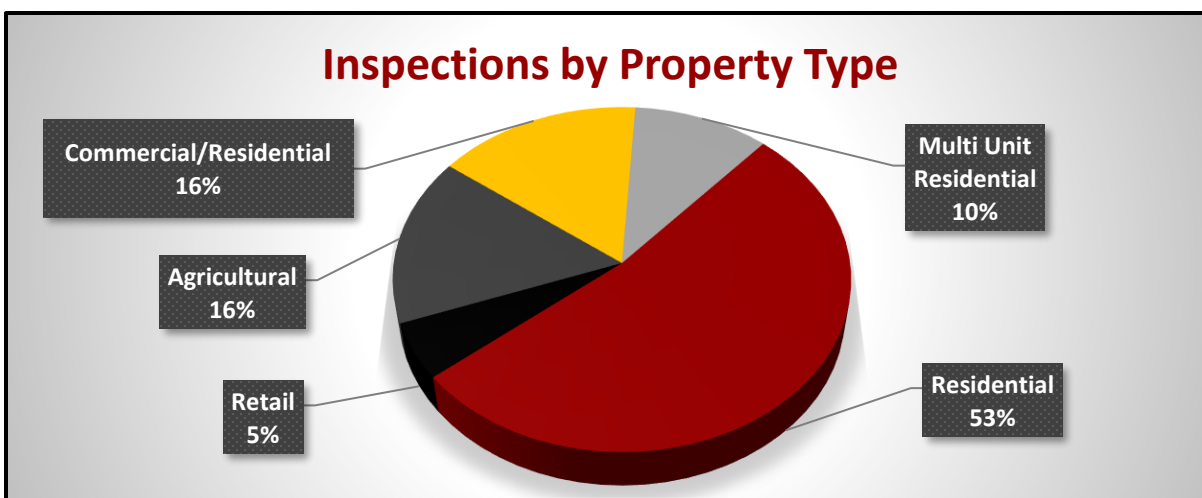
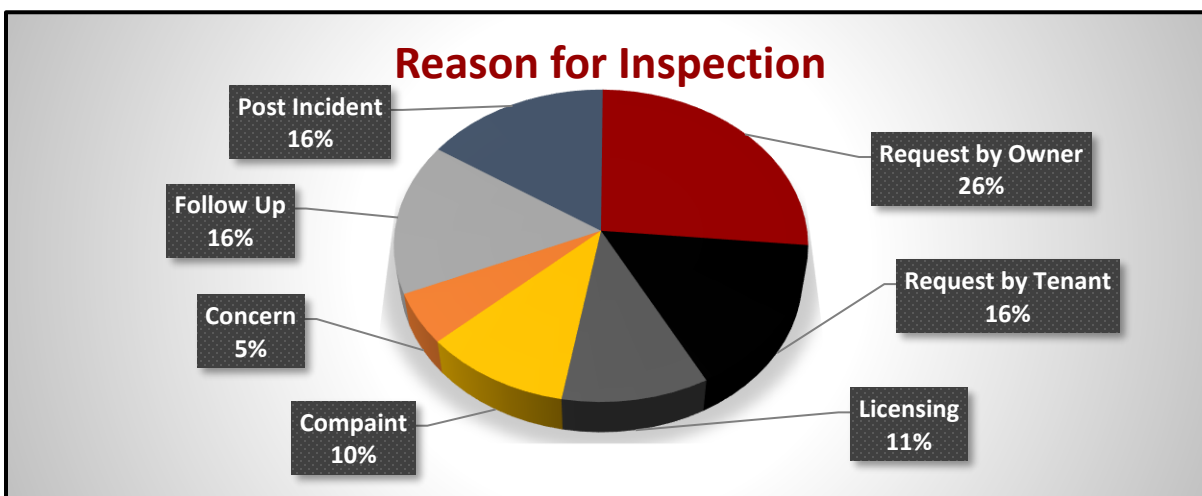
In partnership with the Office of the Fire Marshal, fire services across the province engaged in a public education/social media campaign. This campaign focused on the various hazards that predominantly occur during the holiday season and messaging was delivered through a series of online videos that were posted and shared via social media between December 12 and 23, 2022.

Date	Topic
Dec. 12, 2022	Holiday Lights
Dec. 13, 2022	Candles & Decorations
Dec. 14, 2022	Smoke Alarms
Dec. 15, 2022	Carbon Monoxide Alarms
Dec. 16, 2022	Tree Watering
Dec. 17, 2022	Electrical Hazards
Dec. 18, 2022	Candles during Hanukkah
Dec. 19, 2022	Fire Escape Planning
Dec. 20, 2022	Cooking
Dec. 21, 2022	Heating Sources
Dec. 22, 2022	Careless Smoking
Dec. 23, 2022	Lithium Batteries

FIRE PREVENTION INSPECTIONS

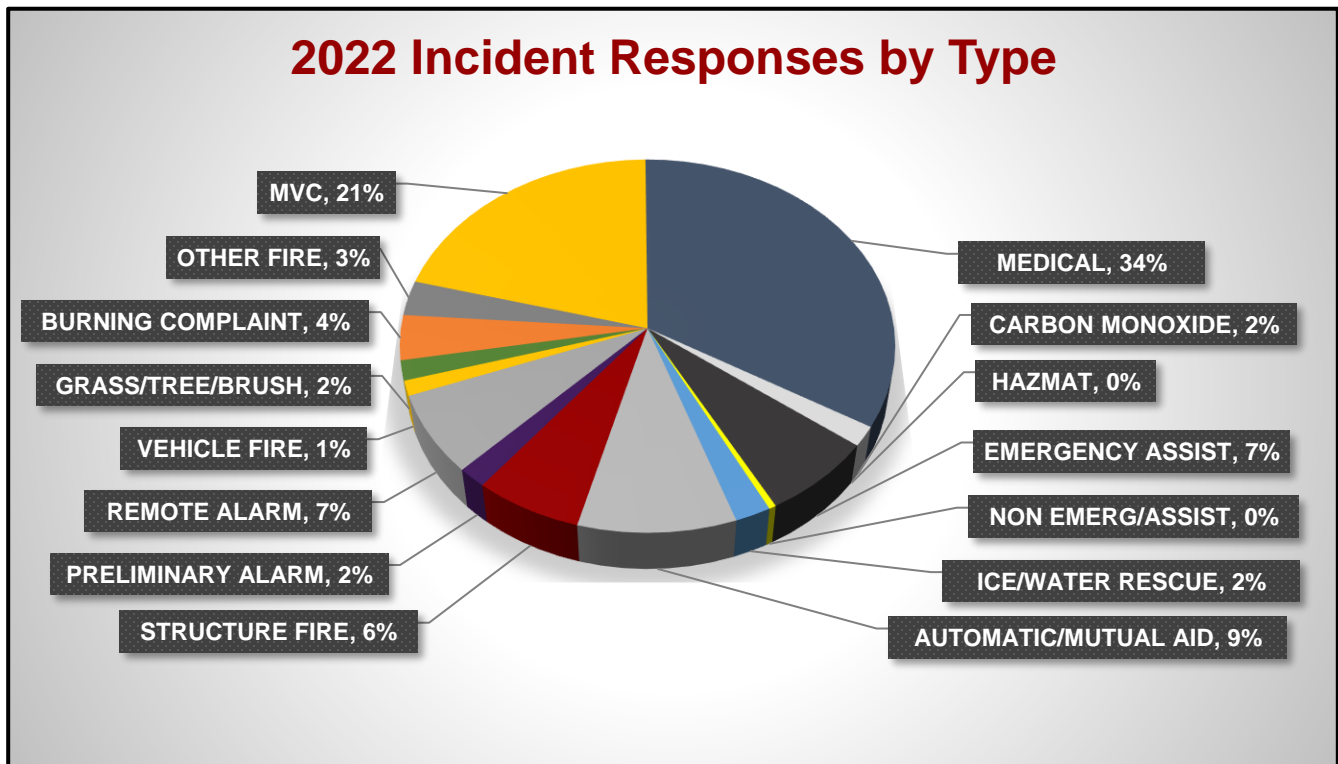
In 2022, 19 (5.5% increase over 2021) Fire Inspections were conducted as a result of either requests, complaints or post incident follow up.

- One (1) inspection resulted in Provincial Offence Notices (Tickets) being issued
- Two (2) required the Electrical Safety Authority to conduct inspections
- Three (3) inspections resulted in orders being issued
- Five (5) inspections resulted in WFES providing and installing Smoke/CO alarms
- All others were either compliant or required minor changes for compliance



OPERATIONS - EMERGENCY RESPONSES

The Wainfleet Fire & Emergency Services responded to a total of 233 incidents in 2022, which is approximately a 26.3% increase from 2021. WFES responds to many different types of incidents.



Structure Fires/Explosion calls totaled 6% (15 incidents) of emergencies in 2022 for WFES. This is a 66.7% increase from the 9 incidents in 2021.

With the province wide strain on the healthcare systems resulting longer response times for EMS, WFES responses for medical assistance calls were at an almost pre-pandemic level, totaling 34% (78 incidents). Medical Assist calls include any emergency call where the original need for WFES assistance was medical distress, specifically: vital signs absent, unconscious, or significant delay in EMS response.

For 2022, Medical Assist calls were the highest number of incidents with Motor Vehicle Collisions being the second most required response, at 21% (48 incidents).

In 2020 “Emergency & Non-Emergency Assistance” replaced the “Public Hazard” call category reported which includes situations such as: floods, power line calls, unknown odours, general assistance, etc. These types of calls for services accounted for 7.5% (17 incidents) of call outs.

Rescues (technical and general) totaled 2% (5 incidents) of call outs.

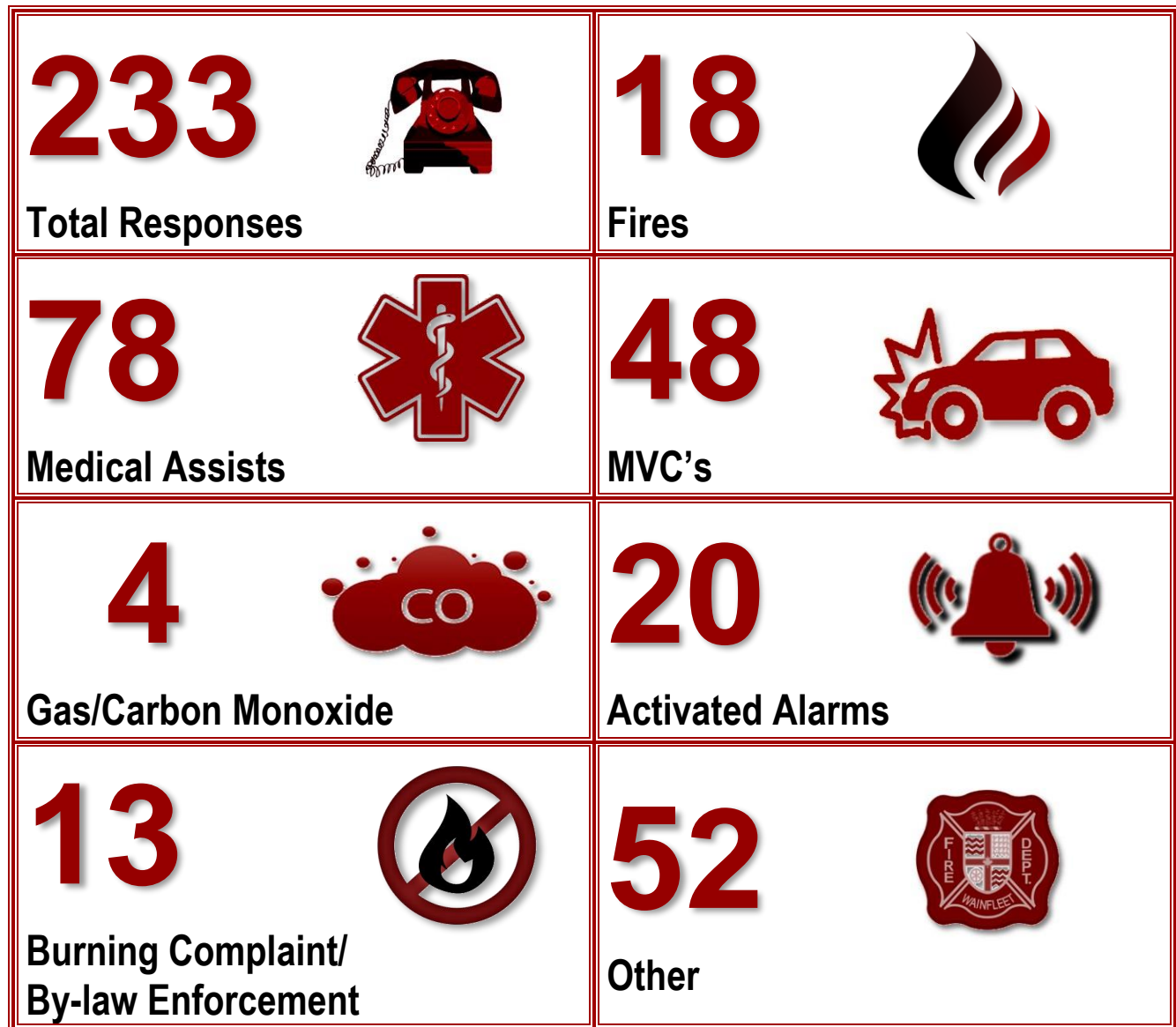
Open Air Burning By-law enforcement and response to complaints resulted in 6% (13 incidents). Most responses were a result of either no burn permit issued, non-compliant burning to the by-law and/or neighbour disputes regarding the spread of smoke and materials being burned. No burn permits were revoked, several fires ordered extinguished, and one required WFES to extinguish.

Carbon Monoxide responses totaled 2% (9 incidents), of which 7 were determined to be equipment malfunctions, 2 were a perceived emergency and 0 incidents actually had elevated levels of Carbon Monoxide present.

A total of eighteen (18) fire incidents occurred during 2022 within the Township of Wainfleet. This includes structure, vehicle, vegetation and other materials fires. These fires had a combined estimated value of \$10,625,550. The total dollar loss caused by damage of fire is estimated to be approximately \$3,574,550. This results in approximately \$7,050,000 in property saved by the Fire Department. That translates to every dollar lost an additional \$1.97 was saved.

The 2022 Fire Services approved operating budget was set at \$1,329,165.24, which means for every dollar invested in fire protection services, \$5.30 of property was saved, with the understanding that Fire responses make up approximately 10% of the total emergency responses in 2022.

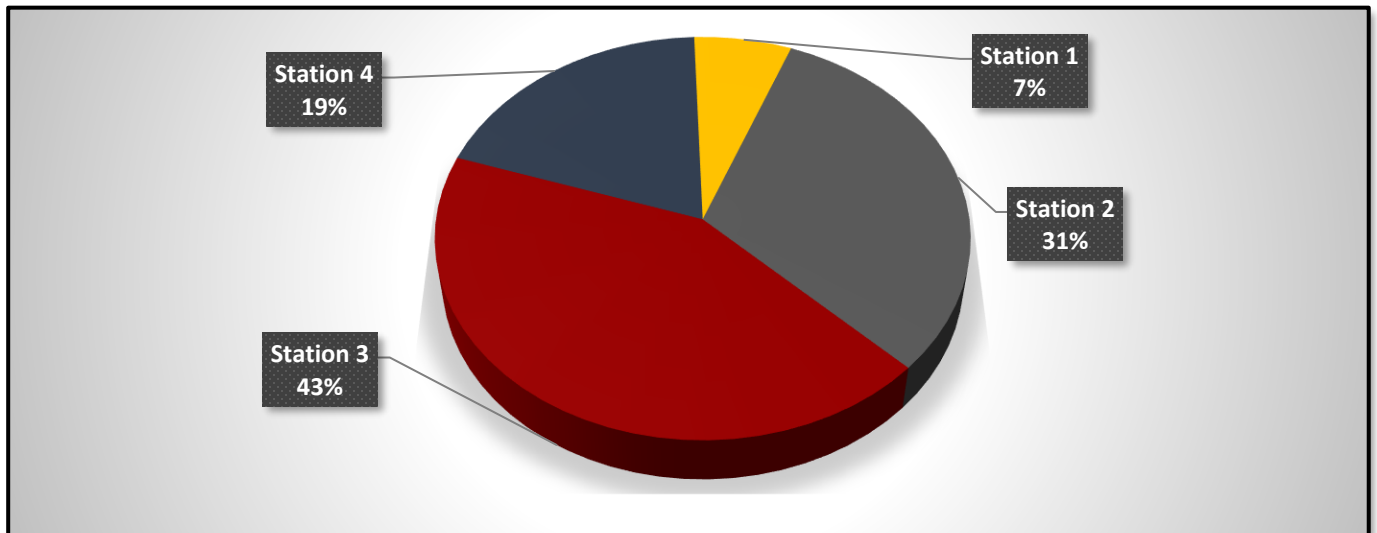
The following info-graphic illustrates the incidents by type.



**Other includes: Rescue, Mutual Aid, Automatic Aid, Incidents not found, Call cancelled on route, etc.*

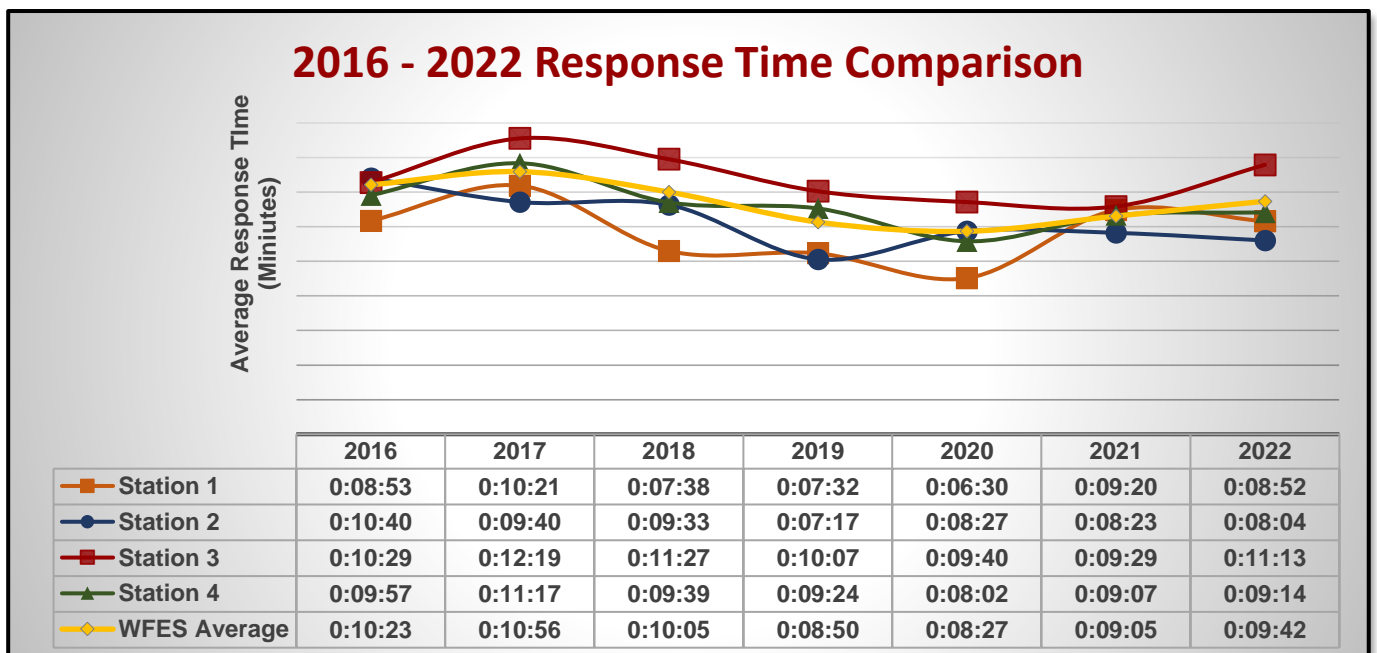
STATION RESPONSES

The Wainfleet Fire & Emergency Services operates 4 stations with Administration operating out of the Township Office. Historically, Station 3 receives the most calls for services due to the increased seasonal occupancies.



RESPONSE TIMES

The importance of time is critical in responding to any emergency. The average response time for incidents within the municipality in 2022 was approximately 09:42 minutes. This represents the exact time from the receipt of the actual call from 911 dispatch to the on-scene arrival time by the fire department. Response times have remained stable from 2019 largely due to the fact that the township has added more total firefighters as well as allowed township employees to respond if needed. Currently, there are three township employees that respond as firefighters during daytime hours. The following chart compares the average response times for each station and provides an overall average for from 2016 to 2022.

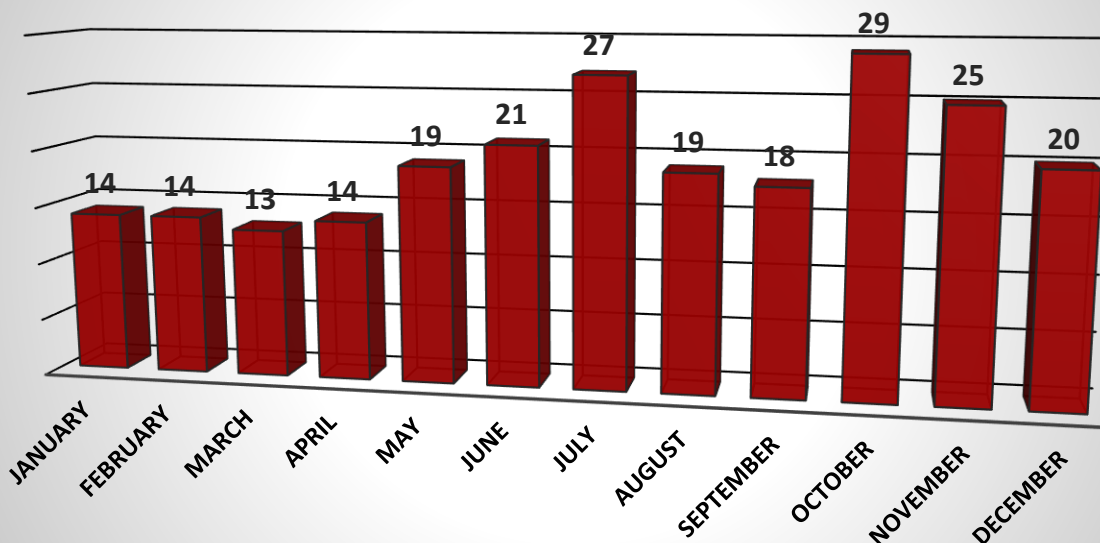


*Some factors that affected these times are: Time of Day, Number of Responders and Location of Incident



INCIDENTS BY MONTH

2022 Responses per Month



WAINFLEET FIRE & EMERGENCY SERVICES 2022 MONTHLY DISPATCHES BY DETERMINANT

Determinant Group	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL	2021	% Change
STRUCTURE FIRE	1	2	3	1	1	1	0	0	1	2	2	1	15	9	66.7%
PRELIMINARY ALARM	0	1	0	0	0	0	0	0	0	1	2	0	4	0	0.0%
REMOTE ALARM	2	2	1	0	2	1	3	1	0	3	0	1	16	15	6.7%
VEHICLE FIRE	1	0	0	0	0	1	0	0	0	0	1	0	3	7	-57.1%
GRASS/TREE/BRUSH	0	0	0	1	0	0	0	1	0	2	0	0	4	9	-55.6%
BURNING COMPLAINT	0	0	1	1	1	0	2	3	1	0	0	0	9	14	-35.7%
OTHER FIRE	0	1	0	0	0	1	2	0	0	2	0	1	7	13	-46.2%
MVC	3	3	2	1	3	5	7	2	4	8	7	3	48	42	14.3%
GENERAL/TECH RESCUE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
MEDICAL	6	5	4	7	8	6	8	5	9	7	7	6	78	42	85.7%
CARBON MONOXIDE	0	0	0	0	0	0	1	0	1	0	0	2	4	10	-60.0%
HAZMAT	0	0	0	0	0	0	0	0	0	0	0	0	0	1	-100.0%
EMERGENCY ASSIST	1	0	1	1	1	1	0	2	2	2	1	4	16	4	300.0%
NON EMERG/ASSIST	0	0	0	0	0	0	0	0	0	0	0	1	1	4	-75.0%
ICE/WATER RESCUE	0	0	0	0	0	2	1	0	0	0	1	1	5	2	150.0%
UNKNOWN 911	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0.0%
Total Responses Within Municipality	14	14	12	12	16	18	24	15	18	27	21	20	211	172	22.7%
Total Responses Out of Jurisdiction (Other)	0	0	1	0	0	1	0	0	0	0	0	0	2	1	
To Port Colborne	0	0	0	2	3	2	3	4	0	2	4	0	20	0	
2022 TOTAL	14	14	13	14	19	21	27	19	18	29	25	20	233		
2021 TOTAL	13	12	11	6	22	12	18	17	17	15	14	16	173		
% CHANGE	7.7%	16.7%	18.2%	133.3%	-13.6%	75.0%	50.0%	11.8%	5.9%	93.3%	78.6%	25.0%	34.7%		

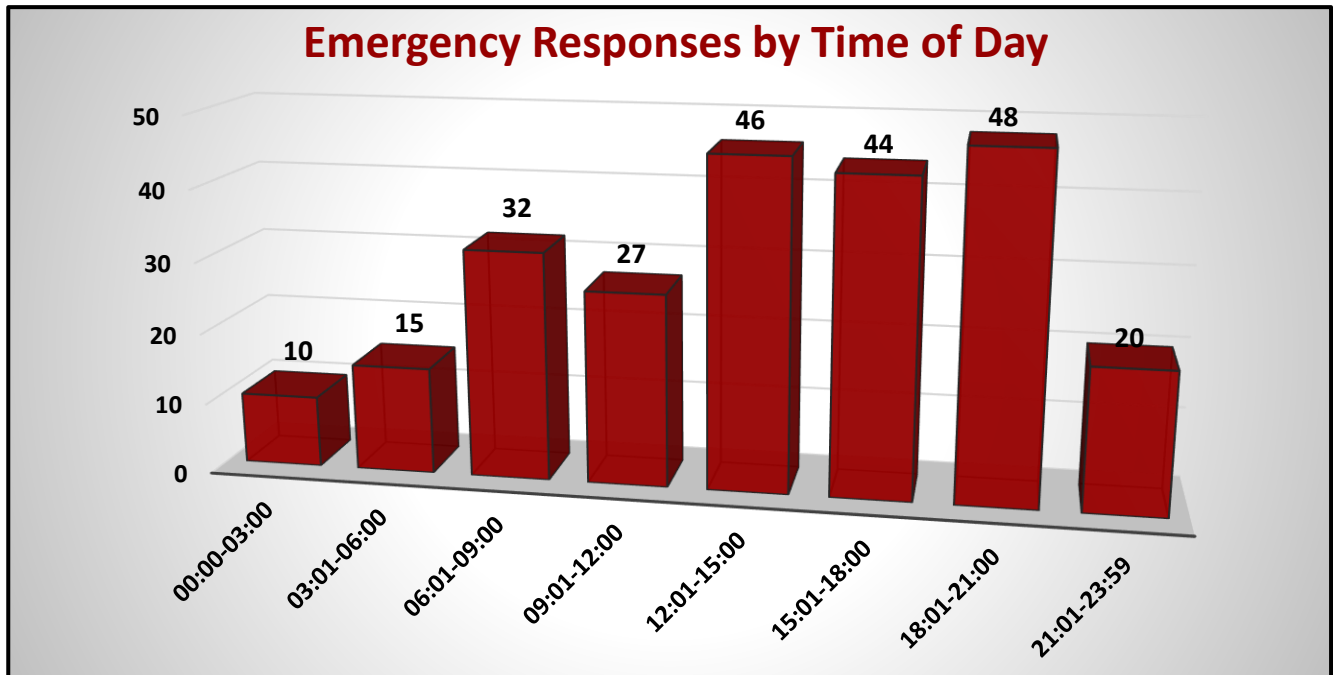
+ Fire includes: Structure, Vehicle, Vegetation and Controlled Fires

* Other includes: Public hazards, Rescues, Utility Incidents (Electric/Gas), Agency Assistance, Mutual Aid

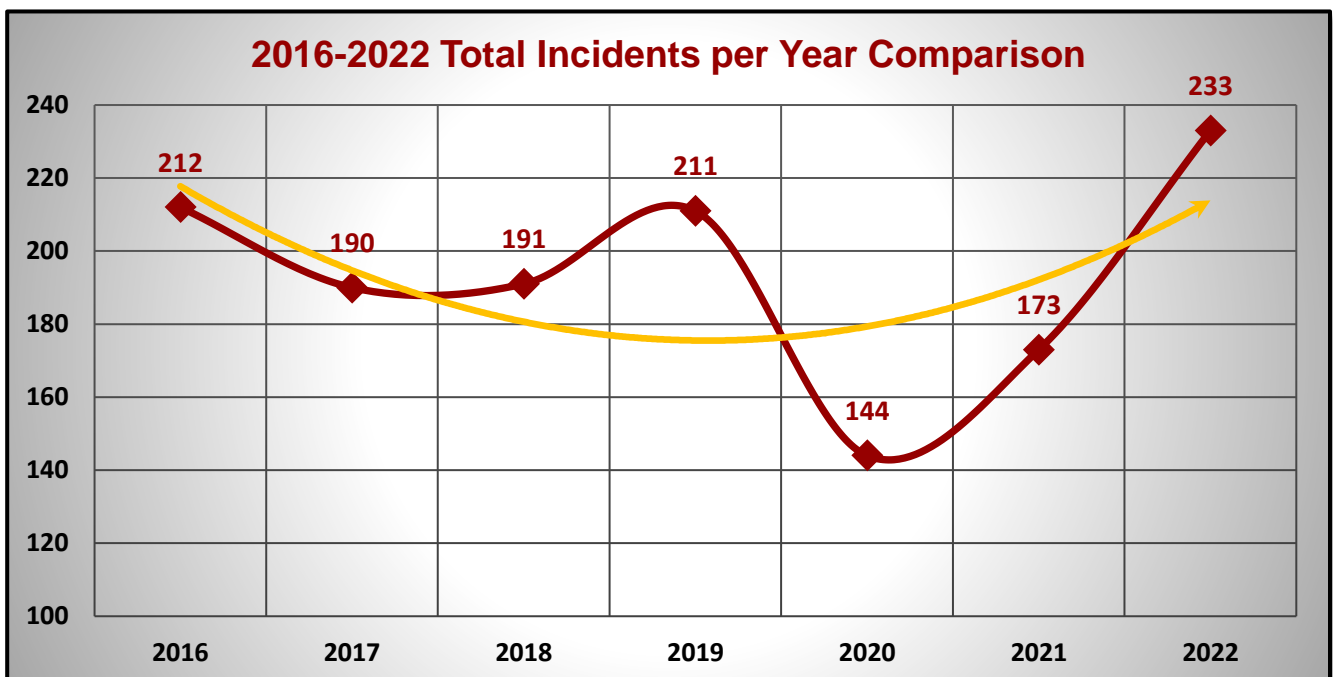


INCIDENTS BY TIME OF DAY

This chart outlines emergency responses by time of day in 3-hour sections, with the highest call volume occurring between 12:00pm and 6:00pm. Given the diurnal patterns that affect wildland fire conditions such as relative humidity, wind speeds and air temperature. This data reinforces the need for daytime burning restrictions and daytime responders.



2016-2022 INCIDENT COMPARISON



SIGNIFICANT INCIDENTS

"Significant Incident" -

All Fires and any Fire Department response with more than 20 personnel and 2 stations.

January 2, 2022 – Heavy Equipment Fire - Excavator

Station #2 (Wainfleet) was the primary responding station with a department response of 9 apparatus and 20 personnel from all 4 stations.

The Fire Department arrived on scene to an excavator fully involved and located in a field without an entrance. Firefighters laid a ladder across the ditch to access the excavator by foot. A bulldozer was parked beside the excavator. The windshield had been smashed and the driver's door was open. Oil booms were set in the ditch to contain the fuel run off.

NRP was notified and attended the incident, as the fire was deemed suspicious as the equipment has been in place for a few weeks and a single set of footprints were found leading from the equipment to the ditch.

It was estimated that the value of the equipment saved was approximately \$200,000.00

January 26, 2022 – Structure Fire – Single Family Dwelling

Station #3 (Burnaby) was the primary responding station with a department response of 8 apparatus and 26 personnel from all 4 stations.

The Fire Department arrived on scene to find a two storey structure with visible smoke showing and all occupants out of the house. Fire had extended from the wood stove/chimney into the wall space. Crews had the fire under control in 30 minutes from the time they arrived on scene, with damage limited to the area of origin. It is estimated that the value of the property (structures & contents) saved is approximately \$300,000.00

During a follow up inspection, it was determined that the home had expired smoke alarms. Crews installed two new combination smoke/CO alarms prior to leaving the property and the homeowner was issued orders.

February 9, 2022 – Structure Fire - Single Family Dwelling

Station #2 (Wainfleet) was the primary responding station with a department response of 5 apparatus and 12 personnel from 3 stations.

The Fire Department arrived on scene to find a single storey structure with heavy smoke and fire conditions on the lake side of the building. It was reported that there were no occupants in the building and a transitional fire attack was utilized.

Crews had the fire under control in 45 minutes from the time they arrived on scene, with damage limited to the lake side portion of the structure. Contents of the other bedrooms were all salvageable, however the building has since been demolished. It was estimated that the value of the property (structures & contents) saved was approximately \$100,000.00



January 14, 2022 – Heavy Equipment Fire – Rock Crusher

Station #3 (Burnaby) was the primary responding station with a department response of 7 apparatus and 15 personnel from 3 stations.

The Fire Department arrived on scene to a conveyor belt burning deep within a rock crushing machine. Personnel on site were dumping water on the fire with loaders, which kept the fire from spreading.

Firefighters had to cut their way through the belt and then work to remove the belt from the machine. Once completed, crews were able to access and extinguish the fire. It was estimated that the value of the equipment saved was approximately \$200,000.00

March 12, 2022 – Structure Fire – Commercial/Agricultural Buildings

Station #2 (Wainfleet) was the primary responding station with a department response of 7 apparatus and 32 personnel from 3 stations. Port Colborne provided one tanker through Automatic Aid, and Pelham (Fenwick) and Haldimand (Lowbanks) also provided tankers as requested through Mutual Aid.



The Fire Department arrived on scene to heavy smoke and fire coming from a commercial building. The building was attached to a home and several greenhouses, which made access and initial attack challenging. It was reported to command that there was one occupant unaccounted for. The incident was sectorized into three areas, with search and rescue and fire spread/exposure protection being the two main priorities.

Crews had the fire under control in 43 minutes from the time they arrived on scene, with damage limited to the fire building with some extension into the greenhouses. Unfortunately, one person was located deceased inside the building. The adjoining home, retail centre and large portions of the greenhouses were all saved, however the fire building has since been demolished and rebuilt. It was estimated that the value of the property (structures & contents) saved was approximately \$2,000,000.00.



March 30, 2022 – Structure Fire – Kitchen Fire – Single Family Dwelling

Station #3 (Burnaby) was the primary responding station with a department response of 6 apparatus and 14 personnel from all 4 stations. Both Port Colborne and Haldimand (Lowbanks) provided one tanker as requested through Mutual Aid.

The Fire Department arrived on scene to smoke and fire coming from the rear of the structure. It was reported that it was a kitchen fire and all occupants were out of the home.

Crews had the fire under control in 8 minutes from the time they arrived on scene, with damage limited to the room of origin. It was estimated that the value of the property (structures & contents) saved was approximately \$700,000.00.

April 19, 2022 – Structure Fires – Agricultural & Single-Family Dwelling

Station #2 (Wainfleet) was the primary responding station with a department response of 8 apparatus and 40 personnel from all 4 stations. Port Colborne provided an Engine with personnel and one tanker, and Haldimand (Lowbanks) also provided a tanker as requested through Mutual Aid.

The Fire Department arrived on scene to heavy smoke and fire coming from an agricultural building. Defensive operations and exposure protection became the priority, as high winds impeded crew's abilities to control the fire. Radiant heat and the winds blew embers under a nearby vacant dwelling to the east, which also ignited on the outside corner and extended into the walls and attic space.



An interior attack was attempted but progress was hindered by access issues and interior content loads. A second interior attack was attempted but crews backed out due to the potential of structural collapse. An excavator was called to the site for overhaul of both buildings and the eventual extinguishment of all fires.

Crews had the fire under control in approximately 5 hours from the time they arrived on scene. It was estimated that the value of the property (structures & contents) saved was approximately \$400,000.00.

June 5, 2022 – Structure Fire – Multi-Unit Residential

Station #3 (Burnaby) was the primary responding station with a department response of 7 apparatus and 21 personnel from all 4 stations. Port Colborne was first on scene, and provided both an engine and a tanker through the Automatic Aid agreement.

The Fire Department arrived on scene to a small fire on the front porch of a multi-unit residential structure that had been extinguished by an NRP officer who was passing by.

Crews completed a home fire safety inspection and found that the unit did not have working smoke/CO alarms on any of the floors. Crews installed combination smoke/CO alarms on both floors and issued orders to the property owner. Personnel conducted a follow-up inspection of the adjoining unit to ensure the property owner had complied with the orders. No charges were laid.

July 1, 2022 – Motor Vehicle Collision

Station #2 (Wainfleet) was the primary responding station with a department response of 6 apparatus (including the UTV) and 21 personnel from all 4 stations.

The Fire Department responded to a single vehicle rollover with multiple occupant ejections and persons trapped in the vehicle. Crews attended to 4 patients while simultaneously stabilizing the vehicle for the extrication of a 5th patient. All occupants were transported to nearby hospitals with many of them transferred to out of region trauma centres.

WFES peer support team and the mental health consultant were notified to provide support and assistance to the responders involved.

July 10, 2022 – Medical Assistance

Station #3 (Burnaby) was the primary responding station with a department response of 1 apparatus and 6 personnel.

The Fire Department responded to a patient that presented with high velocity trauma injuries and vital signs absent caused by a high elevation fall from a skydiving accident. Crews assisted EMS with patient care, until such time that the patient was declared deceased on scene.

WFES peer support team and the mental health consultant were notified to provide support and assistance to the responders involved.

July 19, 2022 – ATV Rollover

Station #3 (Burnaby) was the primary responding station with a department response of 7 apparatus and 24 personnel from all 4 stations.

The Fire Department responded to an ATV rollover that had one rider pinned between the unit and a tree. Crews removed the ATV, attended to the patient and transported them out of the bush to waiting EMS crews.

September 7, 2022 – Structure Fire – Single Family Dwelling

Station #2 (Wainfleet) was the primary responding station with a department response of 9 apparatus and 24 personnel from all 4 stations.

The Fire Department arrived on scene to a fully involved single storey residence. The property owner confirmed that the tenant was not home at the time and a defensive operation was utilized. Crews had the fire under control in approximately 25 minutes from the time they arrived on scene.

The circumstances surrounding the fire were considered suspicious, which resulted in WFES personnel conducting a joint investigation into the origin and cause of the fire, with NRPS forensics. The fire was deemed to be incendiary in nature and police have not identified any suspects.



November 6, 2022 – Structure Fire – Single Family Dwelling

Station #2 (Wainfleet) was the primary responding station with a department response of 8 apparatus and 25 personnel from all 4 stations. Port Colborne provided one tanker through Automatic Aid

The Fire Department arrived on scene to a two-storey residential structure with heavy fire and smoke coming from the second-floor windows. The property owner confirmed that all occupants were out of the home at the time and a transitional attack was utilized.

The fire was contained to the room of origin as crews had the fire under control in approximately 21 minutes from the time they arrived on scene. The rest of the home sustained smoke and water damage, with much of the home and contents salvageable. It was estimated that the value of the property (structures & contents) saved was approximately \$1,200,000.00

November 25, 2022 – Structure Fire – Single Family Dwelling

Station #3 (Burnaby) was the primary responding station with a department response of 6 apparatus and 20 personnel from all 4 stations. Port Colborne provided two engines, a ladder truck, a rescue truck and a tanker with 14 personnel, through Automatic Aid.

The Fire Department arrived on scene to a single storey residential structure with heavy fire and smoke coming from the rear of the structure. The property owner confirmed that all occupants were out of the home at the time and a transitional attack was utilized.

The fire had extended across the entire rear of the structure and into the attic space which caused the roof to collapse. Crews had the fire under control in approximately 58 minutes from the time they arrived on scene. The attached garage and basement sustained little damage and it was estimated that the value of the property (structures & contents) saved was approximately \$250,000.00



December 23, 2022 – Equipment & Structure Fire – Agricultural Building

Station #1 (Winger) was the primary responding station with a department response of 8 apparatus and 26 personnel from all 4 stations.

The Fire Department arrived on scene to an elevated work platform (Genie Boom) on fire that had been removed from the building. Crews extinguished the fire, and confirmed that there was no extension of fire into the building or attic space. One occupant was treated and transported to hospital for smoke inhalation.

Crews had the fire under control in approximately 7 minutes from the time they arrived on scene. The building and nearby equipment sustained little damage and it was estimated that the value of the property (structures & contents) saved was approximately \$400,000.00

December 23/24, 2022 – Winter Storm Event

On Friday December 23 and Saturday December 24, Wainfleet experienced a “Complex Multi-Hazard Weather Event” which included a Wind Storm, Sieche, Flooding, Flash Freeze and Blizzard conditions. Crews staffed the stations on both days and responded to the various emergencies that came about as the storm progressed.



Other Incident Scene Photos



WAINFLEET VOLUNTEER FIREFIGHTERS ASSOCIATION

Members of the WVFFA participated in events as permitted, including the following:

- Various Fundraising events for local groups
 - Good Friday and Fall Fair Fish Fry
 - Labour Day Boot Drive (Road Toll)
 - Turkey Raffle
 - 2023 Firefighters Calendar
- “Movember”
- Remembrance Day Ceremony
- Christmas Vendors Market
- Christmas Hamper program
- Community Support Team – Prescription and Grocery Delivery

The WVFFA extended the January 2019-December 2020 Collective Agreement to the end of 2021. This effectively froze the remuneration rates for the past three years while the Township focused on other priorities.

The Collective Agreement with the WVFFA expired December 31, 2021. The WVFFA gave notice in Q4 of 2021 that they would not be extending again and would like begin working on a new agreement for 2022-2026. Negotiations were put on hold pending the Municipal Election and subsequent CUPE negotiations. A new agreement will need to be ratified in 2023 with retroactive backpay for 2022.

MOVING FORWARD

2022 proved to be a return to normal with most events and operations returning. Throughout the year, firefighters invested over 7700 hours (4.25 FTE) staff hours for public education events, emergency calls, training and meetings. Without dedicated and professional firefighters, WFES's ability to provide effective and efficient emergency response would not be possible.

OPERATIONS

Again for 2023, WFES will be running a Recruit Training Program in house. This program will provide all new recruits with NFPA 1001 Firefighter Level 1 & 2 certified training while reducing course costs and travel time. Additional training opportunities with neighbouring Fire Depts. will continue to be offered as a method of sharing costs and ensuring standardized training with our mutual aid partners.

The Automatic Aid Agreement with Port Colborne that provides additional resources to all fire incidents that occurred, has proven to be beneficial in the timely delivery of fire protection services to the south-east portion of the Township. Staff will work with other neighbouring departments to develop similar agreements that will benefit other parts of the Township.

FACILITIES (STATIONS & TRAINING)

Progress will continue on the new Central Fire Station with the substantial completion scheduled for June 2023.

The other stations will continue to require regular maintenance and capital upgrades as per the long term building assessment plan that was completed in 2016.

With the loss of the training house on Forks Rd. due to firefighter Health & Safety concerns, staff are actively working to find suitable, safe and cost effective solutions for the delivery of firefighter training. Staff had originally planned to utilize the barn on the site of the central fire station, but with the removal of that building, staff are looking at further alternative solutions. Examples of such systems would include the use of multiple shipping containers and simulation props.



APPARATUS & EQUIPMENT

Since Engine 2 (1999 International) has not been replaced as scheduled in 2019, this has resulted in Station 2 losing its Insurance Grading by Fire Underwriters Survey. Additionally, with Engine 1 (2003 Kenworth) now being 20 years old, Station 1 has also lost its Insurance Grading by Fire Underwriters Survey.



A new Engine and Tanker are required at the new central station once it opens. Until that occurs, staff have identified opportunities to move the fire service forward until those items can be addressed. In 2023, WFES staff have identified a new Engine and a Command Vehicle as priorities. Any delays in the purchase of an Engine will result in increased purchase costs as well as push future replacements closer together.

Since 2018, WFES has been utilizing the Fire Chief's personally owned vehicle as an Emergency Response and Command Vehicle. This was mutually agreed to as a short term solution while the Township addressed other priorities. 2023 provides an opportunity to address this gap as there is no facility that can house any of the apparatus that require replacement.

Other priorities include: Radio Communications, Apparatus safety equipment (cameras & headsets), and a plow for the Squad unit.

Additionally, in 2023, WFES will continue its investment in the standardization and replacement of necessary firefighting equipment including: Saws, Ventilation Fans, Fire Hose, Cordless tools, Rescue Equipment, Ladders, and Scene Lighting.

FIREFIGHTERS

In January 2023, 12 new recruits are set to begin their training and upon completion will begin responding on July 1st, bringing WFES to +62 strong. The Township of Wainfleet continues to be supported by volunteer firefighters who are willing to respond to emergencies at any given time, without notice, and no schedule. WFES firefighters are on call 24 hours a day, 7 days a week, and 365 days a year. The success of the department is 100% the result of the firefighters, and the employers they work for. A sense of community and commitment is what compels WFES firefighters to help when specific skills are required.

Grounded with Integrity and Compassion, WFES strives for Excellence in everything we do. We strive for continuous improvements in our efficiencies, training, operations and resources. This view to the future will ensure that the Township of Wainfleet remains in very good hands, with experts ready to respond to the communities' needs whenever required.

PLANNING

In 2018, the Province of Ontario passed Ontario Regulation 378/18, *Community Risk Assessments*, requiring all municipalities in the province to complete a Community Risk Assessment, utilizing nine mandatory community profiles. The purpose of these assessments is to identify, analyze, evaluate and prioritize risks to public safety and to inform decisions about the provision of fire protection services within the municipality. Given that this is a legislative requirement that must be completed and submitted to the province by July 1, 2024, the fire service is providing notice to Council of these requirements. Staff will begin work on the CRA throughout 2023, with the intent to have Council receive and adopt the final report in Q1 of 2024. This project will result in additional staff time and resources to be completed accurately and on time.





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Wainfleet Fire & Emergency Services



@WainfleetTowns1
@WainfleetFC
@wainfleetc



Wainfleet Fire Department



TO: Mayor Grant & Members of Council

FROM: Richard Nan, Manager of Operations

DATE OF MEETING: February 21, 2023

SUBJECT: Award of Tender for Pearson Bridge Rehabilitation

RECOMMENDATION(S):

THAT Public Works Staff Report PWSR-001/2023 respecting Award of Tender for the Pearson Bridge Rehabilitation be received; and

THAT Council awards the tender submission of Anthony's Excavating Central Inc. in the amount of \$1,034,502.12 (excluding HST) and

That Council approve the Township of West Lincoln enter into an agreement with Anthony's Excavating Central Inc. for this shared ownership bridge and

That Council approve the expenditure of the allotted \$635,000 approved in the 2023 capital budget for the Pearson Road Bridge Rehabilitation project.

EXECUTIVE SUMMARY:

The Person Bridge, which is a shared boundary bridge with the Township of Wainfleet, is located on Boyle Rd., approximately 250m north of Regional Road 27.

Due to budgetary constraints and Previous Tender results exceeding the allotted funds in a Tender process in 2019 the project scope was re-evaluated. A subsequent Tender was prepared by the Township of West Lincoln, (in consultation with staff of the Township of Wainfleet) and new tender documents were circulated on December 1, 2022, with a closing date of January 19, 2023 and the results may be found listed below for council consideration.

BACKGROUND:

The Person Bridge, which is a shared boundary bridge with the Township of Wainfleet, is located on Boyle Rd., approximately 250m north of Regional Road 27.

Recent bridge inspections performed by a consulting engineer have indicated the need to rehabilitate the bridge structure.

A Tender was prepared by the Township of West Lincoln, (in consultation with staff of the Township of Wainfleet) and new tender documents were circulated on December 1, 2022, with a closing date of January 19, 2023.

Nine (9) tenders were received and opened on the tender closing date. Two (2) of the submissions were disqualified due to missing some required documents.

All extensions and the totals for the remaining seven (7) qualified tenders were checked.

Mathematical errors were found in two (2) of the submissions which were corrected, following the contract provisions within the Tender Document. The order of the tenders were not impacted by the corrections. The tender prices, with the corrections, are listed below:

Contractor Name	Original Tender Bid (exc. HST)	Corrected Tender Bid (exc. HST)
Anthony's Excavating Central Inc.	\$1,034,502.12	
Enscon Ltd.	\$1,108,960.00	
Urbanlink Civil Ltd.	\$1,138,500.00	
Rankin Construction Inc.	\$1,179,235.00	
Clearwater Structures Inc.	\$1,244,645.00	\$1,230,767.00
Marbridge Construction Ltd.	\$1,372,800.00	
Bronte Construction	\$1,662,897.87	\$1,662,892.12
Lancoa Contracting Inc.	Disqualified	
Jarlian Construction Inc.	Disqualified	

Staff had some discussions with the Township of West Lincoln and Consulting Engineering Firm for the project regarding low bidder, Anthony's Excavating Central Inc., and their ability to complete the proposed work. Staff agreed with the Consultant's recommendation that Anthony's Excavating and associated sub-contractors, have the capability to properly complete the project as indicated in the contract documents.

Project award is also contingent on approval from the Township of West Lincoln's Council including approval of their total project share.

OPTIONS/DISCUSSION:

- 1) THAT Council awards the tender submission of Anthony's Excavating Central Inc. in the amount of \$1,034,502.12 (excluding HST) and

That Council approve the Township of West Lincoln enter into an agreement with Anthony's Excavating Central Inc. for this shared ownership bridge and

That Council approve the expenditure of the allotted \$635,000 approved in the 2023 capital budget for the Pearson Road Bridge Rehabilitation project. (Recommended)

- 2) That council does not Award the tender and further discussion with the Township of West Lincoln to discuss an alternate bidder.

FINANCIAL CONSIDERATIONS:

The Pearson Bridge Rehabilitation was presented and approved with the expenditure of \$635,000 during the Capital Budget Deliberations.

OTHERS CONSULTED:

- 1) Manager of Corporate Services/Treasurer
- 2) Strategic Leadership Team

ATTACHMENTS:

None

Respectfully submitted by,

Approved by,

Richard Nan
Manager of Operations

William J. Kolasa
Chief Administrative Officer

**CORPORATION OF THE
TOWNSHIP OF WAINFLEET
BY-LAW NO. 010-2023**

Being a by-law pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 to amend Zoning By-law No. 581-78 of the Corporation of the Township of Wainfleet with respect to those lands forming Part Lot 32, Concession 4 RP 59R4745 Part 1 in the Township of Wainfleet.

WHEREAS the Corporation of the Township of Wainfleet has reviewed Zoning By-law No. 581-78 and deems it advisable to amend same:

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

THAT Map 4 of Zoning By-law No. 581-78, as amended, is hereby further amended by changing the zoning of the subject property from Development – D and Hazard – H to Residential – R1-358 and Hazard – H as shown on Schedule “A” attached hereto.

THAT Section 31 entitled “Exceptions” is hereby further amended by adding the following text:

Legal Description, Bylaw No.	Exception	Provisions
Part Lot 32, Concession 4 RP 59R4745 Part 1 Bylaw 010-2023	358	(a) Notwithstanding the provisions in Section 12.2 of the Township of Wainfleet Zoning By-law 581-78, the following provisions shall apply: i. Minimum Lot Frontage for Lot 5: 35.93m; ii. Minimum Lot Frontage for Lot 6: 36.94m; iii. Minimum Lot Frontage for Lot 10: 28.45m; iv. Minimum Lot Frontage for Lot 11: 33.15m.

THAT pursuant to Section 34(17) of the Planning Act, as amended, no further public meeting is required.

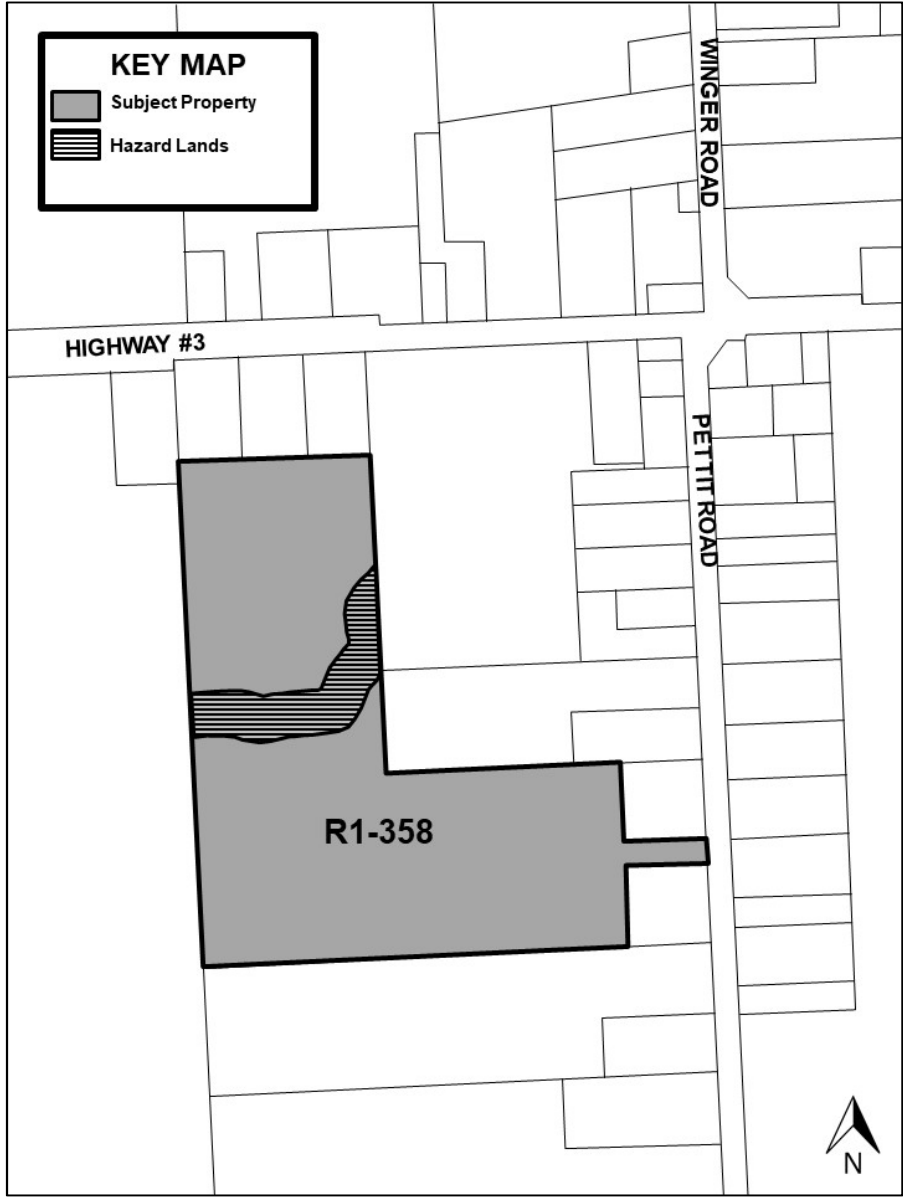
THAT this By-law shall come into force, take effect and be passed on the final reading hereof subject to the provisions of Section 34 of the Planning Act.

BY-LAW READ AND PASSED THIS 21ST DAY OF FEBRUARY, 2023.

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK

SCHEDULE A TO BY-LAW 010-2023

	
TOWNSHIP OF WAINFLEET	
<p>Purpose & Effect of By-law No. 010-2023:</p> <p>This by-law affects lands described as Part of Lot 19, Concession 1 RP 30R-13314 Part 1 in the Township of Wainfleet. This by-law has been enacted to rezone the subject property from Development – D & Hazard – H to Residential - R1-358 & Hazard – H. The Residential – R1-358 zone permits reduced lot frontages for Lots 5, 6, 10 & 11 and the expanded Hazard – H zone is for a 15m buffer from the watercourse/ municipal drain.</p> <p>File No. Z06/2021W (2709998 Ontario Inc.)</p>	<p>THIS IS SCHEDULE “A” TO BY-LAW NO. 010-2023.</p> <p>PASSED THIS 21ST DAY OF FEBRUARY, 2023.</p>
	<p>MAYOR</p>
	<p>DEPUTY CLERK</p>

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET

BY-LAW NO. 011-2023

Being a by-law to adopt, ratify and confirm the proceedings of the Council of the Corporation of the Township of Wainfleet at its regular meeting held February 21, 2023

WHEREAS Subsection 5 (1) of the *Municipal Act, 2001*, S.O. 2001, Chapter M.25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS section 5 (3) of the *Municipal Act 2001*, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE the Council of the Corporation of the Township of Wainfleet **HEREBY ENACTS AS FOLLOWS:**

1. (a) The actions of the Council at its special meeting held February 21, 2023, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.

(b) The above-mentioned actions shall not include:
 - (i) any actions required by law to be taken by resolution, or
 - (ii) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
2. The Mayor and proper officials of the Corporation of the Township of Wainfleet are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
3. Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the corporation of the Township of Wainfleet to all documents necessary to give effect to the above-mentioned actions.
4. This by-law shall come into force on the day upon which it is passed.

BY-LAW READ AND PASSED THIS 21st DAY OF FEBRUARY, 2023

B. Grant, MAYOR

M. Kirkham, DEPUTY CLERK