

January 2012

January 2012						
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February 2012						
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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
January 2 Office Closed	3	4	5	6	7
8	9	10	11	12	13
14	6:00pm Committee of the Whole	15	6:00pm Special Budget Meeting	16	17
18	19	20	21	22	23
24	7:00pm Council	25	6:00pm Special Budget Meeting	26	27
28	29	30	6:00pm Special Budget Meeting	31	1
2	6:00pm Committee of the Whole	3	4	5	6

JB



**TOWNSHIP OF WOOLWICH
COMMITTEE OF THE WHOLE
Tuesday, January 10, 2012
Council Chambers
24 Church Street West, Elmira
AGENDA
REGULAR SESSION – 6:00 p.m.**

1. DISCLOSURES OF PECUNIARY INTEREST – 6:00 P.M.

2. RESOLUTIONS TO COME FORWARD FROM CLOSED SESSION

3. DELEGATIONS

- Ron Hackett, Sugar Kings' Support the Troops game invitation & request to waive the rental fees

4. STAFF REPORTS AND MEMOS

- E05-2012: Ryan McCall Development Agreement [PAGE 1]
- Memo: Canada Day Funding Request [PAGE 15]
- Department Business Plans (*Please remember to bring your 2012 Budget binder with you*)

5. PLANNING PUBLIC – 7:00 P.M.

6. CORRESPONDENCE

7. OTHER BUSINESS

8. OUTSTANDING ACTIVITY LIST, as of January 6th, 2012 [PAGE 17]

9. GREEN AND PINK ITEMS, as of January 6th, 2012

10. PUBLIC NOTICE

Notice of Intent to Discuss the Budget

The Council of the Township of Woolwich gives public notice of its intent to discuss the 2012 Draft Operating and Capital Budgets at three special Council Budget meetings on January 12th, January 19th, and January 26, 2012 each commencing at 6:00 p.m. in the Council Chambers situated at 24 Church Street West in Elmira.

11. NOTICE OF CLOSED MEETINGS

12. ADJOURNMENT

LF. OS

As a condition of the severances the Township has required the Subdivider to enter into a development agreement to implement and maintain the approved grading and drainage for each of the lots, and the required demarcation measures. The development agreement will remain on title with each lot to ensure that future owners will install and continue to maintain the approved measures for the life of the development. Attached to this report (Appendix 'C') is the Township's standard development agreement, which has been modified to reflect the Subdivider's proposed development as highlighted below:

- The Lot Owner will be required to prepare a grading and drainage plan prior to the issuance of a building permit for the two vacant lots (Lot 2 and the farmlands) or the redevelopment of Lot 1 containing the existing house to ensure that the additional stormwater runoff created by the development will not impact adjacent lands.
- The Lot Owner must submit a grading and drainage deposit (\$3000) prior to the issuance of a building permit. The deposit will be refunded once the Lot Owner provides a Grading Certificate from a qualified Engineer indicating that the grading and drainage has been installed in accordance with the approved plan.
- The Lot Owner will be required to implement and maintain the grading and drainage in accordance with the approved plans for the life of the development. Any deviation to the approved grades or drainage pattern shall be approved by the Township.
- The Subdivider will be required to prepare a demarcation plan that illustrates the size/location of the monuments and tree plantings to be installed along the limits of floodline/open space area on Lot 2. These demarcation measures will ensure that the future owner of Lot 2 does not development or encroach (structures, building, landscape features, etc) into the floodplain area.
- The Subdivider is required to install the demarcation measures prior to the creation of the lots.
- The future lot owner of Lot 2 will be required to maintain the demarcation measures in accordance with the approved plan for the life of the development.
- The Subdivider shall confirm to the Township that the existing septic system and well servicing the house on Lot 1 will not encroach onto the two other lots being created.
- The Lot Owner must submit a design of the septic system for Township approval prior to the issuance of a building permit for a dwelling unit.
- The Lot Owner shall pay all applicable Development Charges prior to the issuance of a building permit for a new dwelling unit.
- Two notices provisions are included in the Agreement to advise the future Owner of Lot 2 to avoid encroaching into the floodplain/open space area with buildings, structures or landscape features and to replace all monuments or tree plantings that are damaged or removed.
- The Subdivider will dedicate an approximate 4 metre road widening to the Township, free and clear of encumbrances, along the entire frontage of the lands adjacent to Crowsfoot Road prior to the creation of the residential lots.

The Subdivider accepts the above-noted terms and conditions and the development agreement has been reviewed by the Township solicitor.

CONCLUSION

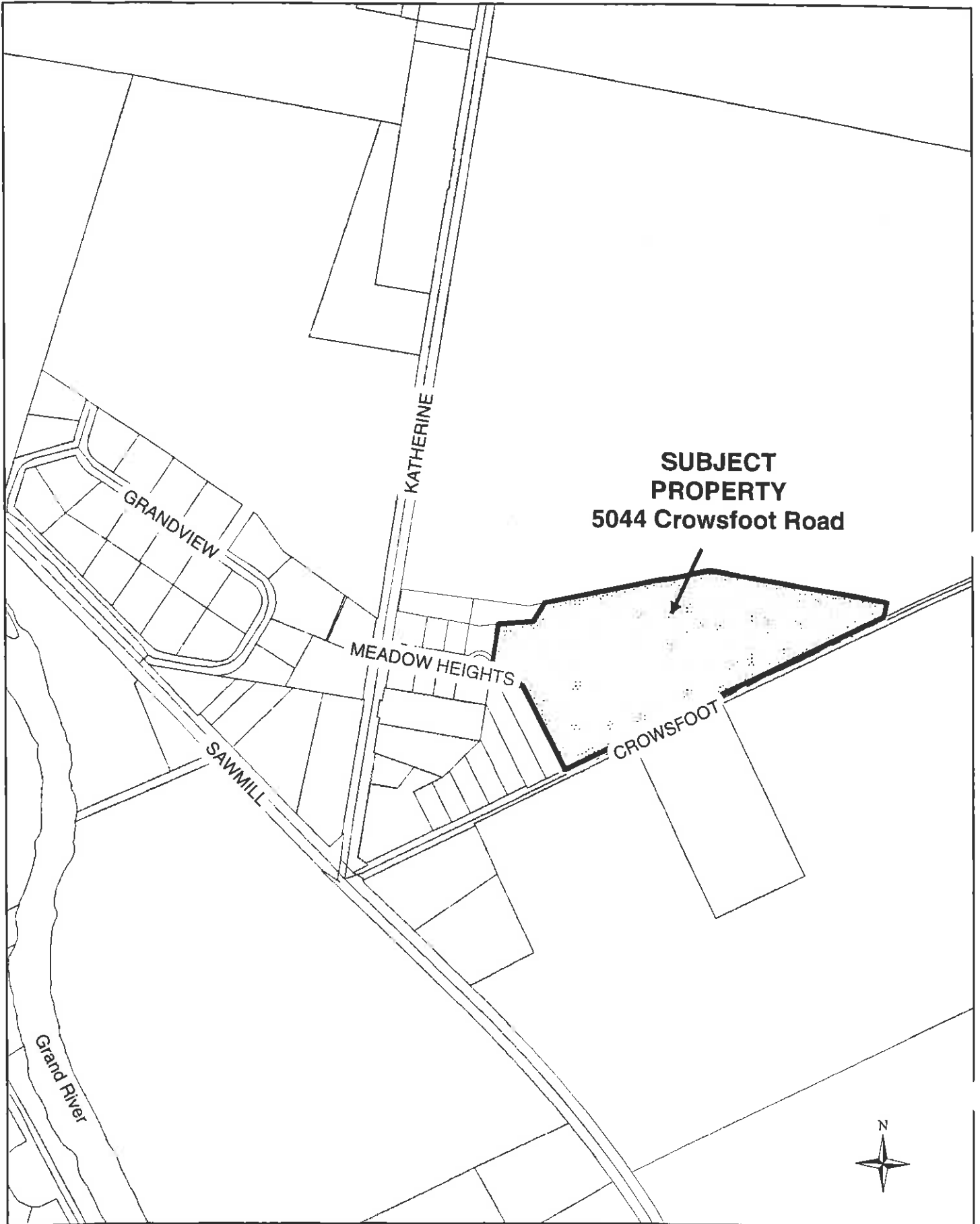
Staff recommends that Township Council authorize the Mayor and Clerk to sign the development agreement attached as Appendix 'C', which provides for the appropriate development and ongoing maintenance of the proposed lots to be created at 5044 Crowsfoot Road.

OTHER DEPARTMENT IMPLICATIONS - none

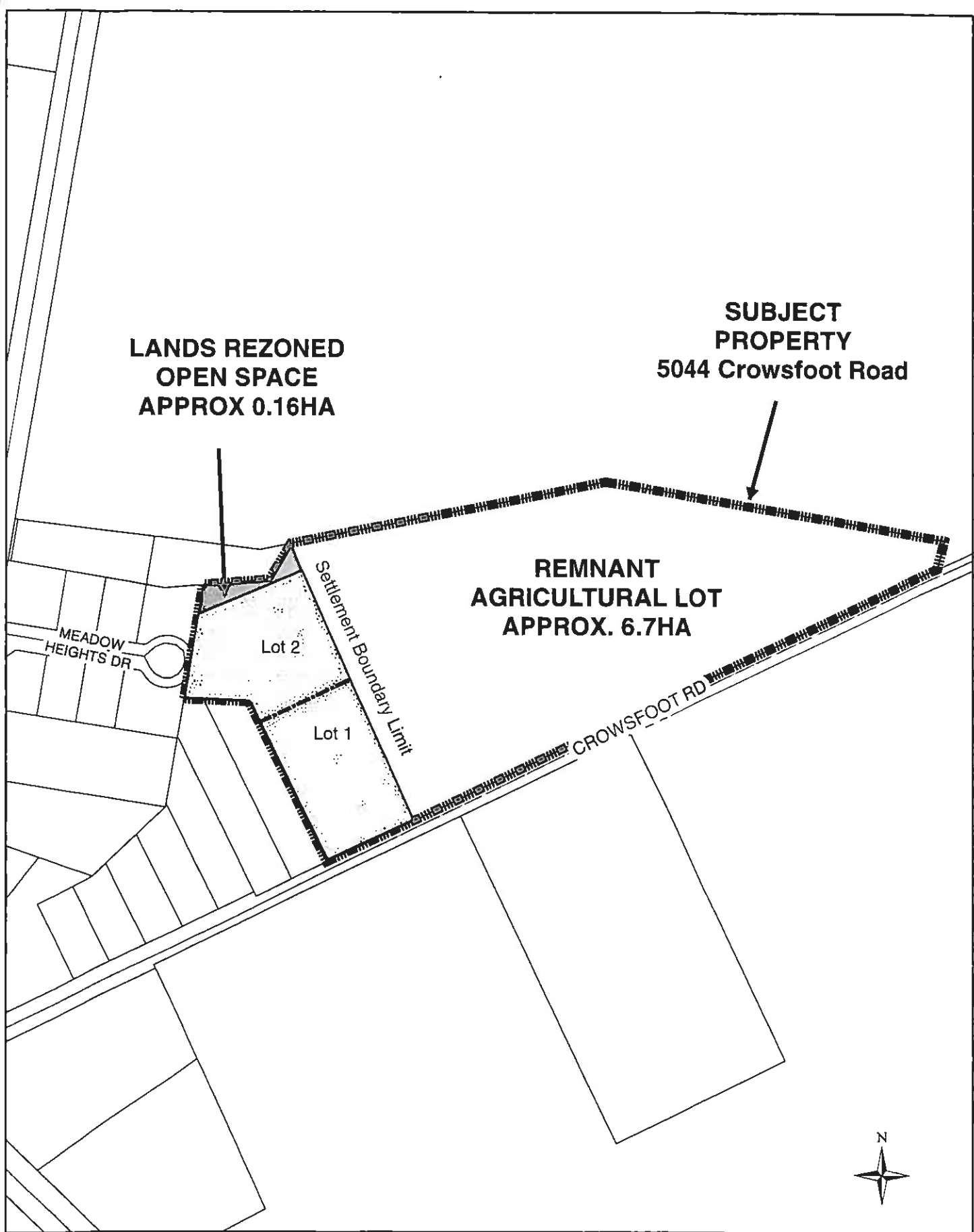
FINANCIAL IMPLICATIONS - All cost associated with the preparation and registration of the Development Agreement shall be incurred by Subdivider. Development Charge payments and Grading Deposit will be required at the building permit stage.

LIST OF ATTACHMENTS

- Appendix 'A' – Location Map
 - Appendix 'B' – Consent Plan
 - Appendix 'C' – Authorizing By-law and Development Agreement
-



APPENDIX B



**LANDS REZONED
OPEN SPACE
APPROX 0.16HA**

**SUBJECT
PROPERTY
5044 Crowsfoot Road**

**REMNANT
AGRICULTURAL LOT
APPROX. 6.7HA**

MEADOW
HEIGHTS DR

Lot 2

Lot 1

Settlement Boundary Limit

CROWSFOOT RD



6

APPENDIX 'C'

**TOWNSHIP OF WOOLWICH
BY-LAW NUMBER**

**A BY-LAW TO AUTHORIZE THE
EXECUTION OF A DEVELOPMENT AGREEMENT
WITH
RYAN MCCALL STROH**

WHEREAS the Council of the Corporation of the Township of Woolwich wish to enter into a Development Agreement with Ryan McCall Stroh for a property at 5044 Crowsfoot Road within and adjacent to the Crowsfoot Corner Settlement Area.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

1. That the Township of Woolwich agrees to enter into a Development Agreement with Ryan McCall Stroh in the form attached hereto as Schedule "A".
2. That the Mayor and Clerk are authorized to execute the above-mentioned Development Agreement and affix the corporate seal of the Township of Woolwich, subject to:
 - The Parties of the Second Part (Ryan McCall Stroh), the Third Part (TD Canada Trust) and the Fourth Part (Angela McCall Stroh) have executed the above-mentioned Development Agreement.

PASSED this _____ day of _____, 2012.

Mayor

Clerk

- 2.2 "First Consent Approval" means the date that the first severance is finally approved and the deed is stamped by the Township for the purpose of creating and registering the Residential Lot in the Registry Office for either Consent Application B10/2011 or B11/2011.
- 2.3 "Lands" where used in this Agreement refer to the lands approved under Consent Applications B10/2011 and B11/2011 inclusive, as approved by the Township of Woolwich Committee of Adjustment, described in Schedule "A" and shown in Schedule "B" attached hereto.
- 2.4 "Lot Grading and Drainage Plan" means a lot grading and drainage plan prepared by a qualified Consulting Engineer or an Ontario Land Surveyor for each of the Residential Lots, showing how the proposed dwelling unit, accessory structures (if applicable), driveway and remaining lands will be graded and drained in a appropriate manner, and will also indicate the elevation of the top of the foundation wall of the proposed dwelling unit, all in accordance with accepted engineering practice and to the satisfaction of the Township.
- 2.5 "Lot Owner", where used in this Agreement, shall mean the Subdivider, unless a lot, to which it is referenced in accordance with Schedule "B", has been conveyed to another party, in which case that party shall be the Lot Owner.
- 2.6 "Plan", where used in this Agreement, means the Plan for consent approval, which is identified in Schedule "B" of this Agreement, as approved by the Committee of Adjustment for Consent Applications B10/2011 and B11/2011.
- 2.7 "Residential Lots", where used in this Agreement shall mean the residential lots created through Consent Applications B10/2011 and B11/2011, as shown in Schedule "B", which the Subdivider or Lot Owner may own one or more of.
- 2.8 "Subdivider's Agreement or Agreement", where used, shall mean this Agreement between the Subdivider and Township for the development, as required in Committee of Adjustment approval of Consent Applications B10/2011 and B11/2011 with respect to those Lands.

3.0 THE SUBDIVIDER/LOT OWNER AGREES:

- 3.1 That prior to First Consent Approval the Subdivider shall complete the following conditions to the satisfaction of the Township:
 - a) The approval of an Engineered Floodline Demarcation Plan;
 - b) The installation of the vegetation and monument demarcation measures in accordance with the Engineered Floodline Demarcation Plan;
 - c) The decommissioning of any existing septic system(s) or well(s) that may be required as result of Severance applications B10/2011 and B11/2011 (if applicable); and
 - d) The conveyance of an approximate 4 metre wide road widening to the Township, free and clear of encumbrances, along the entire frontage of Lands on Crowsfoot Road, which is shown as Part 1 on the Plan.

For the purpose of determining the completion of conditions 3.1 b) and c) above, the Subdivider shall submit to the Township, a Certificate, prepared by a qualified Professional Consultant confirming that the demarcation measures have be installed in accordance with the Engineered Floodline Demarcation Plan, and the existing septic system(s) and well(s) has be decommissioned and removed (if applicable).

- 3.2 That the Lot Owner of the Residential Lot containing the demarcation measures noted in Section 3.1 above, shall maintain the monuments and vegetation in an acceptable state and in accordance with the Engineered Floodline Demarcation Plan, for the life of the development. The Lot Owner further agrees to replace any damaged/removed monuments and/or dying/dead vegetation in a timely manner and in accordance with the Engineered Floodline Demarcation Plan, all to the satisfaction of the Township.
- 3.3 That no building permit for a new dwelling unit or replacement of an existing dwelling unit on the Residential Lots shall be issued until the Township has approved a design and site layout, prepared by a qualified Consulting Engineer, of the septic system, which includes illustrating the location of the proposed individual private water supply, and that

such design and site layout shall comply to the applicable regulations in the Ontario Building Code.

- 3.4 That no building permits for a new dwelling unit or replacement of an existing dwelling unit on the Residential Lots shall be issued until the Township has approved the Lot Grading and Drainage Plan.
- 3.5 That no building permit for a new dwelling unit or replacement of an existing dwelling unit on the Residential Lots will be issued until the Lot Owner pays the lot grading approval fee as per the Fees and Charges By-law (currently \$75.00 per lot), and submits to the Township a grading deposit in the amount of \$3,000.00 for each applicable lot, to ensure that the Lot Owner completes the final grading in accordance with the Lot Grading and Drainage Plan as referenced in Section 3.8 of this Agreement, the entrance is constructed in accordance with the Township's Entrance permit and the dwelling unit, accessory building(s) and driveway comply to the applicable regulations in the Zoning By-law.
- 3.6 That no construction of any dwelling unit or building will proceed beyond the completion of the foundation wall until information is provided to the Township from the qualified Consulting Engineer or an Ontario Land Surveyor who prepared the original Lot Grading and Drainage Plan for the building permit (or its designate approved by the Township), as required in Section 3.4, certifying that the elevation of the top of the foundation wall of the said dwelling, as constructed, conforms within reasonable tolerance to the elevation shown on the said Lot Grading and Drainage Plan and meets lot, zoning and building compliances. The Subdivider/Lot Owner agrees to provide to the Township, the said certification within Seven (7) days from the date that the foundation has been backfilled and graded.
- 3.7 To complete the final grading for the Residential Lot in accordance with the approved Lot Grading and Drainage Plan, and to maintain the approved grading and drainage pattern for the life of the approved development on the Residential Lot. The Subdivider/Lot Owner further agrees not to alter the approved grading and drainage pattern without prior written permission from the Township.
- 3.8 Once the final grading is completed for the Residential Lot, the Subdivider/Lot Owner shall submit to the Township, a Grading Certificate, prepared by the qualified Consulting Engineer or an Ontario Land Surveyor who prepared the original Plot Plan for the building permit (or its designate approved by the Township), which shall provide evidence that the final grading of the said lot conforms to the Lot Grading and Drainage Plan within reasonable tolerances as determined by the Township and that as so graded, the lot will provide for surface drainage in accordance with proper engineering practices. Upon the Township confirming that the Residential Lot is in compliance with the Lot Grading and Drainage Plan, as well as the applicable regulations in the Zoning By-law, the Township agrees to return(s) the deposit referenced in Section 3.5 of this Agreement.
- 3.9 The Lot Owner shall ensure that the grading and drainage of their vacant lot shall achieve positive drainage into the primary drainage system via an approved storm drainage system, all to the satisfaction of the Township. Should the Lot Owner fail to complete the necessary grading and drainage works, noted above, in a timely manner, the Lot Owner agrees that the Township may perform such requirements at the expense of the Lot Owner and such expense may be recovered in like manner as municipal taxes as per Section 441 of the Municipal Act (s.6.1).
- 3.10 After the Subdivider obtains final Consent Approval and registers all of the deeds to create the Residential Lots, the Township agrees to immediately commence the necessary actions to lift and remove the 0.3 metre (1 foot) wide reserve at the terminus of Meadow Heights Drive and to advise the Subdivider/Lot Owner once this reserve has been lifted and removed.
- 3.11 That the Township's Chief Building Official shall have the power to refuse to grant a building permit for any or all of the Residential Lots at any time when the Subdivider/Lot Owner is in default of this Agreement.

4.0 FINANCIAL

The Subdivider/Lot Owner agrees:

- 4.1 To pay Development Charges for each dwelling unit constructed on the Residential Lot, save and except the Residential Lot described as Part 3 on the Plan which contains an existing dwelling unit, in accordance with the provisions outlined in the Township of Woolwich Development Charges By-law 42-2009, as amended, as follows:
 - I. The rate in effect at the time of payment that is identified as "Township Wide" (Corporate, Fire Services, Public Works Services and Park and Recreation) of Schedule "B", attached to the by-law shall be paid prior to the issuance of a building permit for each dwelling unit.
- 4.2 To pay the applicable Regional and Educational development charges, as per their respective approved By-laws.
- 4.3 To pay all local improvements outstanding on any part of the Residential Lot and pay all taxes on the Residential Lot prior to the issuance of a building permit.
- 4.4 The Subdivider shall pay all legal costs of title searches, preparation and registration of this Agreement and required road widening noted in Clause 3.1 d

5.0 NOTICE

- 5.1 That the Lot Owners of the Residential Lots shall be advised of the following:

"That the grading and development of the residential lots shall not impact or encroach onto the Open Space Area as shown in the Engineering and Planning Drawings, with buildings and/or structures and/or landscape features (e.g. fences, retaining walls, poles, composters, children's play structures, etc., but not including vegetation plantings, or the required demarcation monuments as per the Engineered Floodline Demarcation Plan)".

- 5.2 That the Lot Owner of the Residential Lots shall be advised of the following:

"That should a Residential Lot contain demarcation monuments or tree plantings along the zoning line, as per the Engineered Floodline Demarcation Plan, which are in place to clearly delineate the limits of the Open Space Zone/floodplain area, the Lot Owner shall not remove or damage the monuments or tree plantings. If the monuments or tree plantings are removed or damaged by the Lot Owner, they are financially responsible to replace the monuments and similar tree plantings in the location shown on the Engineered Floodline Demarcation Plan in a timely manner."

6.0 LEGAL

- 6.1 The Lot Owner agrees that all facilities and matters required by this Agreement shall be provided and maintained at the Subdivider's or Lot Owner's sole risk and expense and to the satisfaction of the Township, acting reasonably, and that, in default thereof, the Township may perform such requirements at the expense of the Subdivider or Lot Owner and such expense may be recovered in like manner as municipal property taxes and added to the tax roll as per Section 446 of the *Municipal Act*.
- 6.2 To allow the Township, in its sole discretion, to register or deposit this Agreement in the Registry Office for the Registry Division of Waterloo North (No. 58), against the Lands herein described.
- 6.3 It is understood and agreed that, after this Agreement has been registered or deposited on title, the Township shall not release it. After all terms and conditions of this Agreement have been complied with to the satisfaction of the Township, acting reasonably, the Township shall, upon request, issue a Certificate of Compliance (the "Compliance Letter" with this Agreement to the date of the Compliance Letter, provided that the Township receives an up-to-date Grading Certificate for the Residential Lot from a qualified Consulting Engineer or an Ontario Land Surveyor, as well as the required administration fee noted in the Township's Fees and Charges By-law.

12.

SCHEDULE A

LEGAL DESCRIPTION OF LAND

ALL AND SINGULAR that certain parcel or tract of land and premises situated, lying and being in the Township of Woolwich, in the Regional Municipality of Waterloo, formerly in the Township of Woolwich, in the County of Waterloo, being composed of:

Part Lot 6, Concession 1, East of the Grand River, Crooks Tract, more particularly described as Part 2, 3, 4 and 5 of Reference Plan 58R 17347, PIN 22242-0036 (LT).

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SCHEDULE C

ENGINEERED FLOODLINE DEMARCATION PLAN

Engineered Floodline Demarcation Plan – Plan (L-430) prepared by Stantec, titled “Landscape Layout Plan”, Project No. 160311025, dated 11-12-16 and approved by the Township on December 19, 2011.

R

**TOWNSHIP OF WOOLWICH
RECREATION & FACILITIES SERVICES**

DATE: January 6, 2012

MEMO TO: Mayor Cowan & Members of Council

FROM: Jennifer Horndl

SUBJECT: Canada Day Funding Request

FOR INFORMATION

The Annual Canada Day Celebration on Sunday July 1st starts at the Woolwich Memorial Centre with a free swim from 1:15 pm to 3:15 pm. The celebration will continue with events in Elmira's Gore Park, beginning at 4:00 pm with music, entertainment for all ages, food, dignitaries and Birthday Cake, wrapping up at 8:00 pm. Last year between the swim at the Woolwich Memorial Centre and the events in Gore Park, approximately 900 people participated in an intergenerational Canada Day Celebration.

Canadian Heritage provides financial support for activities organized during the Celebrate Canada period from June 21st to July 1st. Council is required to approve the submission for this application.

We received \$1228.00 in 2011 and we are hoping to receive similar funding this year. We are required to send our request prior to the January 16, 2012 deadline to ensure our funding request is received and approved.

The Grant the Township receives from Canadian Heritage, along with donations, normally covers the costs of the Canada Day Celebration. We look forward to seeing you at Gore Park on Sunday, July 1, 2012 to help celebrate Canada's 145th birthday.

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COUNCIL'S OUTSTANDING ACTIVITY LIST
As of January 6th, 2012

Discussion Date	Title/Action Required	Assigned To	Projected Date of Completion	Updates/Notes
O – Oct. 13, 2009 R – December 5, 2011	Sign By-law/Sign Committee Terms of Reference	CIS	Ongoing	Two focus groups have been held and the business session is expected in January. The By-law will come back to Council in February.
O – Oct. 4, 2010 R – November 7, 2011	Monthly report from Woolwich Memorial Centre – Fitness Centre	RFS	Ongoing	Reports will include both revenue and expenditure line items as well as background information about industry standards and membership numbers for municipalities of a similar size.
O – Mar 14, 2011 O – May 2, 2011	Woolwich Memorial Centre Fitness Centre Operations	RFS	December, 2011	Will be considered with the 2012 budget process.
O – August 2, 2011 R – September 19, 2011	Review Need for Extra Councillor before 2014 Election	CIS	Start: end of 2012 End: before 2014 election	Information report to be prepared for Jan-Feb 2012.

O – Original Date
R – Review

CAO – Chief Administrative Officer
CIS – Council and Information Services
Fin – Finance

EPS – Engineering and Planning Services
RFS – Recreation and Facilities Services
Fire – Fire Services

TOWNSHIP OF WOOLWICH

M E M O R A N D U M

TO: Mayor Cowan and Members of Council

Date: January 6, 2012

FROM: Christine Broughton, Director of Council
and Information Services

Re: **Correspondence**

-
1. City of Waterloo Resolution re: Municipal Property Assessment Corporation [PAGE 1]
 2. Region of Waterloo Resolution re: Shark Fin Products [PAGE 7]

Council Mail Folder Items

AMO Watch File as of January 5, 2012

Community Conversations, The Dollars and Sense of Solving Poverty

Federated Press, Public Events

Greater Kitchener Waterloo Chamber of Commerce, 2012 Business Excellence Awards Nominees

GRCA Minutes, January 2012

House of Friendship, Friendship News, December, 2011

Suite Talk, January 2012

Water Canada

- a) The Droplet – Issue 68 – December 21, 2011
- b) The Droplet – Issue 69 – January 3, 2011

JB

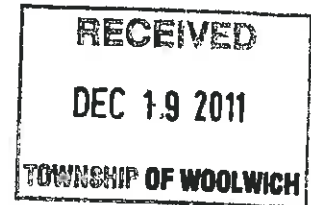
PINKS (1)

File: Council Follow-up

December 14, 2011



The Honourable Dalton McGuinty
Premier of Ontario
Room 281, Main Building
Queen's Park
Toronto, ON M7A 1A1



The Honourable Dwight Duncan
Minister of Finance
7 Queen's Park Cres, 7th Flr, Frost Bldg South
Toronto, ON M7A 1Y7

The Honourable Kathleen O. Wynne
Minister of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, Ontario M5G 2E5

The Municipal Property Assessment Corporation
Suite 101-1340 Pickering Parkway
Pickering, Ontario L1V 0C4

Ontario Ombudsman
Bell Trinity Square
483 Bay Street, 10th Floor, South Tower
Toronto, ON
M5G 2C9

Association of Municipal Managers, Clerks and Treasurers of Ontario
2680 Skymark Avenue, Suite 610,
Mississauga, ON L4W 5L6 Canada

Association of Municipalities of Ontario (AMO)
200 University Ave., Suite 801
Toronto, Ontario M5H 3C6

Dear Sirs:

Re: Municipal Property Assessment Corporation

On December 5, 2011, 2011, the Council for The Corporation of the City of Waterloo approved the following resolution:

②

WHEREAS the Municipal Property Assessment Corporation (MPAC) operating under the authority of the *Municipal Property Assessment Corporation Act* (the Act) is responsible for assessing all property in Ontario;

AND WHEREAS MPAC's main responsibility is to calculate assessed values and to classify properties according to their use for the over four million properties in Ontario

AND WHEREAS these values are provided to municipalities on annual assessment rolls and municipalities and the Province use these values to calculate property taxes and education taxes;

AND WHEREAS MPAC supplementary or omitted assessments are issued by MPAC to increase the assessed value of a property or change its classification;

AND WHEREAS MPAC supplementary or omitted assessments can only be applied retroactively for the current and two prior calendar years;

AND WHEREAS delays in the issuance of supplementary or omitted assessments can result in loss of tax revenue to municipalities and hardship to the taxpayer.

THEREFORE BE IT RESOLVED THAT Waterloo City Council request that:

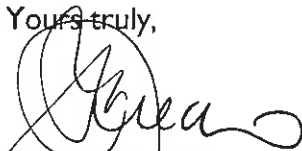
- 1) the Provincial Government immediately review the practices of the Municipal Property Assessment Corporation to ensure assessments are completed in a timely manner;
- 2) sufficient resources be committed to ensure that MPAC's stated service standard for supplementary and omitted assessments be issued within six months of a final occupancy permit for a residential property;
- 3) MPAC commit resources to ensure the same service standard for supplementary and omitted assessments for all commercial, industrial and multi-residential properties and that assessments be issued within six months of a final occupancy permit;
- 4) that MPAC commit to tracking and reporting on an annual basis to local municipalities all supplementary or omitted assessments that could not be applied retroactively for the current and two prior calendar years; and
- 5) that as it strives to meet its service standards, MPAC adopt the guiding principle and best practice that local knowledge be retained in its local offices.

AND FURTHER BE IT RESOLVED THAT Waterloo City Council direct that this resolution, and a summary of the impact of delayed assessments on the City of Waterloo, be forwarded to:

- the Premier of Ontario, Minister of Finance, and Minister of Municipal Affairs and Housing

- the Municipal Property Assessment Corporation
- the Ontario Ombudsman
- all local Members of Provincial Parliament
- the Association of Municipalities of Ontario (AMO)
- the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO)
- all local municipalities including the Region of Waterloo
- all municipalities in Ontario with a request that those municipalities endorse the City of Waterloo's resolution and forward their endorsement to Premier of Ontario, Minister of Finance, Minister of Municipal Affairs and Housing and the Municipal Property Assessment Corporation.

Yours truly,



Susan Greatrix, City Clerk
 City of Waterloo
 Tel (519) 747-8705 | Fax (519) 747-8510
 TTY (866) 786-3941 |
 susan.greatrix@waterloo.ca | www@waterloo.ca

SG/rc
Encl.

c.c.

Honourable John McMilloy, MPP Kitchener Centre
 Unit 6C - 1770 King Street East
 Kitchener, Ontario N2G 2P1

Mr. Rob Leone, MPP Cambridge
 498 Eagle Street North
 Cambridge, Ontario N4H 1C2

Ms. Elizabeth Witmer, MPP Kitchener-Waterloo
 375 University Avenue East
 Waterloo, ON N2K 3M7

Michael Harris, MPP Kitchener-Conestoga
 Unit 624, 2nd Floor
 1187 Fischer-Hallman Road
 Kitchener, Ontario N2E 4H9

4

Kris Fletcher, Director, Council & Administrative Services/Regional Clerk
Regional Municipality of Waterloo
Corporate Resources Department
3rd Floor, 150 Frederick Street
Kitchener, ON N2G 4J3

Randy Gosse, Director of Legislated Services/City Clerk
Corporate Services Department
City of Kitchener
200 King Street West
Kitchener, ON N2G 4G7

Alex Mitchell, City Clerk
City of Cambridge
P.O. Box 669
73 Water Street North
Cambridge, ON N1R 5W8

Rodger Mordue, Chief Administrative Office/Clerk
Township of North Dumfries
1171 Greenfield Road, R.R. #4
Cambridge, ON N1R 5S5

Susan Duke, Chief Administrative Officer/Clerk
Township of Wellesley
4639 Lobsinger Line, R.R. #1
St. Clements, ON N0B 2M0

Barb McLeod, Clerk
Township of Wilmot
60 Snyder's Road West
Baden, ON N3A 1A1

√ Christine Broughton, Clerk
Township of Woolwich
P.O. Box 158
69 Arthur Street South
Elmira, ON N3B 2Z6



**Municipal Property Assessment Corporation (MPAC)
Supplementary and Omitted Assessments**

IMPACT ON THE CITY OF WATERLOO

The timing and issuing of supplementary and omitted assessments has become a matter of public concern and discussion within the City of Waterloo. Citizens and businesses are expressing frustration in receiving tax bills for the current and two prior taxation years and cannot comprehend a three year legislative window to receive a property tax bill.

It is our understanding that for residential properties, it is MPAC's stated goal to issue a supplementary or omitted assessment within six months of a final occupancy permit and for commercial, multi-residential and industrial properties to issue an assessment within eight months of a final occupancy permit. It is our experience that these goals are not being met. In fact, the City of Waterloo has experienced in instances, a loss in tax revenue because MPAC appeared not to have sufficient resources at the local level to systematically ensure all assessments are retroactively applied for the current and two prior taxation years in a timely manner. In this one instance, the City of Waterloo lost approximately \$20,000 in tax revenue. The full impact of lost tax revenue is unknown as the City of Waterloo does not have a tracking system to capture this data.

Paul Hettinga BBA CA
Acting CFO and Treasurer
City of Waterloo
100 Regina Street South
Waterloo, Ontario N2J 4A8
519-747-8722
TTY 1-866-786-3941
www.waterloo.ca

December 12, 2011

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PINKS (7)



REGIONAL MUNICIPALITY OF WATERLOO

OFFICE OF THE REGIONAL CLERK

150 Frederick Street, 2nd Floor
Kitchener ON N2G 4J3 Canada
Telephone: 519-575-4420
Fax: 519-575-4481
www.regionofwaterloo.ca

December 15, 2011
P07-01

The Right Honourable Stephen Harper
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

The Honourable Keith Ashfield
Ministry of Fisheries and Oceans
200 Kent Street
13th Floor, Station 13E228
Ottawa, ON K1A 0E6

Dear Prime Minister:

Re: Shark Fin Products

Please be advised that the Council of the Regional Municipality of Waterloo at their regular meeting held on December 14, 2011, approved the following motion:

WHEREAS The Region Municipality of Waterloo is concerned about the slaughter of sharks for shark fin soup and other shark fin products;

AND WHEREAS The Regional Municipality of Waterloo is opposed to the practice of shark finning;

AND WHEREAS The Regional Municipality of Waterloo is opposed to the slaughter of sharks that appear on an endangered species list or "special concern" list endorsed by the Canadian Federal Government,

THEREFORE BE IT RESOLVED THAT The Regional Municipality of Waterloo request that the Federal government investigate and pass legislation to prohibit the importation of, possession, sale and consumption of imported shark fin products, where such products are obtained via shark finning;

AND THAT The Regional Municipality of Waterloo request that the Federal government review its current position on the management of global shark populations to determine whether further restrictions and/or discussions are required with other national governments;

8

AND FURTHER THAT this request and a copy of report PH-11-052/CR-CLK-11-020 be forwarded to the Federation of Canadian Municipalities, all Members of Parliament and area municipalities.

Please accept this letter for information purposes only. Enclosed please find a copy of report PH-11-052/CR-CLK-11-020. If you have any questions or require additional information, please contact Dr. Liana Nolan, Commissioner/Medical Officer of Health, at 519-883-2240.

Please forward any written responses to this letter to Kris Fletcher, Director, Council & Administrative Services/Regional Clerk.

Yours truly,



Stevie Natolochny (Mrs.)
Council/Committee Support Specialist

SN/tp

cc: All Federal Members of Parliament
Brock Carlton, CEO, Federation of Canadian Municipalities
Dr. Gary Goodyear, Cambridge MP
Stephen Woodworth, Kitchener Centre MP
Peter Braid, Kitchener-Waterloo MP
Harold Albrecht, Kitchener-Conestogo MP
Alex Mitchell, Clerk, City of Cambridge
Randy Gosse, Clerk, City of Kitchener
Susan Greatrix, Clerk, City of Waterloo
Rodger Mordue, Clerk, Township of North Dumfries
Susan Duke, Clerk, Township of Wellesley
Barbara McLeod, Director of Clerk's Services, Township of Wilmot
Christine Broughton, Clerk, Township of Woolwich



REGION OF WATERLOO
PUBLIC HEALTH
Health Protection & Investigation
COPORATE RESOURCES
Council and Administrative Services

RECEIVED
DEC 21 2011
TOWNSHIP OF WOOLWICH

TO: Chair Sean Strickland and Members of the Community Services Committee
DATE: December 6, 2011 **FILE CODE:** P07-01
SUBJECT: SHARK FIN PRODUCTS

RECOMMENDATION:

WHEREAS The Region Municipality of Waterloo is concerned about the slaughter of sharks for shark fin soup and other shark fin products;

AND WHEREAS The Regional Municipality of Waterloo is opposed to the practice of shark finning;

AND WHEREAS The Regional Municipality of Waterloo is opposed to the slaughter of sharks that appear on an endangered species list or "special concern" list endorsed by the Canadian Federal Government,

THEREFORE BE IT RESOLVED THAT The Regional Municipality of Waterloo request that the Federal government investigate and pass legislation to prohibit the importation of, possession, sale and consumption of imported shark fin products, where such products are obtained via shark finning;

AND THAT The Regional Municipality of Waterloo request that the Federal government review its current position on the management of global shark populations to determine whether further restrictions and/or discussions are required with other national governments;

AND FURTHER THAT this request and a copy of report PH-11-052/CR-CLK-11-020 be forwarded to all local Members of Parliament.

SUMMARY:

The practice of "shark finning" commonly refers to the removal and retention of the dorsal fin of a live shark, and whereby the body of the shark is discarded at sea while still alive. Shark fins are in demand for shark fin soup, a delicacy served at many Chinese restaurants and banquet halls, and shark fins are also used in some consumer health products. Municipalities are beginning to encounter the issue of "shark finning" due to increased public awareness and concern for the animal cruelty and species endangerment implications of shark finning. Based on typical consumption patterns of shark fin products (i.e. infrequent and in small amounts by a small subset of the population), given CFIA's import limit for mercury in shark, and since mercury typically accumulates at negligible levels in shark fin compared to shark meat, shark fin

product consumption is not expected to represent a health risk to residents of Waterloo Region. In order to affect the practice of shark finning globally, staff are recommending that Regional Council request that the appropriate agencies and parties within the Federal government pass legislation to prohibit the importation of, possession, sale and consumption of imported shark fin products, where such products are obtained via shark finning.

REPORT:

1) Previous Motion by Regional Council

On October 5, 2011, Councillor Cowan brought forward a notice of motion, attached as Appendix 'A' on shark finning. Council referred this matter to staff for a report on the matter. The purpose of this Report (PH-11-052/CR-CLK-11-020) is to provide Council with information to help them decide on a municipal position for the shark finning issue.

2) Background on Shark Finning

The practice of "shark finning" commonly refers to the removal and retention of the dorsal fin of a live shark, and whereby the body of the shark is discarded at sea while still alive. It is an advantageous practice for fishing vessels to take and transport only fins because these are significantly more valuable than shark meat. Shark fins are in demand for shark fin soup, a delicacy served at many Chinese restaurants and banquet halls, and shark fins are also used in some consumer health products. The cost of shark fin varies depending on where it is purchased, but is typically very expensive and reported to be as high as \$600 per pound.

Some noteworthy objections have been raised to the practice of shark finning and the shark fin industry, and there is increasing public awareness for these issues in Canada and globally. The strongest objections are:

- That the common practice of cutting off the fin and returning the shark overboard to die is unnecessarily cruel; and
- That the shark fin harvest plays a significant role in the worldwide decline of shark populations and the endangerment of many shark species.

It is important to note that shark finning has been legally prohibited as a fisheries practice in Canada since 1994. The Department of Fisheries and Oceans Canada has explained to staff that shark fins cannot make up more than 5% of the overall weight of shark onboard a Canadian fishing vessel, and that the fisher is required to retain and market the entire shark harvested.

Therefore the objections related to shark finning mainly pertain to shark fins **imported** to Canada from countries where the practice of finning is permitted.

3) Specific Shark Fin Legislation in Canada

Federal & Provincial

Various federal and provincial Members of Parliament and Members of Provincial Parliament have expressed their desire to pursue federal and provincial bans against shark fins and/or the importation of shark fins to Canada.

(11)

Municipal

Four city councils in Ontario have passed motions for the creation of by-laws to ban the possession, consumption and sale of shark fins in their municipalities: Brantford, Mississauga, Oakville and Toronto. At present these cities are in various phases of transition towards by-law development and implementation.

The by-laws for Oakville and Brantford are considered to be more symbolic as shark fin products are not widely available in these jurisdictions. In Toronto and Mississauga there are restaurants and banquet halls which do offer shark fin soup, so by-law enforcement considerations for these cities will be particularly important. Other GTA cities such as Markham and Richmond Hill have so far opted not to propose or develop by-laws related to shark fin products. Recently, the City of London opted not to pursue a local ban, but instead is requesting that the appropriate federal government department produce a report on the issue.

4) Protection for Shark Species at Risk*International*

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between 175 national governments, including Canada. The purpose of CITES is to ensure that the international trade does not threaten the survival of wild plants and animals. As a signatory member of CITES, Canada is responsible to designate a "management authority" to administer a licensing system for the import, export and re-export of species covered by the Convention, and a "scientific authority" to advise CITES of the effects of trade on species covered by the Convention. The Canadian Wildlife Service (part of Environment Canada) has been designated to play both of these roles within the Government of Canada.

Presently CITES designates five species of shark as vulnerable or endangered and therefore signatory countries such as Canada are responsible to ensure limits related to import, export and re-export. These five species of shark are: Pointed Sawfish, Great White Shark, Basking Shark, Smalltooth Sawfish (a.k.a. Wide Sawfish), and Whale Shark.

In 2007 Canada also voluntarily developed a National Plan of Action for the Conservation and Management of Sharks (NPOA-Sharks), under the umbrella of the United Nations Food and Agriculture Organization's (FAO) international plan (IPOA-Sharks).

Other relevant international agreements that Canada has ratified and implemented which relate to the sustainable management of global fisheries resources and the protection of species at risk include the United Nations Convention on the Law of the Sea (1982), the United Nations Fish Stocks Agreement (1995), and the FAO Code of Conduct for Responsible Fisheries.

The most significant implications of the above and other international agreements that Canada has made pertain to the way in which Canada identifies and protects species at risk within the borders of Canada. Shark species seem well protected within Canadian borders with respect to both harvesting practices, and species at risk protection. However being a party to CITES, Canada is responsible for contributing to species protection in other parts of the world through the animal products it permits the importation of.

Federal

The website of the Department of Fisheries and Oceans Canada (DFO) highlights a number of legislative measures enacted by the federal government to manage and maintain the long-term sustainability of shark populations and fisheries, including: Department of Fisheries and Oceans Act (1985), Oceans Act (1996), Fisheries Act (1985), Coastal Fisheries Protection Act (1985), and Species at Risk Act (2002).

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) is an independent government body that exists to advise Canadians and their governments about the status of Canadian wildlife that are nationally at risk of extinction. Canadian shark species of "special concern" or "endangered" status according to COSEWIC are the Basking Shark, Blue Shark, Bluntnose Sixgill Shark, Porbeagle Shark and White Shark.

The above-mentioned Species at Risk Act (2002) was created to prevent Canadian wildlife from becoming extinct. When COSEWIC determines that a Canadian species is at risk, then the federal cabinet must decide whether to list that species under the Species at Risk Act Registry. COSEWIC status is not the only factor the government considers when deciding whether to list a species, they also hold consultations with affected stakeholders to consider what impact a Registry listing might have on the lives and livelihoods of Canadians. Once a species is listed in the Species at Risk Act Registry, it becomes illegal to kill, capture or harm the species.

Provincial

Since sharks are not indigenous to Ontario, their population status and harvesting methods are not subject to the Ontario Endangered Species Act.

5) Health Concerns Associated with Shark Fin Consumption

Predatory fish, such as sharks, can accumulate elevated levels of mercury through the large quantities of prey they consume over their lifespan. However, these elevated levels of mercury tend to accumulate in the muscle and fatty tissue of sharks, and not in the cartilage (i.e. fin). The Canadian Food Inspection Agency (CFIA) is the responsible agency for inspecting and sampling shark meat imported to Canada. In order to be accepted by CFIA for import and sale, mercury concentrations must be less than 1.0 ppm in the edible portions sampled. In discussion with the CFIA at the time of writing of this report, they indicated that the amount of mercury that would be detectable in shark fin would be considered negligible.

Region of Waterloo Public Health advises residents on how to maximize the health benefits of eating fish while avoiding unsafe levels of exposure to mercury, depending on the species, quantity and frequency eaten. Based on guidance from Health Canada, as well as research by Toronto Public Health, Region of Waterloo Public Health recommends the following as safe limits for the consumption of shark:

General Population	Women who are or may become pregnant, or are breastfeeding	Children
75 g per week	75 g per month	75 g per month

It is important to note that shark fin is considered a delicacy and is only consumed by a small proportion of people in Waterloo Region. Shark fin is very expensive (costing up to \$600/lb), it is consumed infrequently (i.e. at special events), it is consumed in small portions (i.e. shredded in soup), and it does not seem to be readily available in Waterloo Region. Based on typical consumption patterns (i.e. infrequent and in small amounts by a small subset of the population), and given CFIA's import limit of 1.0 ppm for mercury in shark, **shark fin product consumption in Waterloo Region is not expected to represent a health risk to residents of Waterloo Region.** Public Health would not anticipate a consumption ban for shark fin products to significantly reduce mercury exposure in the region's population.

There are other fishes such as fresh or frozen tuna, canned white (albacore) tuna, pickerel, etc. which contain comparable levels of mercury to shark and for which Public Health recommends the same consumption limits. These consumption guidelines are published by Public Health: "A Guide to Eating Fish for Women, Children and Families" (Appendix 'B').

6) Possible Action Options for Regional Council on the Shark Finning Issue

Option 1: Advocating to the Federal Government

Some municipalities such as Markham, Richmond Hill, and London have not chosen to pass by-laws but have instead requested that the Federal Government investigate and take legislative action. Also based on preliminary investigation, staff does not believe the consumption of shark fin products to be prevalent in the region. For this reason, staff is recommending that Regional Council contact the Federal Government and request that they take action. If Committee agrees to advocate, staff could also assist in making Committee's position known to the public. Staff could, upon request, provide Councillors with a summary of this report for distribution to community groups/schools and a standard letter that could be used to advocate to appropriate agencies and/or parties with the Federal government.

Option 2: Implementing a By-law

As noted above, four municipalities have chosen to pass by-laws. If Council wishes to pass a by-law, enforcement of the by-law is critical to consider. Municipalities that have passed by-laws are now only in the process of determining how such by-laws are to be enforced. No charges have been laid under any by-law at the time of the writing of this report. In order to obtain a conviction under a by-law, a municipality must prove the essential elements of an offence beyond a reasonable doubt. In this case, the essential element is that the person has possession of shark fin. The collection and testing of evidence will be important if enforcement is to be successful.

Staff has done some preliminary investigation on how such a by-law may be enforced. Basically there are two enforcement regimes: (1) complaint driven, and (2) proactive inspections. Based on information from Public Health, enforcement staff believe there are approximately 280 full menu and food takeout restaurants, 80 supermarkets including Asian grocery stores, 30 "health food" outlets, and an unknown number of banquet facilities that may need to be inspected. In order to inspect these facilities proactively additional resources will be required. In order to visit all these establishments annually, an additional 1 FTE will be required initially at a cost of \$90,000. After an initial level of investigation and enforcement, staff can review if the staffing component can be reduced to 0.5 FTE at a cost of \$49,000. If Committee wished to proceed instead with a complaint-driven enforcement strategy, staff would recommend the hiring of a 0.5 FTE at a cost of \$49,000. This position should be reviewed after one year to determine the level of enforcement required over the long term. Another

enforcement consideration is the testing of samples taken during an investigation to confirm that the accused had possession of a shark product. There are limited facilities in Canada with the capacity to undertake species identification, and it is uncertain if a sample could be identified as "fin", relative to other cartilage from another part of the shark. The financial expense and time required for this testing would also need to be accounted for to ensure such a by-law would be enforceable.

7) Conclusion

Staff does not believe that passing a by-law in the Region will stop the process of shark finning, significantly reduce the consumption of shark fins or shark fin products, or sustain/improve the management of global shark populations. Staff has also determined that the consumption of shark fins does not represent a public health risk within the Region of Waterloo. Staff is therefore recommending that the Region of Waterloo request that the Federal government review and take decisive legislative action to halt shark finning and endangerment of shark species at risk.

CORPORATE STRATEGIC PLAN:

NIL

FINANCIAL IMPLICATIONS:

Based on the recommendation in this report, no financial implications are anticipated.

If Council decides to pursue the development of a by-law, it is estimated that the cost of implementing and enforcing the by-law would be approximately \$49,000 - \$90,000 per year. This would need to be 100% funded by regional levy on a permanent basis to Corporate Resources (Council & Administrative Services), as long as the by-law is in effect. If Committee wishes to proceed in this direction a budget issue paper will be required.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Region of Waterloo, Corporate Resources, Legal Services
Region of Waterloo, Corporate Communications

ATTACHMENTS:

Appendix A: Notice of Motion - T. Cowan (October 5, 2011)
Appendix B: "Guide to Eating Fish for Women, Children and Families"; Region of Waterloo Public Health

PREPARED BY: Ashley Raeside, Public Health Planner
Kris Fletcher, Director, Council & Administrative Services
Dr. Hsiu-Li Wang, Associate Medical Officer of Health

APPROVED BY: Dr. Liana Nolan, Commissioner/Medical Officer of Health
Gary Sosnoski, Commissioner, Corporate Resources

Appendix 'A'

**Notice of Motion T. Cowan
(October 5, 2011)**

WHEREAS sharks world-wide are being slaughtered at the rate of 75-80 million a year to satisfy the market for shark fin soup and other shark fin products; and

WHEREAS sharks could be extinct in 10-15 years if the slaughter continues throwing the ecosystem of Oceans in to turmoil affecting bio-diversity; and

WHEREAS the practice of "shark finning" is a wasteful and brutal type of fishing that has been banned in Canadian waters since 1994; and

WHEREAS "shark finning" is a cruel practice that is contrary to the good morals of the citizens of Brantford; and

WHEREAS the consumption of shark fins and related food products by humans may cause serious health risks, including mercury and toxic poisoning, and

WHEREAS the City of Brantford, being a small city far from the Oceans, appreciates the important role that sharks play in the ecosystem around the world;

NOW THEREFORE BE IT RESOLVED THAT Staff be directed to prepare a By-law for Council's consideration to ban the possession, sale and consumption of shark fin and related food products.

Appendix 'B'

"A Guide to Eating Fish for Women, Children and Families"; Region of Waterloo Public Health: <http://chd.region.waterloo.on.ca/en/healthyLivingHealthProtection/resources/FishBooklet.pdf>

What about canned tuna?

There are different types of canned tuna. Read the label and choose "light" tuna because it is low in mercury. Choose "white" or Albacore tuna less often.

What about salmon?

Salmon is a fish that provides a lot of omega-3 fats and is low in mercury. However, there are some concerns:

- low levels of other pollutants, such as PCBs, found in the fat of farmed salmon
- transfer of disease and parasites from farmed to local wild salmon
- pollution and waste from salmon farms
- stress on fish stocks used to feed farmed salmon

Wild salmon is lower in PCBs and has fewer ecological concerns than farmed salmon. Most canned salmon is wild. To lower the amount of pollutants in salmon, remove the fat and skin before cooking. Grill, broil or barbecue your fish so that the extra fat can drip off.

What about raw fish?

Health Canada recommends that pregnant women avoid eating raw fish and raw shellfish. They may carry bacteria that can cause serious illness.

I am pregnant and I don't eat fish. Should I take an omega-3 fish oil supplement?

It is not known how much you would need to take to help the development of the fetus. If you choose to take supplements, read the label carefully. Look for those that say they have been tested for contaminants. You may also look for omega-3 supplements that are made from marine plant sources. Avoid fish liver oil because it contains high levels of Vitamin A which may cause birth defects.

Can I eat sport fish?

Sport fish are fish caught in local lakes and rivers. Some of these fish may not be safe to eat. If you eat sport fish, check the *Guide to Eating Ontario Sport Fish* at www.ene.gov.on.ca/en/sportfish/guide/index.htm or phone 1-800-820-2716 to get a free copy.

What about the environmental impact of eating fish?

Poor fisheries management can result in habitat damage, threats to other aquatic life and overfishing.

For more information on making the best environmental fish choices refer to www.seachoice.org



Health Canada recommends eating at least two Canada's Food Guide Servings of fish each week that are high in omega-3 fats and low in mercury.

See *Eating Well with Canada's Food Guide* at www.healthcanada.gc.ca/foodguide





A Guide To Eating Fish For Women, Children and Families



Region of Waterloo
PUBLIC HEALTH
519-885-2000
TTY: 519-575-4608

Adapted with the permission of Governor Arthur Hanson.

