



COUNCIL INFORMATION PACKAGE

Friday, September 18, 2026

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MEMORANDUM

TO: Mayor, Council and Residents

FROM: Tara Stephens, Director of Legislative Services/City Clerk

DATE: September 18, 2026

SUBJECT: 2026 Municipal Election – Voters' List Amendments and Proxy Voting Information for the 2026 Municipal Election

The City of Welland would like to advise residents that amendments to the Voters' List are now being accepted in preparation for the upcoming Municipal Election.

Residents are encouraged to confirm that they are on the Voters' List and that their information is accurate. To do so, please contact City Hall at 905-735-1700 and press 0 to speak with the Customer Experience Specialist. Staff will review the available information and advise whether you are currently included on the Voters' List.

If you are not on the Voters' List, or if your information requires updating, you will be required to complete an EL15 - Application to Amend the Voters' List.

To complete this process, residents must attend City Hall, 60 East Main Street, Welland, during regular business hours (8:30 a.m. to 4:30 p.m.) and provide identification showing both their name and qualifying residential address. City staff will review the application and supporting documentation and, where appropriate, process the amendment to the Voters' List.

Residents are encouraged to verify their information as early as possible to ensure they are eligible to vote and to help avoid delays closer to Election Day.

Proxy Voting

Electors who are unable to attend a voting location may appoint another qualified elector to vote on their behalf through the prescribed proxy voting process. Proxy voting is governed by the Municipal Elections Act and requires the completion and certification of an Appointment for Voting Proxy (Form 3).

Important information regarding proxy voting includes:

- Eligible electors may appoint another qualified elector to vote on their behalf using the prescribed proxy process.
- A person acting as a proxy must be an eligible elector who resides in the City of Welland.
- An individual may generally act as a proxy for only one person, unless the person appointing them is a family member as defined under the Municipal Elections Act.
- Proxy forms must be completed and certified by the Clerk or designate before they can be used to vote.
- The individual being appointed as the proxy must attend City Hall in person and provide identification when submitting the proxy form for certification. Residents are encouraged to make an appointment with Election staff to complete the proxy document.
- Proxy appointments cannot be completed at the polling locations.

Additional information regarding proxy voting, including applicable deadlines and certification requirements, will be available on the City's election website and through the Legislative Services Division.

Questions regarding the Voters' List, amendments to elector information, or proxy voting may be directed to the Legislative Services Division by calling 905-735-1700 or by emailing election@welland.ca.

Thank you for your cooperation and participation in the municipal election process.

MEMORANDUM

TO: Mayor and Council

FROM: Sarah Conidi, Manager of Legislative Services/Deputy City Clerk

DATE: September 18, 2026

SUBJECT: OLT Decision – 418, 424, 430 Aqueduct Street and 650, 656, 664, 670, 678 Niagara Street

Overview:

Applications for Official Plan Amendment (File No. OPA 49) and Zoning By-Law Amendment (File No. 2024-01) was submitted by The Development Squad LP and The Development Squad GP Inc. for lands municipally known as 418, 424, 430 Aqueduct Street and 650, 656, 664, 670 and 678 Niagara Street on December 8, 2023. The applications were subject to revisions and resubmissions as a result of comments from the public and agencies. The revised applications proposed a residential development. The proposal consisted of three (3) apartment buildings ranging from nine (9) to sixteen (16) storeys, stacked townhouses and miscellaneous commercial uses ancillary to the residential development.

The applications were considered by Council for decision on October 14, 2025, and were refused. The applications were subsequently appealed to the Ontario Land Tribunal (OLT) under the *Planning Act*, R.S.O. 1990, c. P.13 (the “*Planning Act*”).

Prior to the hearing, the applicant, the City, and participating parties reached a settlement through OLT-led mediation which was presented to the OLT for approval.

A copy of the OLT Decision and Order is attached for Council's reference.

Date decision made by Council:

Council refused the requested Official Plan Amendment and Zoning By-law Amendment on October 14, 2025.

Date approved by the OLT:

August 27, 2026 (corrected decision issued September 9, 2026).

OLT Decision and Recommendations:

The OLT approved the settlement and allowed the appeals, in part. The approved development consists of:

- Three residential apartment buildings ranging from 9 to 16 storeys;
- 822 apartment dwelling units;
- 24 stacked townhouse units; and
- Approximately 1,121 square metres of commercial space.

The OLT approved the Official Plan Amendment and Zoning By-law Amendment attached to its Decision and Order and authorized the City Clerk to assign by-law numbers for record-keeping purposes.

Total Costs:

As of September 18, 2026, total costs incurred with respect to this appeal are \$95,880.12. Staff time has also been expended on this matter.

Ontario Land Tribunal

655 Bay Street, Suite 1500
Toronto, ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Website: olt.gov.on.ca

Tribunal ontarien de l'aménagement du territoire

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September 09, 2026

TO: All recipients of the Ontario Land Tribunal Decision and Order issued on August 27, 2026

RE: OLT CASE NO.: OLT-25-000944, DECISION ISSUED ON AUGUST 27, 2026

On August 27, 2026 the Ontario Land Tribunal issued its Decision and Order ("Decision") on the above noted case.

Rule 24.4 of the Ontario Land Tribunal's *Rules of Practice and Procedure* ("Rule") states that the Tribunal may at any time correct a technical or typographical error made in a decision or order.

The Tribunal has corrected the Decision under the authority of this Rule by replacing **Attachment 1** and **Attachment 2** in the corrected version.

A corrected version of the Decision issued on August 27, 2026 is enclosed with this communication. This enclosed Decision replaces the Decision and Order issued on August 27, 2026.

Thank you,

"Matthew D.J. Bryan"

MATTHEW D.J. BRYAN
REGISTRAR

Encl.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 27, 2026

CASE NO(S).:

OLT-25-000944

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	The Development Squad LP and The Development Squad GP Inc.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit 3 high-rise residential buildings ranging from 8 to 16 storeys with commercial uses at grade and two stacked townhouse blocks
Reference Number:	OPA 49
Property Address:	418, 424, 430 Aqueduct Street and 650, 656, 664, 670, 678 Niagara Street
Municipality/UT:	City of Welland/Niagara
OLT Case No.:	OLT-25-000944
OLT Case Name:	The Development Squad GP Inc. v. Welland (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	The Development Squad LP and The Development Squad GP Inc.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit 3 high-rise residential buildings ranging from 8 to 16 storeys with commercial uses at grade and two stacked townhouse blocks
Reference Number:	ZBA 2024-01

Property Address: 418, 424, 430 Aqueduct Street and 650, 656,
664, 670, 678 Niagara Street
Municipality/UT: City of Welland/Niagara
OLT Case No.: OLT-25-000945
OLT Lead Case No.: OLT-25-000944

Heard: August 25, 2026 by video hearing

APPEARANCES:

Parties

The Development Squad LP and The
Development Squad GP Inc.

City of Welland

Fox Estate Residents – The Talosi
Group

Counsel

Meaghan McDermid
Liam Valgardson

Maggie Bassani

Tom Hanrahan

MEMORANDUM OF ORAL DECISION DELIVERED BY ERIC S. CROWE ON AUGUST 25, 2026 AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] This Decision and Order arises from appeals brought by The Development Squad LP and The Development Squad GP Inc. (“Development Squad”) pursuant to ss. 22(7) and 34(11) of the *Planning Act* (“Act”) for the refusal by the City of Welland (“City”) of an application for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) for the properties municipally known as 418, 424, 430 Aqueduct Street and 650, 656, 664, 670, 678 Niagara Street (“Subject Lands”).

[2] The revised development proposal proposes the development of three apartment buildings ranging in height from nine storeys to 16 storeys, comprising 822 units, and 24, three-storey stacked townhouse units, for an overall unit total of 846 residential units

and an overall density of 218 units per hectare (gross) and 266 units per hectare (net) (“Settlement Proposal”). The Settlement Proposal’s plans (“Settlement Plans”) continue to include 1,121 square metres of commercial uses.

[3] The Settlement Plans result in an overall unit reduction of 33 units (846 units) from the original 879 units that were proposed in previous plans from August 2024.

[4] The following are the main changes resulting from the Settlement Plans:

Building A

- i. Building A is shown to have a maximum height of nine storeys, representing a reduction in height of one storey. The podium portion along the Niagara Street frontage has been reduced in height from eight and five storeys to seven and 4 storeys.
- ii. The seven-storey podium has been stepped back 3 metres (“m”) to the east from the western edge of the four-storey podium, and 9 m from the southern edge of the four-storey podium.
- iii. Exterior amenity space on the roof of the one-storey podium is shown as being set back 7.5 m from the southern edge of the podium and will be buffered by a green roof.

Building B

- i. The length of the east-west portion of the eight-storey building has been reduced to provide for a 12 m separation distance between the 16-storey tower and the eight-storey midrise building component.

- ii. The height of the podium along Niagara Street is shown as having a maximum of six storeys in height, representing a reduction in height of two storeys.
- iii. In addition, as part of a future site plan process, amenity areas on the roof of the three-storey podium will include a mix of green roof areas and amenity areas.

Buildings D and E – Stacked Townhouses

- i. The townhouse blocks were reorganized to remove the private right-of-way along the eastern boundary of the site and create a rear yard to rear yard condition with the properties to the east.
- ii. The townhouses have a maximum building height of 11 m and three storeys, not including basements.
- iii. West-facing terraces at the third storey are shown on the architectural plans. East-facing terraces and balconies are not shown and are not permitted.
- iv. The proposed ZBA includes a requirement for an 8 m landscaped buffer along the eastern property line of the townhouse blocks, wherein buildings and structures are prohibited. This area will be used for plantings (e.g., evergreens or cedars) and fencing will be provided along the eastern property line.
- v. Parking (resident and visitors) have been consolidated into parking areas in the centre and north end of the townhouse blocks. Landscaped open space will be provided at the southeast corner of the site.

Private Street C

- i. The width of Private Street C (a designated fire route) has been reduced in width to 6 m, and an expanded 5.5 m landscape buffer is to be provided along the southern property line.
- ii. Private Street C is restricted to loading and emergency access only, which will be signified through site signage.

[5] Subsequently, during the previous Case Management Conference (“CMC”) on February 24, 2026, and prior to the Settlement Hearing, the Tribunal had previously granted Party status to Fox Estate Residents – The Talosi Group (“Talos Group”).

[6] During the same CMC, the Tribunal had previously granted Participant status to: Pasquale Rocca and Kiron Bondale.

[7] The Tribunal has been advised by Development Squad, Talosi Group, and the City that a fully uncontested settlement has been reached, on consent, through Tribunal-led Mediation, for the Subject Lands (“Settlement”). The Tribunal has received and considered, and marked as Exhibit 2, a comprehensive Affidavit, affirmed on August 24, 2026 by Jesse Auspitz, a Registered Professional Planner and full member of the Canadian Institute of Planners.

[8] The Tribunal has accepted the uncontroverted expert land use planning opinion evidence of Jesse Auspitz, and submissions of counsel for the Parties, specifically:

- a) The Settlement Proposal has regard for the matters of provincial interest under s. 2 of the Act. The Settlement Proposal has regard to several significant subsections, such as the supply, efficient use, and conservation of energy and water. The Settlement Proposal has a compact built-form and density that would contribute to the efficient use of municipal services and energy. The Settlement Proposal would optimize the use of existing

municipal services on an already serviced but underutilized parcel of land. The proposal fulfills the general vision of the City's Official Plan ("OP") it ensuring the orderly development of safe and healthy communities. In regard to accessibility for persons with disabilities, the Settlement Proposal will provide direct connections to the street to ensure walkability and connectivity to the community. The Subject Lands are within the City's Built-up Area. The Subject Lands are located on Niagara Street (Regional Road 50), which is a key transportation corridor that is regularly served by the City's public transit. The proposed density and compact built form support the achievement of development at a walkable scale that is transit supportive, sustainable, and has a modern, compact design. It is designed to minimize its effect on the surrounding low-density residential neighbourhood, through massing, design, and site layout, with consideration for transition between densities. Overall, the proposed development is well-designed, aims to provide innovative design, a unique sense of place, and high-quality, safe, accessible, and vibrant public spaces. The Settlement Proposal's compact built form, mix of land uses in proximity to public transit, and options for active transportation reduce automobile dependence, and consequently, the necessity to consume fossil fuels;

- b) The Settlement Proposal is consistent with the Provincial Planning Statement, 2024 ("PPS 2024"). The OPA and ZBA provide for residential intensification and an appropriate range and mix of housing options for current and future residents by facilitating apartment dwelling types and stacked townhouses in a community predominantly consisting of single-detached dwellings. The OPA and ZBA support the achievement of complete communities by providing housing in proximity to employment opportunities and amenities. The proposed development would facilitate the transformation of the Subject Lands from a low-density neighbourhood into a vibrant, mixed-use development. The OPA and ZBA are consistent

with the housing policies of the PPS 2024 by introducing development standards that encourage residential intensification, compact urban form, and a diverse range of housing options in the form of high-rise and mid-rise mixed-use, and stacked townhouses, in a community predominantly consisting of single-detached housing types. The Settlement Proposal is situated along an arterial road, ensuring convenient access to multiple public transportation options. The Subject Lands are located within a Settlement Area, specifically within a Strategic Growth Area being identified as an Intensification Area in Schedule A of the City OP. The Settlement Proposal is consistent with the Settlement Area policies in the PPS 2024 by focusing high density development in an Intensification Area and by converting land currently occupied with single-detached dwellings into a compact urban district, accommodating diverse residential types and utilizing existing infrastructure. The OPA and ZBA focus growth and development within an identified Strategic Growth Area, accommodating significant population growth. Intensifying along a Regional Road with existing transit supports the existing transit network. The density of development and its compact built form support the efficient use of land. The applications promote economic development and competitiveness by facilitating a mix of uses, including retail uses within a residential intensification site. The Settlement Proposal's compact built form and transit-supportive nature are consistent with the policies in the PPS 2024 that focus on reducing greenhouse gas emissions and preparing for a changing climate. The Settlement Proposal is consistent with the policies of the PPS 2024 by facilitating appropriate residential intensification through transit-supportive development within a Strategic Growth Area, at an appropriate scale, and by promoting economic development and competitiveness by facilitating a mix of uses, including retail uses;

- c) The Settlement Proposal conforms to the Regional Municipality of Niagara's ("Niagara") Official Plan ("NOP"). The Settlement Proposal conforms to the NOP by facilitating appropriate intensification within a Local Growth Area and Corridors/Local Growth Centres, facilitating complete communities, its compact built-form, and transit-oriented development, which in turn support the transition to net zero communities, and by contributing to the mix of housing for all stages of life that will support opportunities to live, work, and study in Niagara;
- d) The Settlement Proposal conforms to the City OP. Specifically, the Settlement Proposal appropriately considers criteria for considering amendments to the City OP under Section 7.15.1.1. The OPA also would facilitate intensification in the form of high density residential development, where high density residential uses are intended to be located. The OPA would also ensure the protection of the significant woodland on the Subject Lands;
- e) In regard to the City's Comprehensive Zoning By-law, the Subject Lands are proposed to be rezoned from R1 in By-law No. 2667 to RH-146 and RH-146 with EP Overlay. Site-Specific Relief from the RH standards is required, as follows:
 - a. Height – The maximum building height for the Subject Lands is set at 55.5 m which equates to 16 storeys. Height is concentrated toward the centre of the Subject Lands. A height schedule has been included as part of the ZBA to ensure that the buildings will be developed as per the Settlement Plans. Sun Shadow Studies and an Angular Plane Study were previously submitted as part of the original and revised applications to the City. These submissions demonstrated compliance with Niagara's Sun/Shadow Study Terms of Reference and Niagara's Model Urban Design Guidelines. With

further reductions in height, as shown on the height schedule, it is anticipated the proposed apartment buildings will continue to comply;

- b. Height Exemption – A height exemption is included in the draft ZBA. This height exemption is to allow for the enclosure of a mechanical penthouse;
- c. Multiple Dwellings – This use has been added to the draft ZBA to allow for the stacked townhouse dwellings to the east. These stacked townhouse dwellings are set back 19.1 m from the rear lot line to ensure significant separation from the abutting low density residential development;
- d. Definition of Lot – Lot has been defined to include the entirety of the Subject Lands, as lot division has not been determined. This definition is necessary to allow for development to proceed despite how the approach to land division may occur;
- e. RH-146 with EP Overlay – This mapping change is necessary to ensure the protection of the significant woodland on the Subject Lands; and
- f. Remaining Components of the By-law – The remaining components of the draft ZBA for the RH-146 Zone maintain existing standards for the RH Zone, are more restrictive, or are imposed restrictions intended to implement the Settlement Plans. Cumulatively, these zoning standards would facilitate intensification in the form of high density residential development, where such densities are intended to be located, provide for an appropriate transition to low density residential uses, while ensuring that

impacts from shadowing and privacy are appropriately mitigated;
and

- [f] In addition, the Affidavit of Jesse Auspitz, including his expert testimony, addressed the Participants' issues/concerns (parking, drainage, traffic, height, and density) within their respective statements.

[9] The Tribunal finds that the requested OPA and ZBA, as revised by the Settlement, meets the required legislative tests, and have regard for the relevant matters of provincial interest. The OPA and ZBA are consistent with the PPS 2024, conform with the NOP and the City OP, as proposed to be amended, appropriately consider criteria for an OPA under Section 7.15.1.1 of the City OP, and have appropriate regard for the proposed policy direction in the draft City Official Plan (February 2026). The Settlement Proposal and the OPA and ZBA provide for an appropriate level of density, height, and intensification for the Subject Lands, which is compatible with the existing and planned context of the surrounding area.

ORDER

[10] **THE TRIBUNAL ORDERS THAT:**

1. The appeal by The Development Squad LP and The Development Squad GP Inc. ("Development Squad"), under s. 22(7) of the *Planning Act* ("Act"), is allowed, in part, and the Official Plan Amendment, attached as **Attachment 1** to this Order, is approved.
2. The appeal by the Development Squad, under s. 34(11) of the Act, is allowed, in part, and that the Zoning By-law Amendment, attached as **Attachment 2** to this Order, is approved.

3. The City of Welland Clerk is authorized to format and assign numbers to these By-laws for record keeping purposes.

"Eric S. Crowe"

ERIC S. CROWE
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2026-_____

**A BY-LAW TO AUTHORIZE THE ADOPTION OF OFFICIAL PLAN
AMENDMENT NO. 49 – 418, 424 AND 430 AQUEDUCT STREET AND
650, 656, 664, 670 AND 678 NIAGARA STREET**

WHEREAS the Owner appealed the refusal of the Official Plan Amendment to the Ontario Land Tribunal pursuant to Section 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

AND WHEREAS the Ontario Land Tribunal, by its Decision and Order issued on  in OLT Lead Case No. OLT-25-000944 approved amendments to the Official Plan for the City of Welland with respect to 418, 424 and 430 Aqueduct Street and 650, 656, 664, 670 and 678 Niagara Street.

NOW THEREFORE THE ONTARIO LAND TRIBUNAL ORDERS:

1. The attached Amendment No. 49 to the Official Plan is hereby in force pursuant to the *Planning Act*, as amended.

**AMENDMENT NO. 49 TO THE OFFICIAL PLAN OF
THE CORPORATION OF THE CITY OF WELLAND**

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PART A - THE PREAMBLE (This does not constitute part of the Amendment)

Title And Components

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 49 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of any map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

Purpose Of The Amendment

The purpose of Official Plan Amendment No. 49 is to redesignate the lands municipally known as 418, 424, 430 Aqueduct Street and 650, 656, 664, 670, 678 Niagara Street from High Density Residential to Special Policy High Density Residential and Core Natural Heritage as shown on the attached Schedule "A". The Special Policy High Density designation will permit a maximum height of sixteen (16) storeys and maximum density of 218 units per gross hectare.

Location

The lands are on Niagara Street and Aqueduct Street more specifically described as PT TWP LOT 239, known municipally as 418, 424, 430 Aqueduct Street and 650, 656, 664, 670, 678 Niagara Street and is 3.88 hectares in size.

Basis

The subject lands are within the urban area boundary for the City of Welland and currently designated High Density Residential. This amendment is for a land use change to Special Policy High Density Residential and Core Natural Heritage. A proposal has been put forth to redevelop the land with approximately 846 residential dwelling units and commercial space via the construction of several apartment buildings and multiple dwellings.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 49 to the Official Plan of the Corporation of the City of Welland. The Official Plan for the City of Welland is hereby amended as follows:

Map Changes

1. The areas indicated on the attached Schedule A as Amendment No.49 are hereby redesignated from "High Density Residential" to Special Policy High Density Residential on Schedule B1, Core Natural Heritage on Schedule B, Environmental Protection Area on Schedule C and Significant Woodlots on Schedule C1 to the Official Plan.

Text Changes

1. The Official Plan of the City of Welland is hereby amended by adding the following:

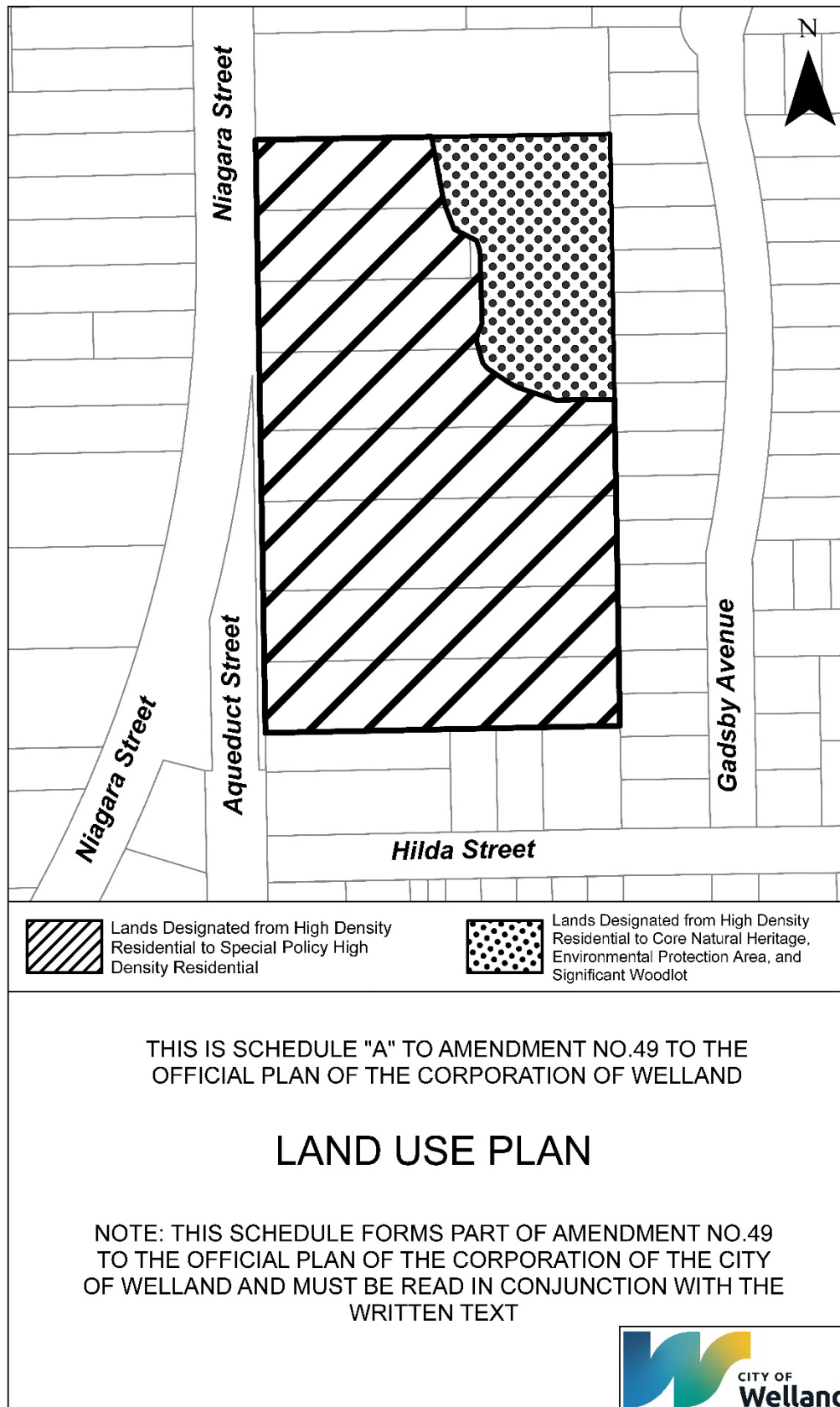
4.2.3.20 Exceptions

- 4.2.3.20 S Notwithstanding the density provisions of Section 4.2.2.4 the lands will be permitted to have a minimum density of 61 dwelling units per net hectare and a maximum density of 218 dwelling units per gross hectare.

Notwithstanding the scale (height) provisions of Section 4.2.2.4 the lands will be permitted to have a maximum height of 16 storeys

Notwithstanding the permitted uses provisions of Section 4.2.2.4 the lands will be permitted to include Multiple Dwellings (Stacked Townhouses)

Land Use Schedule "A"



ATTACHMENT 2

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2026-

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW 2017-117, AS AMENDED (FILE NO. 2024-01) 418, 424, 430 AQUEDUCT STREET AND 650, 656, 664, 670, 678 NIAGARA STREET

WHEREAS the Owner of the lands appealed the refusal of a Zoning By-law Amendment to the Ontario Land Tribunal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

AND WHEREAS the Ontario Land Tribunal, by its Decision and Order issued on <> and in OLT Lead Case No. OLT-25-000944, determined to amend Zoning By-law 2017-117, as amended, with respect to lands known municipally as 418, 424, 430 Aqueduct Street and 650, 656, 644, 670, 678 Niagara Street.

NOW THEREFORE THE ONTARIO LAND TRIBUNAL ORDERS:

That Schedule "A" to By-law 2017-117, as amended be and the same is hereby amended as follows:

1. Part Township Lot 239; in the City of Welland, Regional Municipality of Niagara, municipally known as 418, 424, 430 Aqueduct Street and 650, 656, 664, 670, 678 Niagara Street, Welland shown on Schedule "A" as "R1" is hereby rezoned to "RH-146" and "RH-146 with EP Overlay" as shown on Schedule "A" to this By-law.

That Comprehensive Zoning By-law 2017-117, as amended be and the same is hereby amended as follows for the RH-146 Zone as set out below:

1. Section 4 – Definitions:
Notwithstanding the definition of "lot" in section 4 of Comprehensive Zoning By-law 2017-117, for the purposes of this By-law, "lot" means the entirety of the lands as shown on Schedule "A" to this By-law, regardless of any future conveyances, consents, subdivisions, easements, condominiums or division of the land granted after the approval of this By-law.

Section 5.10.8 a) ii) - Height Exemptions, shall be deemed to be as follows:

A structure shall be permitted to enclose a space, thereby forming part or all of a penthouse (mechanical).

2. Section 7 – Residential Zones:
Table 7.2.1 – Permitted Uses

That a Multiple Dwelling be permitted in the RH-146 Zone.

3. Section – Residential Zones:
Table 7.3.1 – Regulations for Residential Zones

That the regulations of the RH-146 Zone shall be those provided for in the RH Zone, save and except as shown in Schedule 'B' to this By-law.

- 2 -

4. The maximum number of dwelling units permitted in the RH-146 Zone shall not exceed 846.
5. The floorplate of any portion of a *building* above 32 metres shall not exceed 850 square metres. For the purposes of this provision, "floorplate" means the total built area of a floor within a *building* above 32 metres, measured from the exterior of the main walls at each floor, but excluding balconies.
6. Any portion of a *building* containing an *apartment dwelling* above 24 metres in height shall be separated from any other portion of the same *building* (not including any stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment, or mechanical penthouse) by a minimum horizontal distance of 12 metres.
7. A minimum landscaped buffer of 5.5 metres along the south *lot line* is required and no buildings or structures including any accessory buildings or structures shall be permitted within this minimum landscaped buffer.
8. A minimum landscaped buffer of 8.0 metres along the east *lot line* is required and no buildings or structures including any accessory buildings or structures shall be permitted within this minimum landscaped buffer.
9. For the purposes of the RH-146 Zone, a "landscaped buffer" shall mean: "a landscaped or naturally planted area or strip, which serves to provide separation and to partially or obstruct the view of adjacent land uses and shall consist of landscaping with trees, shrubs, grass, flower beds, or a combination thereof. A landscaped berm and an open decorative fence may also be utilized as a component of the landscaped buffer".
10. Any rooftop exterior *amenity area* located on a portion of a *building* having a height of 6.5 metres or less shall be setback a minimum of 7.5 metres from the southern edge of that portion of the *building*.
11. All other provisions of Comprehensive Zoning By-law 2017-117 shall continue to apply.



Legend:

-  R1 change to RH-146
-  R1 change to RH-146 with EP Overlay

**THIS IS SCHEDULE "A" TO BY-LAW 2026-
PASSED THE DAY OF 2026**

Sketch Showing

**FILE NO. 2024-01, 418-430 AQUEDUCT STREET &
650-678 NIAGARA STREET, REFER TO LEGAL
DESCRIPTION IN THE ATTACHED BY-LAW**

MAYOR _____ CLERK _____

 **CITY OF
Welland**

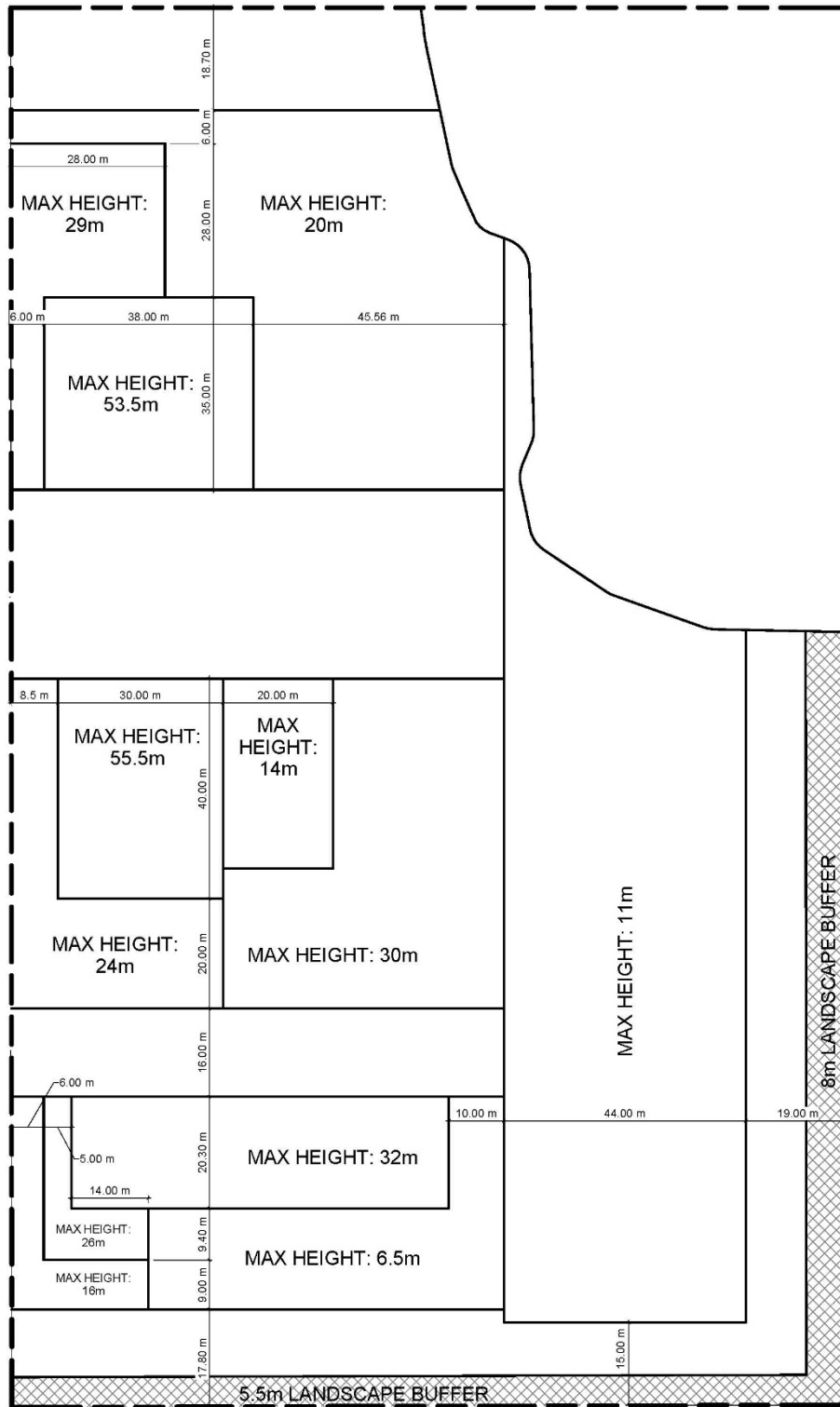
Schedule "B" to By-law 2026-_____

The provisions of the RH-146 Zone shall be those provided for in the zoning provisions table below:

Use	Lot Area (min)	Lot Frontage (min)	Front Yard (min)	Side Yard Interior (min)	Rear Yard (min)	Building Height (max)	Lot Coverage (max)	Landscaped Area (min) (2)
Multiple Dwelling (1)	N/A	15.0 m	3.0 m	South Lot Line: 15.5 m North Lot Line: 18.7 m	East Lot Line: 19.1 m	11 m and 3 storeys	40%	22%
Apartment Dwelling	1000.0 m ²	40.0 m	3.0 m	South Lot Line: 17.8 m North Lot Line: 18.7 m	East Lot Line: 63 m	Refer to 'Schedule 1' attached hereto	40%	22%

- (1) Despite any other provision of this By-law, no balcony, deck, or similar outdoor amenity area located above the first storey shall be permitted on the east elevation of a Multiple Dwelling.
- (2) For the purposes of this By-law, lands subject to the EP Overlay shall not be included as *Landscape Area*.

Schedule 1



MEMORANDUM

TO: Mayor and Council

FROM: Legislative Services

DATE: September 18, 2026

SUBJECT: OLT Decision – 44 Heron Street, Welland, ON

Overview:

1454417 Ontario Ltd. filed an application for Official Plan Amendment and Zoning By-law Amendment with the City of Welland on December 1, 2023.

A recommendation report (Report P&B 2024-05) was provided to Council on March 19, 2024, to consider the applications. City staff recommended that the submitted applications be approved by Council, as indicated in Report P&B 2024-05. Council denied the proposed planning applications at its March 19, 2024, meeting.

The application for Official Plan Amendment sought to redesignate the subject lands from Special Policy Medium Density to High Density Residential. The application for Zoning By-law Amendment sought to rezone the property from Neighborhood Commercial – NC to Site-Specific Residential High Density – RH-127 and Site Specific Residential Medium Density - RM-128.

An appeal of the applications was provided to the City of Welland on April 12, 2024, in reference to the City of Welland's refusal of the requested amendments. Prior to the Ontario Land Tribunal (OLT) hearing, the parties agreed to a settlement of the issues to which the OLT approved.

Date decision made by Council:

Council refused to adopt the requested Official Plan Amendment and refused to approve the submitted Zoning By-Law Amendment on March 19, 2024.

Date approved by the OLT:

January 22, 2025.

OLT Decision and Recommendation(s):

Application for Official Plan Amendment and Zoning By-Law amendment were approved by settlement decision of the Ontario Land Tribunal dated January 22, 2025.

The City Clerk is to assign a number to the By-law for record keeping purposes.

Total Financial Costs (Legal, Consulting, additional fees):

As of September 18, 2026, total costs incurred with respect to this appeal is \$14,581.53.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: January 22, 2025

CASE NO(S).:

OLT-24-000444

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant:	Upper Canada Consultants
Appellant:	1454417 Ontario Ltd.
Subject:	Request to amend the Official Plan – Failure to adopt the requested amendment
Description:	To permit a street townhouse development and a mixed-use apartment development.
Reference Number:	OPA 48
Property Address:	44 Heron Street
Municipality:	Welland
OLT Case No.:	OLT-24-000444
OLT Lead Case No.:	OLT-24-000444
OLT Case Name:	1454417 Ontario Ltd. V. Welland (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant:	Upper Canada Consultants
Appellant:	1454417 Ontario Ltd.
Subject:	Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description:	To permit a street townhouse development and a mixed-use apartment development.
Reference Number:	2023-48
Property Address:	44 Heron Street
Municipality:	Welland
OLT Case No.:	OLT-24-000445
OLT Lead Case No.:	OLT-24-000444

Heard: January 13, 2025 in Writing

APPEARANCES:

Parties

1454417 Ontario Ltd.

City of Welland

Counsel

Tom Hanrahan
Patrick Mahoney (*in absentia*)

Callum Shedden

DECISION DELIVERED BY SHARON L. DIONNE AND ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION

[1] The matter before the Tribunal is a settlement of appeals filed by 1454417 Ontario Ltd. (“Appellant”) in respect of the City of Welland’s refusal of its requested amendments to the Official Plan and the Zoning By-law of the City of Welland, pursuant to s. 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13 (“Act”), respectively. The affected lands are municipally known as 44 Heron Street (“Subject Property”).

[2] The Parties have reached a settlement with respect to the proposed development on the Subject Property, and at their request the Tribunal has scheduled a written hearing on the appeals.

EVIDENCE AND ANALYSIS

[3] The Tribunal confirms that it has received, reviewed and considered the uncontested opinion evidence of William Heikoop, a registered professional land use planner and member of both the Canadian Institute of Planners and the Ontario

Professional Planners Institute, contained in his comprehensive Affidavit sworn on December 24, 2024, and marked as **Exhibit 1**.

[4] The “Settlement Proposal” includes a revised proposal for the development of the Subject Property as two sites. Site 1 proposes a seven-storey mixed-use building containing approximately 827 square metres of commercial space on the ground floor and 76 residential apartment dwellings on the second through seventh floors, as shown in **Exhibit 1**, Exhibit “H”. The proposal has been revised to increase the amount of commercial space, decrease the number of units, increase on-site parking, and implement a step-back of the seventh floor on the south side of the building. No revisions have been made to Site 2, which proposes 25 townhouse dwellings. The Tribunal is advised that these revisions have been made to address concerns expressed by the Public and City Council.

[5] To permit the Settlement Proposal, an amendment to the Official Plan (“OPA”) is required specifically for Site 1, and the draft OPA found in **Exhibit 1**, Exhibit “I”, proposes to redesignate the Site 1 portion of the Subject Property (only) from “Medium Density Residential – OPA Site Specific Policy Amendment” to “High-Density Residential”. A site-specific amendment to the City of Welland Zoning By-law No. 2017-17 (“ZBLA”) is also required to permit the Settlement Proposal, and the Draft ZBLA is found in **Exhibit 1**, Exhibit J.

[6] The Tribunal accepts and relies upon the expert opinion of William Heikoop as presented in his Affidavit and similarly finds that the Settlement Proposal has merit in that it will provide additional housing supply, along with additional neighbourhood commercial space while providing opportunities for local businesses and services and added convenience for residents. Additionally, the step-back on the south side of the building will improve the interface with the existing residential area, reducing shadowing and overlook and protecting privacy. The additional parking will enhance convenience for residents, visitors and patrons and will assist with the overall sustainability of the development.

[7] The Tribunal finds that the Settlement Proposal, draft OPA, and draft ZBLA are consistent with the Provincial Planning Statement, 2024 (“PPS 2024”), conform with the Region of Niagara Official Plan, and are in keeping with, and/or in the case of the ZBLA conforms with, the City of Welland Official Plan. The Tribunal also finds that the Settlement Proposal, draft OPA, and draft ZBLA have appropriate regard for matters of provincial interest, are in the public interest and represent good planning. The Tribunal makes its findings considering that the Settlement Proposal has been endorsed by the City.

[8] The Tribunal finds that the Draft OPA and Draft ZBLA, as appended to the Affidavit (**Exhibit 1**) as Exhibits I and J, respectively, should be approved.

ORDER

[9] **THE TRIBUNAL ORDERS THAT:**

- (a) The appeals are allowed;
- (b) The Official Plan for the City of Welland is amended as set out in **Attachment 1** to this Order; and
- (c) The Zoning By-law No. 2017-17 of the City of Welland is amended as set out in **Attachment 2** to this Order.

[10] In all other respects, the appeals are dismissed.

“Sharon L. Dionne”

SHARON L. DIONNE
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Appendix "A"
Draft Official Plan Amendment

AMENDMENT NO. X
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

XX X, 2024

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**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2024-XX**

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. XX**

WHEREAS the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

AND WHEREAS the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

AND WHEREAS the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

AND WHEREAS the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. XX to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF
THE CITY OF WELLAND ENACTS AS FOLLOWS:**

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. XX for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. XX to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
XX DAY OF XX 2024.**

_____ MAYOR

_____ CLERK

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Amendment No. XX
to the
Official Plan
of the
Corporation of the City of Welland

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on **XX X, 2024** and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Date:

GRANT MUNDAY, B.A.A.
DIRECTOR OF PLANNING AND DEVELOPMENT
SERVICES
THE CORPORATION OF THE CITY OF WELLAND

**AMENDMENT NO. XX TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

PART A - THE PREAMBLE (This does not constitute part of the Amendment)	1
TITLE AND COMPONENTS.....	1
PART B - THE AMENDMENT	2
SCHEDULE "A" LAND USE PLAN.....	3
PART C - THE APPENDICES	4
APPENDIX I - AFFIDAVIT	5
SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT.....	6
APPENDIX II - NOTICE OF ADOPTION	7
APPENDIX III - MINUTES OF PUBLIC MEETING -.....	9
APPENDIX IV - STAFF REPORT	10
APPENDIX V - COUNCIL RESOLUTION.....	25

PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. XX to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No.XX is to redesignate the lands shown on the attached Schedule B **to facilitate the development of a residential apartment building with commercial use.**

LOCATION

The lands subject to this Amendment are located on the west side of South Pelham Road, south of Webber Road (**Regional Road No. 29**), and are known municipally as **44 Heron Street**. The **portion of the land to be Amended is the eastern portion, approximately 4,855.07-square-metres.**

BASIS

The subject lands are within the **Urban Area Boundary** for the City of Welland and **are** currently designated **Medium Density Residential - OPA Site Specific Policy Amendment**. A proposal has been put forth to **develop a portion of the lands for High Density Residential**

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following **Policies and the map referred to as Schedule "A"** - Land Use Plan and Policies, constitutes Amendment No. XX to the Official Plan of the Corporation of the City of Welland.

The effect of this Official Plan Amendment is to change the designation of a portion of the Lands from **Medium Density Residential - OPA Site Specific Policy Amendment to High Density Residential** on Schedule B1 of the Official Plan to allow for the development of a **mixed-use, mid-rise apartment building**.

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SCHEDULE "A" LAND USE PLAN

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PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. XX to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

APPENDIX I	-	Affidavit
APPENDIX II	-	Notice of Adoption
APPENDIX III	-	Minutes of Public Meeting
APPENDIX IV	-	Staff Report
APPENDIX V	-	Council Resolution (Certified)

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APPENDIX I - AFFIDAVIT

IN THE MATTER OF SECTION 7, ONTARIO
REGULATION 543/06

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. XX BY
BY-LAW 2024-XX PASSED BY COUNCIL OF
THE CORPORATION OF THE CITY OF
WELLAND ON XX XX, 2024.

I, Grant Munday of the City of Welland in the Regional Municipality of Niagara,
make oath and say as follows:

1. I am the Direction of Planning and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Welland Tribune on X. I hereby certify that the required Public Meeting was held on X by the Council of the Corporation of the City of Welland.
3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule "A" to this Affidavit.
4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.
5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland
in the Regional Municipality of
Niagara, this X day of XX, 2024.

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SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission in support of the application at the Statutory Public Meeting conducted X, 2024 concerning Amendment No. X to the Official Plan of the Corporation of the City of Welland.

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APPENDIX II - NOTICE OF ADOPTION

CITY OF WELLAND
 NOTICE OF ADOPTION OF
 AMENDMENT NO. X TO THE
 OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND

Take notice that the Council of the Corporation of the City of Welland passed By-law 2023-X, being a By-law to adopt Amendment No. X to the Official Plan on X, 2023 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. X is to redesignate **lands shown on Schedule A** from **Medium Density Residential - OPA Site Specific Amendment** to **High Density Residential**.

The Effect of the redesignation is to allow for the development of a **7-storey mixed-use apartment building**.

Pursuant to Section 17(23.1)(a) of the Planning Act, as amended, City Council took into consideration all written and oral presentations made to it before rendering a decision.

Any person or agency may appeal, to the Ontario **Land Tribunal**, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than X, 2024, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$300.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

The proposed Amendment to the Official Plan is exempt from approval by the Regional Municipality of Niagara and the Decision of Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Only individuals, Corporations or public bodies may appeal a Decision of the

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municipality to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated Association or Group. However, a notice of appeal may be filed in the name of an individual who is a member of the Association or the Group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the Plan was adopted, the person or public body made oral submissions at a Public Meeting or written submissions to the Council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

The land to which this proposed Amendment to the Official Plan applies is also the subject of an Application for Zoning By-law Amendment - File 2023-XX.

A copy of the Amendment and Staff Report are available for inspection by the public as of X, 2024 at Infrastructure and Development Services - Planning Division, 60 East Main Street, Welland during regular office hours.

Dated at the City of Welland this X day of X, 2024.

GRANT MUNDAY, B.A.A.
**DIRECTOR OF PLANNING AND DEVELOPMENT
SERVICES**
OF THE CORPORATION OF THE CITY OF
WELLAND

APPENDIX III - MINUTES OF PUBLIC MEETING -

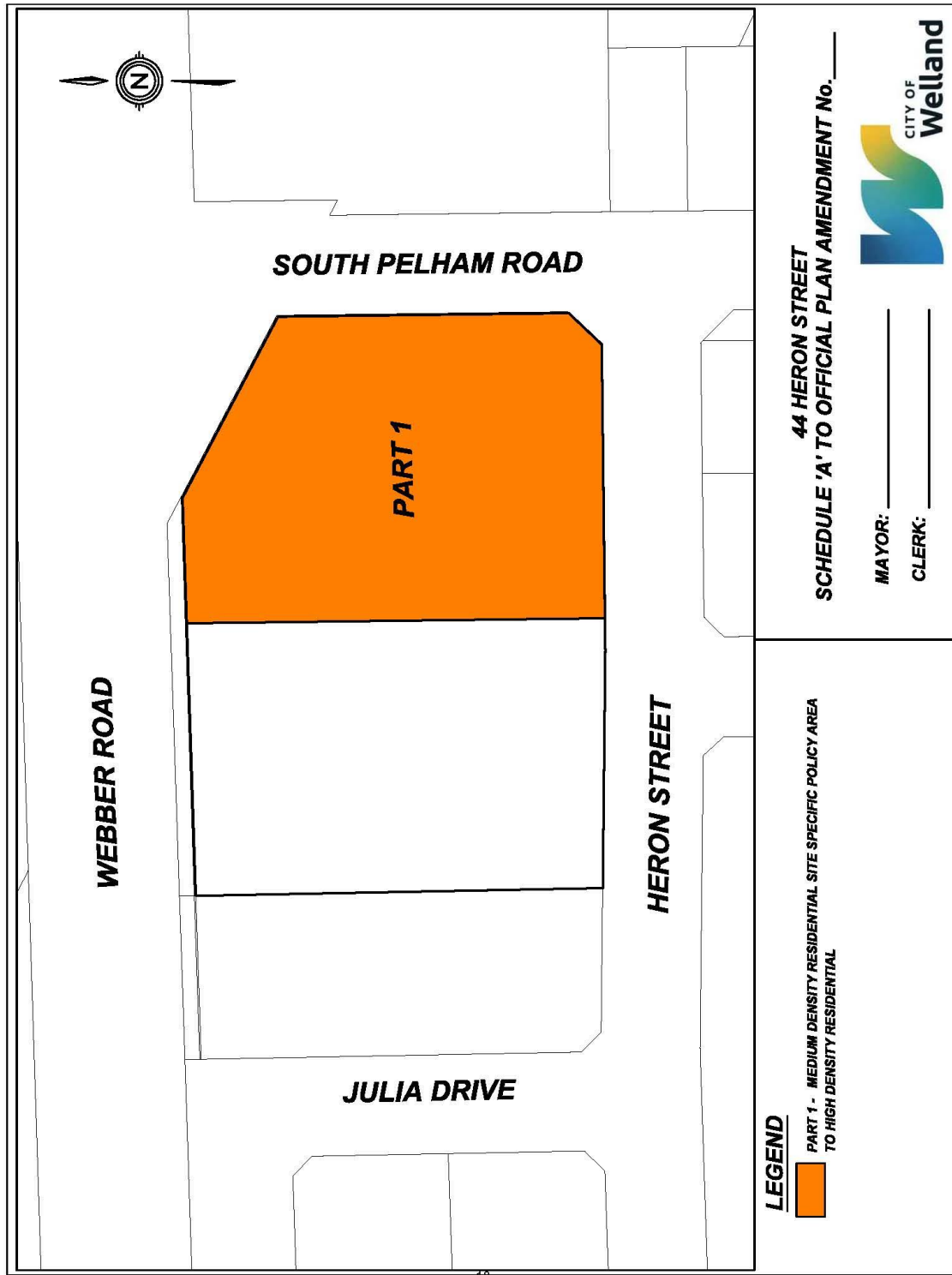
10

APPENDIX IV - STAFF REPORT

NOTE: Incorporate additional written comments received after date of report.

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APPENDIX V - COUNCIL RESOLUTION



ATTACHMENT 2

Appendix "B" **Draft Zoning By-law Amendment**

Schedule C

44 Heron Street - Draft Zoning By-Law Amendment

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND THE CITY OF WELLAND ZONING BY-LAW 2017-117 (44 HERON STREET)

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117 on the 17th day of October 2017;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend said Zoning By-law 2017-117.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the City of Welland Zoning By-law 2017-117 is hereby amended.
2. That Schedule 'A' to the City of Welland Zoning By-law 2017-117, as amended, is hereby further amended as shown on Schedule 'A' attached hereto and forming part of this By-law by, zoning the lands identified as site-specific Neighbourhood Commercial (NC-38) to site-specific Residential Medium Density (RM-XX) and site-specific Residential High Density (RH-XX).
3. Notwithstanding the provisions of Section 5 General Provisions, Section 6 Parking and Loading, and Section 7.3 Regulations for Residential Zones contained in Zoning By-law 2017-117, the following provisions shall apply to the lands shown on Schedule 'A' attached hereto:

RM-XX:

Regulations for Residential Zones – Block Townhouses (Part 1):

<i>Front Lot Line</i>	<i>Deemed Heron Street</i>
<i>Minimum Front Yard</i>	<i>1.5 metres</i>

Parking and Loading Regulations – Block Townhouses:

0.3 metre increase for each side of a parking space that is obstructed is not required for private garages.

RH-XX:

Regulations for Residential Zones – Apartment Building (Part 2):

<i>Front Lot Line</i>	<i>Deemed Heron Street</i>	
<i>Exterior Side Yard</i>	<i>Deemed Webber Road and South Pelham Road</i>	1

<i>Minimum Exterior Side Yard</i>	<i>3.20-metres</i>
<i>Maximum Commercial Gross Floor Area</i>	<i>220-square-metres</i>
<i>Minimum 7th Storey Step Back on South Side of Building</i>	<i>7 metres</i>
<i>Minimum Commercial Use Gross Floor Area</i>	<i>825-square-metres</i>

General Provisions – Awnings and Balconies – Mixed-use Apartment Building:

<i>Awnings and Balconies Encroachment</i>	<i>1.60-metres</i>
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That Schedule 'A' attached hereto shall be read with and form part of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS ____ DAY OF _____, 2024.

MAYOR
CLERK

WEBBER ROAD

JULIA DRIVE

HERON STREET

SOUTH PELHAM ROAD

PART 1

PART 2

LEGEND

PART 1 - ZONING: NEIGHBOURHOOD COMMERCIAL SITE SPECIFIC (NC-38) TO RESIDENTIAL MEDIUM DENSITY SITE SPECIFIC (RM-XX)

PART 2 - ZONING: NEIGHBOURHOOD COMMERCIAL SITE SPECIFIC (NC-38) TO RESIDENTIAL HIGH DENSITY SITE SPECIFIC (RH-XX)

44 HERON STREET
SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

 **CITY OF Welland**

MEMORANDUM

TO: Mayor and Council

FROM: Legislative Services

DATE: September 18, 2026

SUBJECT: OLT Decision – 50 Bruce Street, Welland, ON

Overview:

Praesentia Capital Corp. filed an initial application for Official Plan Amendment and Zoning By-law Amendment with the City of Welland on August 26, 2022. Following a statutory public meeting held in accordance with the *Planning Act*, R.S.O. 1990, c. P.13 on September 20, 2022, a revised submission was received on February 10, 2023. The revised submission was made to address several comments and concerns raised by the public and the City of Welland Council.

A recommendation report (Report P&B 2023-20) was provided to Council on June 6, 2023, to consider the revised applications. City staff recommend that the submitted applications be approved by Council, as indicated in Report P&B 2023-20. Council did not approve the applications at the June 6, 2023, Council meeting and requested that the applicant make further revisions.

The initial application for Official Plan Amendment sought to redesignate the subject lands from Light Industrial and Low Density Residential to Special Policy High Density Residential. The initial application for Zoning By-law Amendment sought to rezone the property from Light Industrial – L1 and Residential Low Density 2 – RL2, to Residential Medium Density – RM Site Specific.

An appeal of the applications was provided to the City of Welland on July 14, 2023, in reference to non-decision by City of Welland Council. Prior to the Ontario Land Tribunal (OLT) hearing, the parties agreed to a settlement of the issues to which the OLT approved.

Date decision made by Council:

Council failed to adopt the requested Official Plan Amendment and failed to approve the submitted Zoning By-Law Amendment on June 6, 2023.

Date approved by the OLT:

November 13, 2024.

OLT Decision and Recommendation(s):

1. The Amendment to the Official Plan is approved.
2. Zoning By-Law Amendment No. 2017-117 is hereby amended.
3. The City Clerk is to assign a number to the By-law for record keeping purposes.

Total Financial Costs (Legal, Consulting, additional fees):

As of September 18, 2026, total costs incurred with respect to this appeal is \$15,006.35.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 13, 2024

CASE NO(S): OLT-23-001114

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Praesentia Capital Corp.
Subject:	Request to amend the Official Plan – Failure to adopt requested amendment
Description:	To permit the development of 122 residential units
Reference Number:	OPA No. 41
Property Address:	50 Bruce Street
Municipality/UT:	City of Welland/Niagara Region
OLT Case No.:	OLT-23-001114
OLT Lead Case No.:	OLT-23-001114
OLT Case Name:	Praesentia Capital Corp. v. City of Welland

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Praesentia Capital Corp.
Subject:	Application to amend Zoning By-law No. 2017-117 – Refusal or neglect of City of Welland to make a decision
Description:	To permit the development of 122 residential units
Reference Number:	By-law No. 2022-01
Property Address:	50 Bruce Street
Municipality/UT:	City of Welland/Niagara Region
OLT Case No.:	OLT-23-001115
OLT Lead Case No.:	OLT-23-001114

Heard: October 28, 2024 by Video Hearing

APPEARANCES:**Parties**

Praesentia Capital Corp.
("Appellant" / "Applicant")

City of Welland

Counsel

Russell Cheeseman
Stephanie Fleming

Callum Shedden

**MEMORANDUM OF ORAL DECISION DELIVERED BY L.P. YOU AND S. BRAUN
ON OCTOBER 28, 2024 AND ORDER OF THE TRIBUNAL**

[Link to the Order](#)

BACKGROUND

[1] The matter before the Tribunal is an appeal by Praesentia Capital Corp. ("Appellant" / "Applicant") against the City of Welland's ("City") failure to adopt a requested Official Plan Amendment ("OPA") and make a decision on a Zoning By-Law Amendment ("ZBA") for the property known municipally as 50 Bruce Street ("Subject Lands").

[2] The original proposal was filed with the City in August 2022. The Statutory Public Meeting was held on September 20, 2022. Following this meeting, the Applicant provided a revised submission addressing the comments from the public and Council on February 10, 2023. City Staff recommended approval of the revised submissions in their Report P&B2023-20 ("Report") but the City Council refused to approve the revised applications and requested further modifications.

[3] The Appellant filed an appeal on July 14, 2023 and the matter was originally scheduled to be heard over five-days beginning Monday, October 28, 2024. However, in advance of the Hearing, the Parties advised that they had arrived at an agreement to

settle the appeals and, accordingly, at the request of the Parties, the Tribunal scheduled this one-day hearing for the purposes of considering the settlement proposal.

[4] The Tribunal received a Joint Document Book dated October 28, 2024 (Exhibit 1), which includes the Affidavit of Rachelle Larocque, sworn October 22, 2024. The Tribunal also received executed Minutes of Settlement between the Appellant and the City dated September 13, 2024 (Exhibit 2).

EVIDENCE IN SUPPORT OF THE SETTLEMENT PROPOSAL

[5] In support of the proposed settlement, the Tribunal reviewed the sworn Affidavit from, and heard the oral evidence of, Ms. Larocque, a full Member of the Canadian Institute of Planners (“CIP”), a Member of the Ontario Professional Planners Institute (“OPPI”), and a Registered Professional Planner (Ontario) with over 18-years of professional land use planning experience. Ms. Larocque is presently a Partner at The Biglieri Group. Based on the foregoing, the Tribunal qualified the planning witness to provide opinion evidence in Land Use Planning. The presently vacant Subject Lands are approximately 1.27 hectares in size and located within the City’s urban boundary. They are designated as “Built Boundary & Built Up Area” on Schedule A and “Light Industrial” and “Low Density Residential” on Schedule B of the City’s Official Plan (“COP”) and zoned Light Industrial (L1) and Residential Low Density 2 (RL2), in the City’s Zoning By-law No. 2017-117 (“ZBL”). Surrounding the Subject Lands are properties zoned Open Space (OS) and Institutional (G1) to the north, Residential Low Density 2 (RL2) to the south and west and Institutional (INS1) to the south.

[6] The proposed OPA would redesignate the Subject Lands to Special Policy Medium Density Residential with a density of 96 units per hectare to permit a residential development consisting of stacked townhouses and street townhouses. The proposed ZBA seeks to rezone the Subject Lands to Residential Medium (RM) along with site specific amendments to minimum setbacks to implement the proposed development.

[7] Ms. Larocque opined that the proposed OPA and ZBA represent good planning, have appropriate regard for matters of provincial interest, are consistent with the Provincial Planning Statement 2024 ("PPS 2024") and conform with the Region of Niagara Official Plan ("ROP"). She further opined that the ZBL conforms with the COP, and the OPA which seeks to amend the COP, aligns with the overall intent thereof.

[8] She explained the Subject Lands, formerly used as a lumber yard, are a "brownfield" site and a Record of Site Condition has been issued which confirms potential contaminants have been removed therefrom. She further explained that, although the Subject Lands are partially designated for employment uses, they are surrounded by residential and institutional uses resulting in potential land use conflicts, which severely restrict the use of these lands for employment purposes.

[9] Given the foregoing, Ms. Larocque opined that the Subject Lands are ideal for residential development and the proposal, which will introduce a new medium density housing form in a neighbourhood dominated by single-detached dwellings, aligns with policies that promote redevelopment of brownfield sites, efficient use of land and resources and the provision of a range of housing options. She noted that there is sufficient infrastructure to support the proposed density, that the proposed heights and built forms are compatible with the surrounding neighbourhood and proposed minimum setbacks and buffers will mitigate impacts upon existing homes.

[10] She further opined that requested redesignation of the Subject Lands would not impact the City's ability to achieve their overall employment targets but would aid in the achievement of the City's intensification target by increasing the residential density within the City's Built-Up area.

[11] The Tribunal accepts the uncontested opinion evidence of Ms. Larocque as presented in her Affidavit and at the hearing, and finds that the proposed OPA and ZBA, meet all of the necessary legislative tests and overall, are representative of good land use planning in the public interest.

ORDER

[12] The Tribunal orders that the appeal is allowed, in part, and the Amendment to the Official Plan of the Corporation of the City of Welland is hereby approved in accordance with **Attachment 1** to this Order.

[13] The Tribunal further orders that Zoning By-law Amendment No. 2017-117 is hereby amended in accordance with **Attachment 2** to this Order.

[14] The Tribunal authorizes the municipal clerk of the Corporation of the City of Welland to format the instruments as necessary and assign a number to the By-law for record keeping purposes.

“L.P. You”

L.P. YOU
MEMBER

“S. Braun”

S. BRAUN
VICE-CHAIR

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

AMENDMENT NO. XX
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

Month, Day, 2022

**THE CORPORATION OF THE CITY OF WELLAND B
Y-LAW NUMBER 202X-_____
A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. XX**

WHEREAS the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

AND WHEREAS the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

AND WHEREAS the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

AND WHEREAS the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. XX to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. XX for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. XX to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS XX DAY OF MONTH 202X.

_____ MAYOR

_____ CLERK

**Amendment No. XX
to the
Official Plan
of the
Corporation of the City of Welland**

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O.1990, Chapter P.13, as amended.

Date: Month Day, 202X

GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
PLANNING AND DEVELOPMENT SERVICES
THE CORPORATION OF THE CITY OF WELLAND

PART "A" - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. XX to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. XX to the Official Plan of the Corporation of the City of Welland.

Part "C", the Appendices, which do not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THIS AMENDMENT

The purpose of Official Plan Amendment No. XX is to redesignate the lands shown on the attached Schedule "A" from Low Density Residential/Light Industrial to Medium Density Residential – XX.

LOCATION OF THIS AMENDMENT

The lands subject to this Amendment are located at 50 Bruce Street, Welland, legally described as PLAN 564 PT LOT KK AND RP 59R7294, PART 1 RP 59R8995 PT, PART 1 RP 59R16265, PARTS 3 AND 4 in the City of Welland, Regional Municipality of Niagara.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential/Light Industrial. The lands are currently vacant. A proposal has been put forth to redevelop the lands to permit the construction of 116 stacked townhouses and 6 street townhouses and as a result increase the current maximum density to 96 units per hectare.

PART "B" - THE AMENDMENT

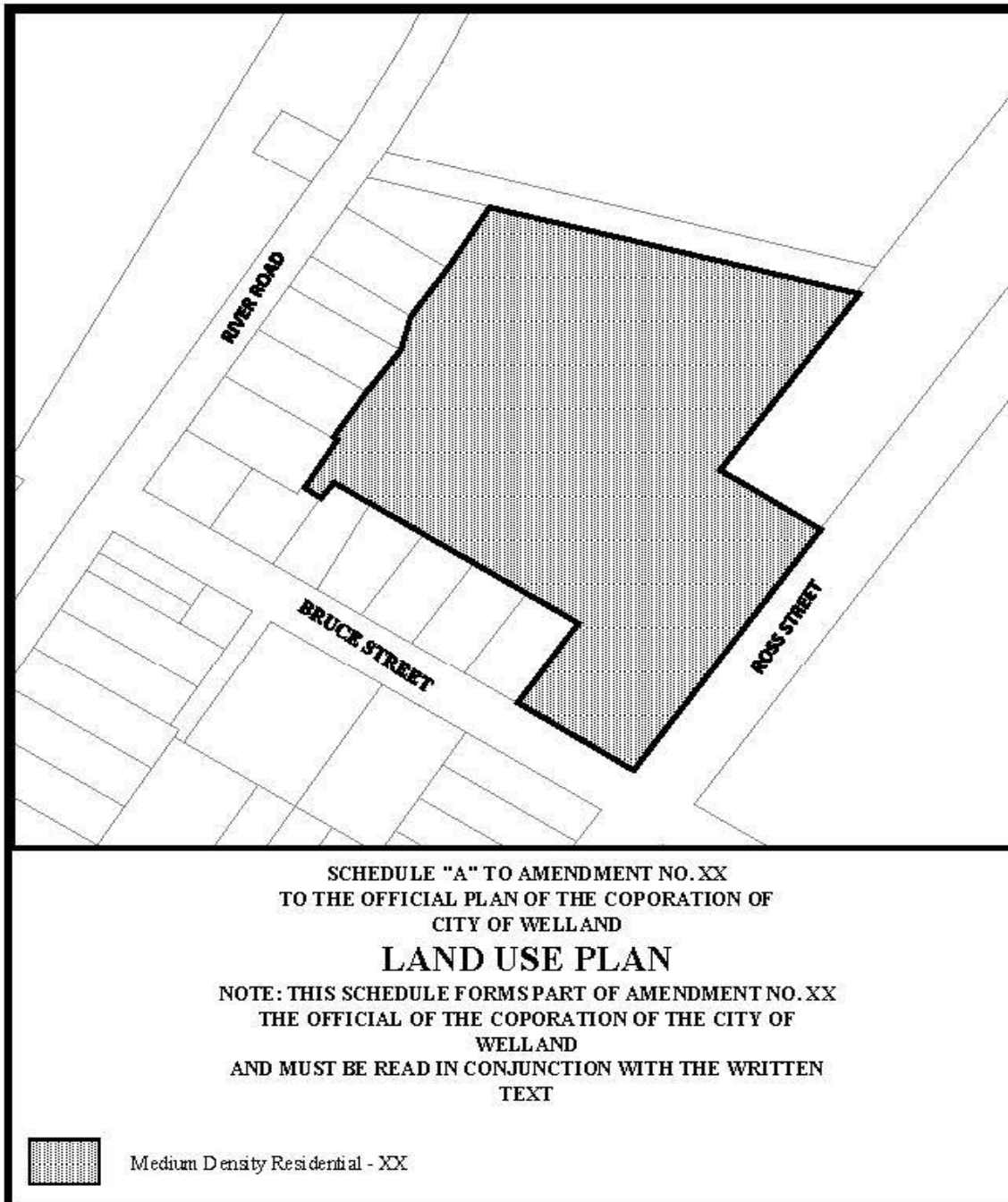
All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" - Land Use Plan and Policies constitute Amendment No. XX to the Official Plan of the Corporation of the City of Welland. The Official Plan for the City of Welland is hereby amended as follows:

MAP CHANGES

- Item 1 - The areas indicated on the attached Schedule A as Amendment No. XX are hereby redesignated from "Low Density Residential/Light Industrial" to "Medium Density Residential - XX".

TEXT CHANGES

- Item 2 - The Official Plan of the City of Welland is hereby amended by adding the following:
- 4.2.2.3.A Planned Function
That the Medium Density Residential maximum density to increase to 96 dwellings per unit per net hectare of land.

SCHEDULE "A" LAND USE PLAN

ATTACHMENT 2

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 202X- .

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW

2017-117 (FILE NO. XXXX) 50 BRUCE STREET

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117 on the 17 day of October, 2017;

AND WHEREAS Subsection 1 of Section 34 of The Planning Act R.S.O. 1990, Chapter P.13 provides that local Councils may pass Zoning By-laws;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend said Zoning By-law 2017-117.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
WE LAND ENACTS AS FOLLOWS:**

That Schedule "A" to By-law 2017-117 be and the same is hereby amended as follows:

1. PLAN 564 PT LOT KK AND RP 59R7294, PART 1 RP 59R8995 PT, PART 1 RP 59R16265, PARTS 3 AND 4 in the City of Welland, Regional Municipality of Niagara., municipally known as 50 Bruce Street, Welland, shown on Schedule "A" attached hereto as "Change to RM-XX" is hereby rezoned to Residential Medium Density – RM-XX.
2. Zone provisions
 - i. Yards
 - a. The minimum side yard setback along the south-western property line shall be 6.5 metres abutting residential lot lines fronting onto Bruce Street.
 - b. The minimum rear yard setback along the north-western property line shall be 11.5 metres abutting residential lot lines fronting onto River Road.
3. 3. All other general provisions of By-law 2017-117, as amended, shall apply.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS ____ DAY OF _____, 2023.

MAYOR

CLERK

MEMORANDUM

TO: Mayor and Council

FROM: Legislative Services

DATE: September 18, 2026

SUBJECT: OLT Decision –
368 Aqueduct Street and 155 Gadsby Avenue, Welland, ON

Overview:

An application for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Vacant Land Condominium was submitted by Joseph Tomaino on behalf of Lucchetta Buildings Inc. and Lucas Lucchetta on December 22, 2020. A public meeting regarding the proposed applications was held on May 4, 2021. As a result of comments from the public and outside agencies, the applicant submitted revised applications.

The revised applications were submitted for Official Plan Amendment and Zoning By-law Amendment with the City of Welland on July 21, 2022.

A recommendation report (Report P&B 2023-22) was provided to Council on June 6, 2023, to consider the applications. City staff recommended that the applications be approved by Council as indicated in Report P&B 2023-22. Council did not approve the applications at the June 6, 2023, Council meeting because of its non-decision.

The application for Official Plan Amendment sought to redesignate the subject lands from Low Density Residential and Parks, Open Space and Recreation to Medium Density Residential, Low Density Residential, Parks, Open Space and Recreation, and Core Natural Heritage. The application for Zoning By-law Amendment sought to rezone the property from Residential Low Density 1 – RL1 and Neighbourhood Open Space – O1 to Site Specific Residential Low Density – 2 – RL2, Site Specific Residential Medium - RM, and Environmental Conservation Overlay – EC.

An appeal of the applications was submitted to the City of Welland on June 28, 2023, in reference to the City of Welland's non-decision of the requested amendments. Prior to the Ontario Land Tribunal (OLT) hearing, the parties agreed to settlement of the issues to which the OLT approved.

Date decision made by Council:

Non-decision of Council with respect to Official Plan Amendment and Zoning By-Law Amendment was June 6, 2023.

Date approved by the OLT:

November 29, 2024.

OLT Decision and Recommendation(s):

Application for Official Plan Amendment and Zoning By-Law amendment, as revised, was approved by the Ontario Land Tribunal to implement the Minutes of Settlement.

The City Clerk is to assign a number to the By-law for record keeping purposes.

Total Financial Costs (Legal, Consulting, additional fees):

As of September 18, 2026, the total costs incurred with respect to this appeal is \$67,612.46.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: November 29, 2024

CASE NO(S).:

OLT-23-001119

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant: Lucchetta Builders Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of a 3-Storey Condominium with 24 Residential Units
Reference Number: PB-2023-22
Property Address: 368 Aqueduct Street and 155 Gadsby Avenue
Municipality/UT: Welland/Niagara
OLT Case No: OLT-23-001119
OLT Lead Case No: OLT-23-001119
OLT Case Name: Lucchetta Builders Inc. v. Welland (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Reference Number: PB-2023-22
Property Address: 368 Aqueduct Street and 155 Gadsby Avenue
Municipality/UT: Welland/Niagara
OLT Case No: OLT-23-001118
OLT Lead Case No: OLT-23-001119

Heard: November 20, 2024 by Video Hearing

APPEARANCES:**Parties**

Lucchetta Builders Inc.

City of Welland

Robert Parent

Counsel

Brian Duxbury

Callum Shedden
Darian Ekblad (Articling Student)Tom Richardson
Evan Alderman (Articling Student)**MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON
NOVEMBER 20, 2024 AND ORDER OF THE TRIBUNAL**

[Link to Order](#)**INTRODUCTION**

[1] The matter before the Tribunal concerns two Appeals filed by Lucchetta Builders Inc. (“Appellant”) against the City of Welland (“City”) for its failure to make a decision within the timeframes prescribed in the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“Act”), with respect to an Application for an Official Plan Amendment (“OPA”) and an Application for Amendment to the Zoning By-law (“ZBA”) (together the “Applications”).

[2] The Appellant filed the Applications to facilitate the development of a three-storey, 24-unit residential building on the lands located and known municipally as 368 Aqueduct Street and 155 Gadsby Avenue (“Subject Lands”).

[3] The matter was originally scheduled to be considered at a Hearing of the Merits of the Appeals to commence on November 12, 2024, however, prior to the commencement of the proceedings, the Parties advised the Tribunal that they had arrived at a Settlement of the Appeals and requested an adjournment to allow them to finalize Minutes of Settlement.

[4] The Hearing was adjourned to November 20, 2024 for a Hearing on the terms of the Settlement as provided for in Rule 12 of the Tribunal's *Rules of Practice and Procedure*.

BACKGROUND AND CONTEXT

[5] The Subject Lands have a lot frontage on Aqueduct Street of 16.1 metres ("m") and a lot frontage of 19.5 m on Gadsby Avenue and extend behind low density residential properties fronting on Aqueduct Street and Gadsby Avenue. The Subject Lands have an area of 0.63 hectares and are currently vacant with a Woodland feature located along the east side of the Subject Lands extending from the Gadsby Avenue frontage to the northern boundary of the Subject Lands.

[6] The Subject Lands are bounded on the east, south, and west sides by single detached residential dwellings. Along the northern boundary, the Subject Lands abut the City's Aqueduct Street Park and a single detached dwelling fronting on Aqueduct Street at the northwest corner of the Subject Lands.

[7] Apart from the acknowledgement of the Woodland feature on the Subject Lands being designated as Significant Woodlands in the current Region of Niagara Official Plan ("ROP"), which was not in effect at the time of the submissions of the Applications, there are no protections in place through the current zoning applying to the lands.

[8] The Subject Lands have been divided into three blocks, with Block A being the existing lot fronting on Gadsby Avenue, Block B comprising the majority of the Woodland feature along the east side of the Subject Lands, and Block C being the lands on which the proposed development will be accommodated.

SETTLEMENT PROPOSAL

[9] The Settlement Proposal will facilitate the development of Block C with a three-storey, 24-unit residential building located at the north-west corner, an access driveway to Aqueduct Street and a surface parking area accommodating 28 parking spaces located on the south side of the proposed building. Block B will be dedicated to the City through the Site Plan Approval process and Block A will be conveyed to the City as set out in the terms of the Minutes of Settlement filed with the Tribunal.

[10] Blocks A and B will ultimately become a part of the abutting Aqueduct Street Park and a Woodland Management Plan has been submitted to address protections for the Woodland feature as part of the redevelopment proposal.

[11] A Development Plan, dated November 12, 2024, describing the revised proposal and identifying Blocks A, B, and C referred to above, was filed with the Tribunal as **Exhibit 2**.

SUBMISSIONS

[12] Joseph Tomaino, a Registered Professional Planner, provided an Affidavit and *viva voce* evidence in support of the Settlement Proposal and the OPA and the ZBA.

[13] Mr. Tomaino reviewed the Planning Policy Framework applicable to the Applications and opined that the Settlement Proposal and the requisite OPA and ZBA to implement the proposal represent good planning and are an appropriate use of the land.

[14] Section 2 of the Act sets out matters of provincial interest to which the Tribunal is to have regard for when considering the Applications. Mr. Tomaino proffered that the Settlement Proposal has appropriate regard for these matters and in particular the matters relating to the protection of ecological systems, efficient use of municipal infrastructure, the orderly development of safe and healthy communities, the appropriate location for

growth and development, supporting public transit, and the promotion of a well-designed built form.

[15] On October 20, 2024, the Provincial Planning Statement, 2024 (“PPS 2024”) came into force replacing the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. In consideration of the PPS 2024, Mr. Tomaino opined that the Settlement Proposal is consistent with the provisions of the PPS 2024. The Subject Lands are located within a Settlement Area where growth is to be focussed. The Settlement Proposal represents an efficient use of land that optimizes existing infrastructure and preserves the Woodland Natural Feature for the long term.

[16] Mr. Tomaino opined that the OPA and ZBA conform to the ROP as the Settlement Proposal addresses policies pertaining to managing growth, the natural environment, transportation, and housing and community services.

[17] The Subject Lands are designated Low Density Residential and Open Space & Recreation in the City Official Plan (“City OP”). Mr. Tomaino advised that he has reviewed the policies under Growth Management, Urban Area Land Use, City-Wide Land Use as they apply to the Settlement Proposal, and he opined that the OPA and ZBA conform to the City OP.

[18] Mr. Tomaino proffered that the Settlement Proposal is compatible with surrounding context as the configuration of the Subject Lands and the siting of the proposed building is such that there is no impact on the streetscape along Aqueduct Street as the building is well setback from the street. The height of the proposed building does not exceed the maximum height permitted for other structures on the surrounding properties. He explained that the proposed building is sited at the northeast corner of the Block C, providing a generous spatial separation from surrounding residential dwellings thereby minimizing any potential impact. Mr. Tomaino submitted that compatible does not mean the same as, it is determined by assessing if the two different built forms can co-exist

without creating any adverse impacts. He cited other examples in the area of comparable built forms that co-exist without any negative or adverse impacts.

[19] The OPA proposes to designate the Woodland feature contained within Blocks A and B, shown as Part 1 on Schedule A to the draft OPA to a Core Natural Heritage designation and to designate the lands described as Block C, shown as Part 2 on Schedule A to the draft OPA, as Medium Density Residential.

[20] The ZBA proposes to rezone the Woodland feature lands to Neighbourhood Open Space Environmental Protection Overlay (EP) and to rezone the balance of the Subject Lands to Residential Medium Density (RM) with a site-specific designation.

[21] Mr. Tomaino opined that the OPA and ZBA satisfy the criteria set out in s. 2, s. 22, and s. 34 of the Act, are consistent with the PPS 2024, conform to the ROP, and conform to the City OP. He proffered that the Settlement Proposal is appropriate and compatible with the surrounding land uses. Mr. Tomaino submitted that the Settlement Proposal protects the Woodland feature and the Woodland Management Plan will ensure the long term preservation of the Natural Heritage Feature.

[22] Mr. Tomaino recommended that the Appeals be allowed and the Tribunal approved the OPA and ZBA as revised to implement the Settlement Proposal presented.

ANALYSIS AND FINDINGS

[23] The Tribunal, having considered the uncontroverted testimony and affidavit evidence of Mr. Tomaino, finds that the Settlement Proposal represents an appropriate form of low-rise intensification and is an appropriate infill development.

[24] The OPA and ZBA appropriately address the protection and preservation of the Woodland feature on the Subject Lands.

[25] The Tribunal finds that the OPA and ZBA have appropriate regard for the matters of provincial interest set out in s. 2 of the Act and are consistent with the PPS 2024.

[26] The Tribunal finds that the OPA and ZBA conform to the ROP and the City OP. The identification and delineation of the Woodland feature will be protected through the designation in the City OP and the proposed zoning in the ZBA.

[27] The Tribunal finds that the Settlement Proposal represents good planning and is in the public interest.

[28] The Tribunal allows the Appeals and approves the OPA as set out in Attachment 1 to this decision and approves the ZBA as set out in Attachment 2 to this decision.

ORDER

[29] **THE TRIBUNAL OREDERS THAT** the Appeal filed pursuant to section 22(7) of the *Planning Act* is allowed and the Official Plan for the City of Welland is amended as set out in Attachment 1 to this Order.

[30] **AND THE TRIBUNAL ORDERS THAT** the Appeal filed pursuant to section 34(11) of the *Planning Act* is allowed and By-law 2017-117 is hereby amended as set out in Attachment 2 to this Order.

[31] The Tribunal authorizes the municipal clerk of the City of Welland to assign a number to this by-law for record keeping purposes.

"David Brown"

DAVID BROWN
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1
AMENDMENT NO. 33

to the

OFFICIAL PLAN

of the

CORPORATION OF THE CITY OF WELLAND

**AMENDMENT NO. 33 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

PART A - THE PREAMBLE (This does not constitute part of the Amendment)	1
TITLE AND COMPONENTS	1
 PART B - THE AMENDMENT	 2
SCHEDULE "A" LAND USE PLAN	3

PART A - THE PREAMBLE
(This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 33 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 33 is to redesignate the lands shown on the attached Schedule B to Medium Density Residential and Core Natural Heritage. The purpose of the Amendment is to allow the property to be developed with a 3 storey twenty four (24) unit apartment condominium plan accessed from Aqueduct Street and to protect the woodland feature on the property.

LOCATION

The lands subject to this Amendment are located on the east side of Aqueduct Street, north side of Gadsby Avenue, south of Aqueduct Street Park, and north of Thorold Road. The lands are 0.63 hectares in size.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential and Parks, Open Space, and Recreation. The lands are currently vacant. A proposal has been put forth to redevelop the lands with a 3-storey 24-unit apartment building off of Aqueduct Street.

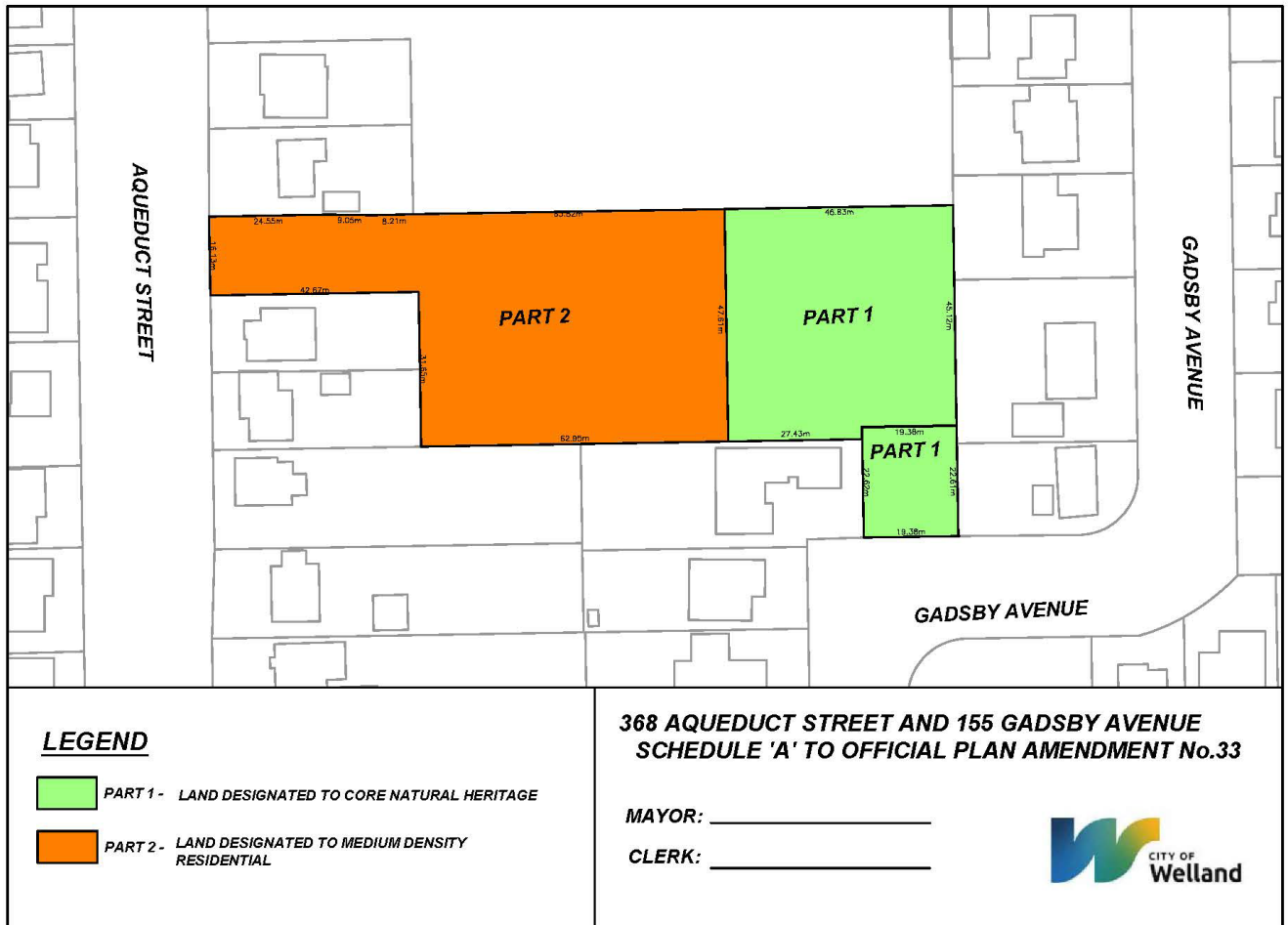
PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 33 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. Schedule A, City Structure Map is hereby amended by identifying additional Environmental Conservation Areas on the property.
2. Schedule B, Land Use Map is hereby amended by identifying the lands as Residential and Core Natural Heritage.
3. Schedule B1, Residential Hierarchy Land Use Map is hereby amended by identifying the lands as Medium Residential and Core Natural Heritage.
4. Schedule C, Core Natural Heritage System Map is hereby amended by identifying the Environmental Conservation Areas on the property.
5. Schedule C1, Components of the Natural Heritage System Map is hereby amended by identifying the additional Environmental Conservation Areas on the property.

SCHEDULE A
OFFICIAL PLAN AMENDMENT
SCHEDULE 'A'



ATTACHMENT 2

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW 2017-117 (FILE NO. 2020-14) 368 AQUEDUCT STREET AND 155 GADSBY AVENUE

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017117 on the 17th day of October, 2017:

AND WHEREAS Subsection 1 of Section 34 of *The Planning Act* R.S.O. 1990, Chapter P.13 provides that local Councils may pass Zoning By-laws:

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend said Zoning By-law 2017-117:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

That Schedule "A" to By-law 2017-117 be and the same is hereby amended as follows:

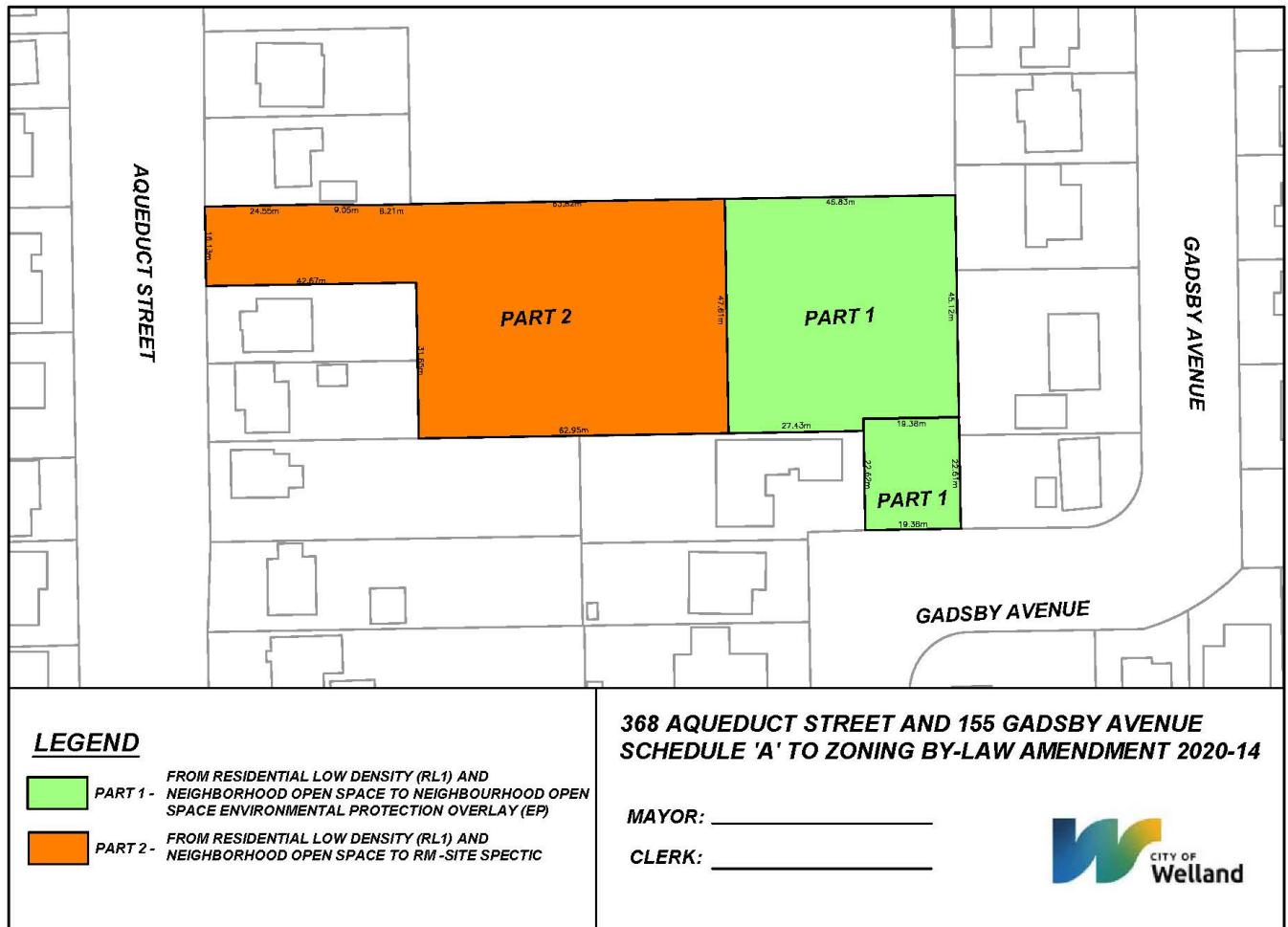
1. Part of Lot 239, former Township of Thorold, shown as Part 2 on Plan 59R-7365. Part 2 on Plan 59R-13040. and Part(s) 1 and 2 on Plan 59R-16468, in the City of Welland. shown on Schedule "A" attached hereto as "Change to RM-119" is hereby rezoned RM-119, "Change to Neighbourhood Open Space EP Overlay is hereby rezoned to O1 EP Overlay.
2. That the permitted uses and provisions in the RM-119 Zone be those permitted in the RM Zone, save and except as follows:
 - a.

Minimum Lot Frontage	16 metres
Maximum Building Height	11 metres (3 storeys)
Minimum Rear Yard Setback	3 metres
Minimum South Side Yard	23 metres
Minimum North Side Yard	3 metres
Minimum West Building Setback	15 metres
Minimum Parking Spaces	28 metres
Maximum # of units	24

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS __ DAY OF
____, 20__.

MAYOR_____

CLERK_____

SCHEDULE A**ZONING BY-LAW 2020-14 AMENDMENT
SCHEDULE 'A'**

MEMORANDUM

TO: Mayor and Council

FROM: Legislative Services

DATE: September 18, 2026

SUBJECT: OLT Decision – 16 Seaway Drive, Welland, ON

Overview:

Doral Holdings Limited/Ildrakoth Ltd. filed an application for Official Plan Amendment and Zoning By-law Amendment with the City of Welland on January 10, 2023.

A recommendation report (Report P&B 2023-39) was provided to Council on July 18, 2023. City staff recommended that the submitted applications be approved by Council, as indicated in Report P&B 2023-39. Council approved the applications at the July 18, 2023, Council meeting.

The application for Official Plan Amendment sought to redesignate the subject lands from High Density Residential to Medium Density Residential. The application for Zoning By-law Amendment sought to rezone the property from Residential High Density – RH to Site-Specific Residential Medium Density.

Liv Developments Ltd. submitted an appeal of the applications, provided to the City of Welland on August 10, 2023, in reference to Council's approval of the applications.

The appeal was dismissed by the Ontario Land Tribunal as the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") removed the option of third parties to submit appeals.

Date decision made by Council:

Council approved the application for Official Plan Amendment and the application for a Zoning By-Law Amendment on July 18, 2023.

Date approved by the OLT:

N/A – appeal dismissed by OLT because third party appeals are no longer allowed under the *Planning Act*.

OLT Decision and Recommendation(s):

N/A.

Total Financial Costs (Legal, Consulting, additional fees):

Undetermined. Previous City Solicitor worked on the file but there is no record of time spent.

Ontario Land Tribunal

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
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Website: olt.gov.on.ca

**Tribunal ontarien de
l'aménagement du territoire**

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Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Site Web: olt.gov.on.ca



Date: July 9th, 2024

Laura Bubanko
60 East Main Street
Welland, L3B 3X4
Laura.bubanko@welland.ca

Re: OLT Case Number(s): OLT-23-001159/OLT-23-001160
OLT Lead Case Number: OLT-23-001159
Municipality: City of Welland
Subject Property: 16 Seaway Drive
Address:
Reference Number(s): OPA No. 42/ ZBA 2023-01

On June 6, 2024, the *Cutting Red Tape to Build More Homes Act*, 2024, S.O 2024, c. 16 (Bill 185) received Royal Assent.

Bill 185 modified the *Planning Act* ("Act") by amending the appeal rights under sections 17(24), 17(36) and 34(19) of the Act. The Act now requires that the person filing an appeal must be one of:

The Applicant or the person that requested the amendment;

A specified person, as defined under subsection 1(1) who, before the plan was adopted or the by-law was passed, made oral submissions at a public meeting or written submissions to the council;

A public body, as defined under subsection 1(1) that, before the plan was adopted or the by-law was passed, made oral submissions at a public meeting or written submissions to the council;

The registered owner of any land to which the plan or by-law would apply, if, before the plan or by-law was adopted or passed, the owner made oral submissions at a public meeting or written submissions to the council; or

The Minister.

After conducting a review of the matter(s), the Tribunal has determined that the following appellant does not meet the above criteria:

LIV Developments Ltd.

Further, Bill 185 added transitional rules to the Act by adding sections 17(24.0.1) to 17(24.0.4), 17(36.0.1) to 17(36.0.4) and 34(19.0.0.1) to 34(19.0.0.4). The transitional rules require a hearing on the merits of the appeal to have been scheduled before April 10, 2024, or for there to be a notice of appeal filed by one of those persons set out above in respect of the same plan or by-law to which the appeal relates. Otherwise, the matter will be deemed to be dismissed.

As the Tribunal did not order the scheduling of the hearing of the merits before April 10, 2024, and there are no other remaining valid appeals, the Tribunal no longer has jurisdiction to consider these matter(s) and our file(s) is/are closed. The event scheduled to commence on **January 13, 2025** is cancelled.

Further information on Bill 185 can be found at the following link:

<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-185>

Questions concerning this letter can be directed to the following:

Email: OLT.General.Inquiry@ontario.ca

Phone: (416) 212-6349 or toll free (866) 448-2248

Yours truly,

Riana Zammit

cc:

Laura Bubanko
Laura.bubanko@welland.ca

Caitlin Woodsford
Caitlin.woodsford@welland.ca

Andrew Mulder (LIV Developments Ltd)
amulder@livhere.ca

Russel Cheeseman
rdcheese@aol.com

Drew Toth (Idrakoth Ltd.)
drew@tothgroup.ca

The Clerk (Niagara Region)
clerk@niagararegion.ca

Jennifer Meader
jmeader@tmalaw.ca

Tara Stephens
tara.stephens@welland.ca

Callum Shedden
sheddenc@niagaralaw.ca

The Clerk (Welland)
clerk@welland.ca

Stephanie Fleming
sfleming@mlawc.com

MEMORANDUM

TO: Mayor and Council

FROM: Legislative Services

DATE: September 18, 2026

SUBJECT: OLT Decision – 68 Topham Boulevard, Welland, ON

Overview:

BPR Development Inc. filed an application for a Zoning By-law Amendment and an application for Draft Plan of Vacant Land Condominium with the City of Welland on November 11, 2022.

A recommendation report (Report P&B 2023-21) was provided to Council on June 6, 2023, to consider the applications. City staff recommended that the submitted applications be approved by Council, as indicated in Report P&B 2023-21. Council did not approve the applications at its June 6, 2023, meeting.

The application for Zoning By-law Amendment sought to rezone the property from Residential Low-Density 1 - RL1 to Residential Low-Density 2 - RL2. The application for Draft Plan of Vacant Land Condominium sought to facilitate the creation of seven residential dwellings, consisting of four single detached dwellings and three townhouse units to be accessed via a private road connection from Topham Boulevard, subject to conditions.

An appeal of the applications was provided to the City of Welland on July 7, 2023, in reference to the City of Welland's refusal of the requested applications. Prior to the Ontario Land Tribunal (OLT) hearing, the parties agreed to a settlement of the issues to which the OLT approved.

Date decision made by Council:

Council refused to approve the application for a Draft Plan of Vacant Condominium and refused to approve the submitted Zoning By-Law Amendment on November 11, 2022.

Date approved by the OLT:

March 6, 2024.

OLT Decision and Recommendation(s):

Application for Draft Vacant Land Condominium and Zoning By-Law amendments were approved by settlement decision of the Ontario Land Tribunal. Written notification of the order was issued on March 6, 2024.

The City Clerk is to assign a number to the By-law for record keeping purposes.

Total Financial Costs (Legal, Consulting, additional fees):

No costs recorded to date.

Ontario Land Tribunal

Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: March 06, 2024

CASE NO(S):

OLT-23-000717

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: BPR Development Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the facilitation of the creation of 7 residential dwellings
Reference Number: 2022-02
Property Address: 68 Topham Boulevard
Municipality/UT: Welland/Niagara
OLT Case No.: OLT-23-000717
OLT Lead Case No.: OLT-23-000717
OLT Case Name: BPR Development Inc. v. Welland (City)

PROCEEDING COMMENCED UNDER subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: BPR Development Inc.
Subject: Proposed Plan of Subdivision – Refusal by Approval Authority
Description: To permit the facilitation of the creation of 7 residential dwellings
Reference Number: 26CD-14-23001
Property Address: 68 Topham Boulevard
Municipality/UT: Welland/Niagara
OLT Case No.: OLT-23-000718
OLT Lead Case No.: OLT-23-000717
OLT Case Name: BPR Development Inc. v. Welland (City)

Heard: December 15, 2023 by Video Hearing

APPEARANCES:

<u>Parties</u>	<u>Counsel</u>
BPR Developments Inc.	Sara Premi
City of Welland	Laura Bubanko Caitlin Woodsford

DECISION DELIVERED BY S. BOBKA AND ORDER OF THE TRIBUNAL

[Link to Order](#)

INTRODUCTION

[1] These appeals arise following the refusal by the City of Welland (“City”) regarding applications by BPR Developments Inc. (“Applicant”) for a Zoning By-law Amendment (“ZBA”) and a Draft Plan of Vacant Land Condominium (“Draft Plan”) with respect to lands municipally known as 68 Topham Boulevard (“Subject Property”) in the City.

[2] This matter has come before the Tribunal as a Settlement Hearing. The Tribunal confirms that it has received, reviewed and considered the following materials and submissions:

- a) the uncontested opinion evidence of Susan Smyth, a land use planner retained by the Applicant, provided in her testimony and her comprehensive Affidavit sworn November 28, 2023;
- b) the uncontested testimony of Taylor Meadows, a land use planner for the City, who was summoned by the Applicant;
- c) the Participant statements of George Sportel, Linda Warren Camus and Michelle Pilotte;
- d) the draft instruments, submitted by the Parties, on consent; and

e) the draft Order, submitted by the Parties, on consent.

SUBJECT PROPERTY AND BACKGROUND

[3] The Subject Property is located at the terminus of Topham Boulevard and is generally flat with full access to municipal services. It has a total area of 3,510 square metres (“sq. m”) and is currently vacant. Surrounding land uses are mostly Low Density Residential, with the land to the west designated Open Space (containing the Stop 19 Pathway). In addition, the urban boundary between the City and the Town of Pelham is located further to the west.

[4] The Subject Property is located within the City’s Urban Area boundary, designated as Low Density Residential and zoned as Residential – Low Density – RL1.

[5] The proposed ZBA seeks to rezone the Subject Property from Residential Low-Density 1 - RL1 to Residential Low-Density 2 - RL2 and would accommodate the proposed townhouse dwellings at a built density of 20 units per net hectare.

[6] The proposed Draft Plan is to facilitate the creation of seven residential dwellings, consisting of four single detached dwellings and three townhouse units, all to be accessed by a private road connection from Topham Boulevard.

[7] Three Participants were granted status at the previous CMC. Their concerns included the proposed increase in density, the potential increase in traffic, the inadequacy of the current road, the safety of seniors and pedestrians, waste collection as well as the lack of fit of the proposal with the existing neighbourhood.

LEGISLATIVE FRAMEWORK

[8] Regarding the ZBA, the Tribunal must be satisfied that it is consistent with the Provincial Policy Statement (“PPS”) and that it conforms to the applicable provincial plans and Official Plans, in this case the Provincial Policy Statement (“PPS”), A Place to

Grow: Growth Plan for the Greater Golden Horseshoe (“GP”), the Region of Niagara’s Official Plan (“ROP”) (2014) and (2022) and the City’s Official Plan (“OP”).

[9] With respect to the Draft Plan, the Tribunal shall also have regard to the criteria set out in s. 51(24) of the *Planning Act* (“Act”) and pursuant to s. 51(25) of the Act, the Tribunal may also consider and impose conditions that are determined to be reasonable, having regard to the nature of the proposal.

[10] In addition, the Tribunal must have regard to the matters of provincial interest in s. 2 of the Act and, in general, regard for the related decisions of the municipality and the information considered by it (as required under s. 2.1(1) of the Act) and be satisfied that the proposal represents good planning and is in the public interest.

EVIDENCE

[11] Upon review of their Curricula Vitae and Acknowledgment of Expert’s Duty Forms, the Tribunal qualified Ms. Smyth and Mr. Meadows to provide expert opinion evidence in Land Use Planning.

[12] It was Ms. Smyth’s overall opinion that the proposal has regard for matters of provincial interest, conforms with the GP, the ROP (2014) and (2022) and the OP, is consistent with the PPS and represents good land use planning. She also stated that the Draft Plan meets the criteria provided in s. 51(24) of the Act.

[13] Ms. Smyth highlighted the Recommendation Report (included as Exhibit 3 in her Affidavit), authored by Mr. Meadows, which contained both a planning analysis and response to the concerns of neighbours, and which recommended approval of the applications subject to conditions.

[14] Ms. Smyth also opined in her Affidavit (at paragraph [29]) that the proposal represents good land use planning as:

1. The Applications support the policies for intensification and the efficient use of land and help the City meet their residential target objectives.
2. The Applications support policies for infill residential that provides for a range and mix of housing that is cost effective and convenient to people with different lifestyles.
3. The proposed development will appropriately integrate with the existing and newer residential uses in the immediate area.
4. The Subject Lands do not contain any significant natural heritage or natural hydrological features and therefore have no negative impacts as a result of the development.
5. The proposed development will effectively utilize the existing municipal services and infrastructure thereby contributing to municipal and environmental sustainability.
6. The proposed development will implement the principles of urban design and represents good land use planning.

[15] Ms. Smyth explained that in October 2023, City Council considered and indicated support for the proposal subject to: a) the inclusion of a visual barrier to obstruct the view of the proposed garbage pads; b) the inclusion of two additional parking spots for visitors; and c) the provision of a photometric plan to the City's satisfaction. She confirmed that the settlement proposed includes the visual barrier and additional parking and that the plan has been provided.

[16] Regarding the remaining participant concerns, Ms. Smyth stated that the proposal would have "main access from Topham Boulevard, [a] local road maintained year round and equipped to accept localized traffic volumes and the private road" She highlighted that this had been confirmed by the City's Engineering department, which expressed no significant concerns regarding traffic. She opined that the proposal does fit with the existing and planned neighbourhood as the majority of units (four units)

also feature single detached dwellings, and the townhouse units (three units) were of a comparable size, design, scale and height to the surrounding dwellings. She also stated that the proposal provided ample room for parking in front of the proposed dwellings with sufficient amenity space in the backyard.

[17] Ms. Smyth opined that the proposed conditions were reasonable and had regard to the nature of the proposed development. It was her opinion that the conditions should be imposed by the Tribunal.

[18] The Tribunal also heard from Mr. Meadows, who was summoned to speak to the City's support for the settlement. In his testimony, he opined that the ZBA was consistent with the PPS, conforms to the applicable provincial and Official Plans, as well as that the Draft Plan met the criteria found in s. 51(24). He confirmed that the proposal was representative of good land use planning and warranted approval. He also confirmed that the proposed conditions of Draft Plan approval were reasonable and appropriate and should be imposed.

IMPACT OF BILL 150

[19] Since the conclusion of the Hearing held by the Tribunal and prior to the issuance of this Decision, the Tribunal reached out to the Parties to seek input as to whether the passing of Bill 150, the *Planning Statute Law Amendment Act, 2023* which enacts the *Official Plan Adjustments Act 2023* ("OPAA") and received Royal Assent on December 6, 2023, had any impacts on the potential outcome of this matter.

[20] All Parties provided responses to state that Bill 150 does not impact the matter that was heard. The Tribunal is satisfied that this matter is not impacted by Bill 150.

FINDINGS

[21] The Tribunal accepts the uncontroverted opinion evidence of Ms. Smyth and Mr.

Meadows as provided, and similarly finds that the proposal is consistent with the PPS, conforms to the GP, the ROP and the OP, has regard for s. 51(24) of the Act, reflects principles of good land use planning and is in the public interest.

[22] The Tribunal finds that the proposal is consistent with planning policies that promote infilling and intensification, is transit supportive, will create additional housing units in an appropriate location for growth and will provide additional housing types in an area with appropriate servicing.

[23] The Tribunal is satisfied that the concerns of the Participants have been considered and appropriately addressed by the settlement proposal.

[24] The Tribunal has had regard to the matters of provincial interest in s. 2 of the Act, and to the decisions of the Municipality and the information it had before it as required under s. 2.1(1) of the Act.

[25] The Tribunal finds that the proposed conditions are reasonable pursuant to s. 51(25) and will impose the conditions.

ORDER

[26] **THE TRIBUNAL ORDERS** that the appeals are allowed, and:

- a) Zoning By-law 2017-117 is hereby amended and approved as set out in Attachment 1 to this Order. The Tribunal authorizes the municipal clerk of the City of Welland to format and assign a number to this By-law for record keeping purposes; and,
- b) The Draft Plan of Vacant Land Condominium shown on the plan prepared by Chamber and Associates Surveying Ltd., dated January 6, 2023, comprising Part of Lot 33 – Plan 664 and Part of Lot 176, Geographic

Township of Thorold, in the City of Welland, Regional Municipality of Niagara is approved subject to the fulfillment of the conditions set out in Attachment 2 to this Order;

[27] **AND THE TRIBUNAL ORDERS** that pursuant to subsection 51(56.1) of the *Planning Act*, the City of Welland shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of condominium for the purposes of subsection 51(58) of the *Planning Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

“S. Bobka”

S. BOBKA
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment 1

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW
2017-117 (FILE NO. 2022-02) 68 TOPHAM BOULEVARD

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117
on the 17th day of October, 2017;

AND WHEREAS Subsection 1 of Section 34 of The Planning Act R.S.O. 1990, Chapter
P.13 provides that local Councils may pass Zoning By-laws;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient
to amend said Zoning By-law 2017-117.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
WELLAND ENACTS AS FOLLOWS:

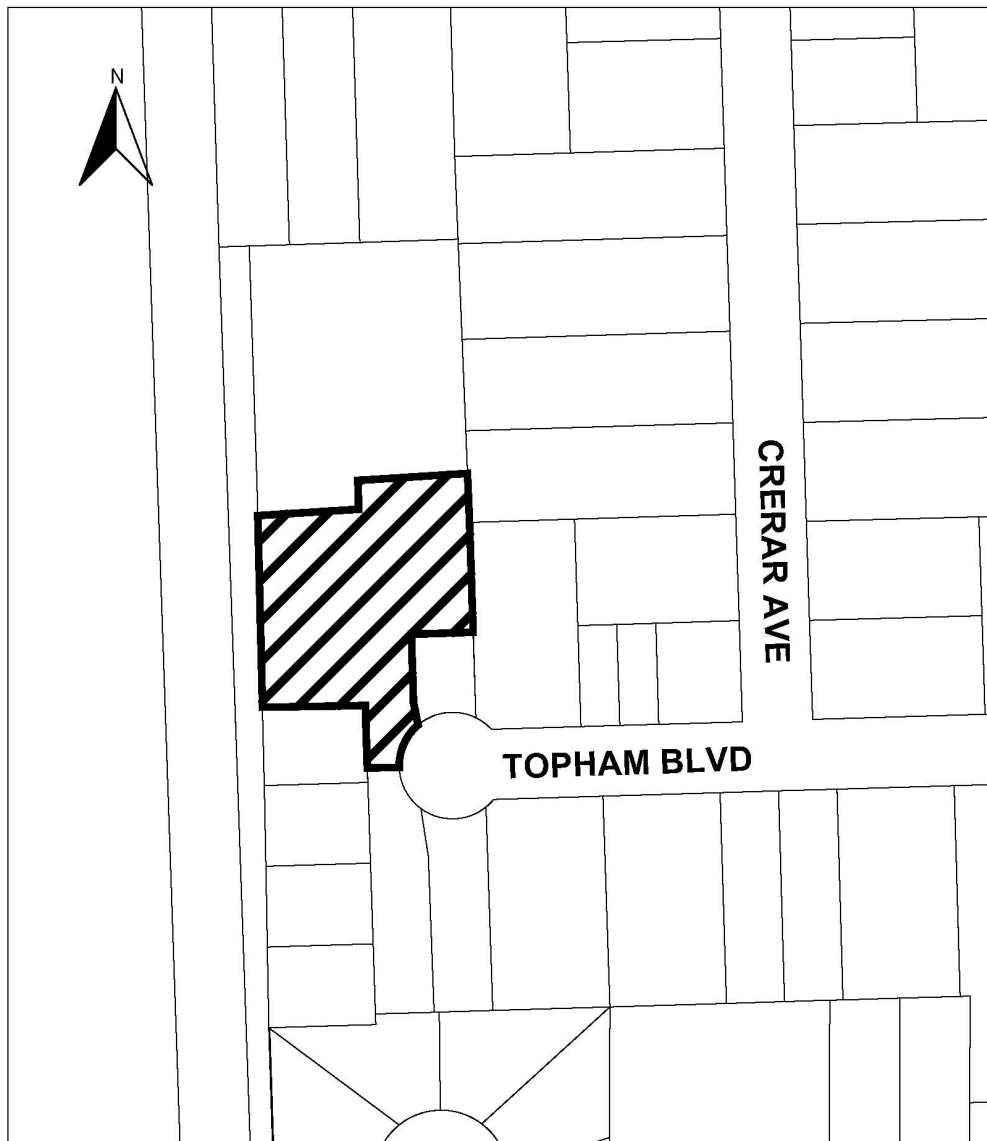
That Schedule "A" to By-law 2017-117 be and the same is hereby amended as follows:

1. Part of Lot 33 – Plan 664 and Part of Lot 176, Geographic Township of Thorold, in the City
Welland, Regional Municipality of Niagara, shown on Schedule "A" attached hereto as
"Change to RL2" is hereby rezoned to RL2.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 6th DAY
OF JUNE, 2023.

_____ MAYOR

_____ CLERK



RL1 Change to RL2

THIS IS SCHEDULE "A" TO BY-LAW 2023- PASSED
THE 6TH DAY OF JUNE 2023

Sketch Showing

FILE NO. 2022-02, 68 TOPHAM BOULEVARD, REFER TO
LEGAL DESCRIPTION IN THE ATTACHED BY-LAW

MAYOR _____ CLERK _____

 **Welland** ONTARIO - CANADA *Planning & Development Services*
Planning Division

Attachment 2**Conditions**

1. That the Owner enter into a Condominium Agreement with the City of Welland;
2. That no grading or construction work commence until such time as the Condominium Agreement has been entered into and financial securities are in place;
3. That the Owner shall submit full engineering design drawings to the City of Welland's Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Sediment and Erosion Control, Pre-Development and Post-Development Storm Drainage Area Plans, Sanitary Drainage Area Plan, Topographic Survey, and Landscaping Plans;
4. That the Owner shall submit a Functional Servicing Report to the City of Welland's Engineering Division for review and approval. This report shall show that the receiving sanitary sewers have sufficient capacity, and that adequate fire flows, as per the City's requirements, are provided;
5. That the Owner shall submit a Stormwater Management Brief and associated drawings demonstrating that stormwater has been managed on site to a satisfactory level that does not adversely affect the subject lands or adjacent properties;
6. That the Owner shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawings set, and any other standards that may apply;
7. That the Owner shall grant, in the Condominium Agreement, the City, its servants, agents and assigns permission to enter upon the lands for the purpose of the inspection and maintenance of all water meter chambers and ensure that the area in and around the water meter chamber is made free and clear of all encumbrances, at all times, which may interfere with such tasks;
8. That the Owner shall, in the Condominium Agreement, ensure that no storm, surface water, roof water, or weeping tiles, is discharged into the sanitary sewer system;
9. That the Owner shall, prior to any construction taking place within the Municipal road allowance, obtain a Site Servicing Road Occupancy Permit. Applications must be made through the Engineering Division and the Traffic Division of City of Welland;

10. That the Owner shall complete and fully commission all internal and external servicing works, as specified by the Condominium Agreement, prior to the construction of any structures within the condominium;
11. That the Owner shall be responsible for all costs associated with servicing the development, including restoration. Restoration is to be as per City standards to existing conditions or better;
12. That the Owner shall provide confirmation that the property known municipally as #188 Milkweed Trail continues to be serviced by the sanitary sewer and watermain through the subject property;
13. That the Applicant/Owner receive acceptance from the Ministry of Citizenship and Multiculturalism (MCM) for the archaeological assessment report titled *'Stage 1-2 Archaeological Assessment 136 Milkweed Trail'*, prepared by Detritus Consulting Ltd. (dated January 29, 2021) and the *'Stage 1-2 Archaeological Assessment 60 Topham Boulevard'*, prepared by Detritus Consulting Ltd. (dated November 2, 2022). If the Ministry requires further archaeological work to be completed prior to acknowledging this report, these report(s) must also be submitted to and acknowledged by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a letter from MCM through Niagara Region, confirming that all archaeological resource concerns have met licensing and resource conservation requirements;
14. That the condominium agreement contain the following clauses:

"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 Citizenship and Multiculturalism (MCM) (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. MCM 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."

15. That the Owner/Developer provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and

responsibility of the Owner/Developer;

16. That the Owner/Developer provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the Condominium Agreement between the Owner/Developer and the City;
17. That prior to final approval for registration of this plan of Condominium, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of Environment, Conservation and Parks Approval under the Transfer of Review Program or approval through the new Consolidated Linear Environmental Certificate of Approval;
18. That the Owner/Developer ensure that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling;
19. That the Owner/Developer shall comply with Niagara Region's Corporate Policy for Waste Collection and complete the Application for Commencement of Collection and Indemnity Agreement prior to Regional curbside waste collections services commencing;
20. The following warning shall be included in the Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease for each property to survive closing:

"Purchasers are advised that a property executed Indemnity Agreement must be submitted from the private property owner(s) or property management company with signing authority to Niagara Region in order to maintain waste collection services on private roadway(s) and/or property(ies)."
21. That the Owner shall complete to the satisfaction of the Director of Engineering of the City of Welland 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 official 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 owner expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
22. That the Owner/Developer install a streetlight which is to be located where the proposed access connects with Topham Boulevard;
23. That a subsurface Geotechnical Report prepared by a qualified geotechnical engineer will be required at the time of building permit application submission;
24. Parkland Dedication shall be established in accordance with the By-law in effect at the time of collection;
25. In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to the appropriate utility or public body at no cost;
26. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily:
- Region of Niagara: 13-20
Canada Post: 21
27. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Approval shall lapse. If the Owner wishes to request extension to Draft Plan Approval, a written request

with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date.

MEMORANDUM

TO: Mayor and Council

FROM: Legislative Services

DATE: September 18, 2026

SUBJECT: OLT Decision – 392 and 398 Thorold Road, Welland, ON

Overview:

Anthony Continelli and 1473941 Ontario Ltd. carrying on business as Premium Building Group (PBG Group) submitted an application for Official Plan Amendment and Zoning By-law Amendment with the City of Welland on February 6, 2023.

A recommendation report (Report P&B 2023-14) was provided to Council on June 6, 2023, to consider the applications. City staff recommend that the submitted applications be approved by Council, as indicated in Report P&B 2023-14. Council did not approve the applications at the June 6, 2023, Council meeting.

The application for Official Plan Amendment sought to redesignate the subject lands from redesignate the Subject Property from Low Density Residential to Special Policy Medium Density Residential. The application for Zoning By-law Amendment sought to rezone the property from from Residential Low Density 1-RL1 to Residential Medium Density RM.

An appeal of the applications was provided to the City of Welland on July 14, 2023, in reference to refusal by City of Welland Council. Prior to the Ontario Land Tribunal (OLT) hearing, the parties agreed to a settlement of the issues to which the OLT approved.

Date decision made by Council:

Council failed to adopt the requested Official Plan Amendment and failed to approve the submitted Zoning By-Law Amendment on June 6, 2023.

Date approved by the OLT:

February 16, 2024.

OLT Decision and Recommendation(s):

1. The Amendment to the Official Plan is hereby amended.
2. Zoning By-Law Amendment No. 2017-117 is hereby amended.
3. The City Clerk is to assign a number to the By-law for record keeping purposes.

Total Financial Costs (Legal, Consulting, additional fees):

As of September 18, 2026, total costs incurred with respect to this appeal is \$3,973.56.

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 16, 2024

CASE NO(S):

OLT-23-001123

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Anthony Continelli - 1473941 Ontario Ltd. cob (PBG Group)
Subject: Request to amend the Official Plan – Refusal of request
Description: To facilitate the construction of stacked townhouses totaling 69 residential units
Reference Number: OPA No. 43
Property Address: 392 & 398 Thorold Road
Municipality/UT: City of Welland/ The Regional Municipality of Niagara
OLT Case No.: OLT-23-001123
OLT Lead Case No.: OLT-23-001123
OLT Case Name: PBG Group v. Welland (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Anthony Continelli - 1473941 Ontario Ltd. cob (PBG Group)
Subject: Application to amend the Zoning By-law – Refusal of application
Description: To facilitate the construction of stacked townhouses totaling 69 residential units
Reference Number: ZBA 2023-02
Property Address: 392 & 398 Thorold Road
Municipality/UT: City of Welland/ The Regional Municipality of Niagara
OLT Case No.: OLT-23-001124
OLT Lead Case No.: OLT-23-001123

Heard: February 8, 2024 by video hearing

APPEARANCES:**Parties**

1473941 Ontario Ltd.
cob as PBG Group &
Anthony Continelli

City of Welland

Counsel

Thomas Richardson
Sara Premi, *in absentia*

Callum Shedden

MEMORANDUM OF ORAL DECISION DELIVERED BY C. HARDY ON FEBRUARY 8, 2024 AND ORDER OF THE TRIBUNAL

[Link to Final Order](#)

INTRODUCTION

[1] This Decision relates to an appeal brought pursuant to s. 22(7) and s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“Act”) from the City of Welland’s (“City”) refusal to approve applications for an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) (together referred to as “applications”). The appeal has been filed by 1473941 Ontario Ltd. cob as PBG Group & Anthony Continelli (together referred to as the “Appellant”) regarding lands municipally known as 392 and 398 Thorold Road, within the City (together referred to as the “Subject Property”).

[2] On February 8, 2024, the Tribunal held its first hearing event in the appeal, which was intended to be a Case Management Conference (“CMC”). In advance of the CMC, the Parties advised the Tribunal that they had reached a settlement and filed Minutes of Settlement with the Tribunal. The Parties also advised that it was their intent to present a settlement proposal to the Tribunal at the CMC. In advance of the CMC, the Tribunal advised the Parties that because the CMC was a first hearing event, the presiding Member would address any preliminary matters and determine whether the merits of the proposed settlement would be heard at the CMC.

PROCEDURAL MATTERS

[3] The Tribunal confirmed with the Parties that there were no issues with service of Notice of the CMC and as such, no further notice is required. The Tribunal was in receipt of the Affidavit of Service of Suzanne Martin dated January 8, 2024, which was marked as Exhibit 1.

REQUESTS FOR STATUS

[4] Prior to the CMC, the Tribunal did not receive any requests for Party or Participant status. In response to the Tribunal's inquiry, there were no other persons or entities present at the CMC requesting Party or Participant status.

[5] Counsel for the Appellant advised the Tribunal that he had been contacted by a member of the public who had questions about the appeal but had not indicated to Counsel whether they were in favour of or opposed to the applications. Similarly, Counsel for the City advised that he had been contacted by a neighbour of the Subject Property who requested further information about the appeal, which Counsel provided. The neighbour was present at the CMC and the Tribunal confirmed with him that he was not seeking status but was attending the proceedings in the capacity of an observer.

PROPOSED SETTLEMENT

[6] After addressing preliminary matters at the CMC, and in the absence of any opposition, the Tribunal granted the Parties' request to convert the CMC to a settlement hearing in accordance with Rule 19.6 of the Tribunal's *Rules of Practice and Procedure*.

[7] The Tribunal confirmed with the Parties that the OPA and ZBA which are before the Tribunal are the same versions as the instruments that were before City Council. The Parties jointly requested that the Tribunal allow the appeal and approve the proposed OPA and ZBA as attached to the Minutes of Settlement.

Background

[8] The Subject Property is rectangular in shape and located in a residential and commercial area. It is approximately 0.81 hectares in size, with 392 Thorold Road currently containing a single detached dwelling while 398 Thorold Road is currently vacant.

[9] The Appellant intends to redevelop the Subject Property with a development of five blocks of three-storey stacked townhouses for a total of 23 stacked townhouses containing a total of 69 residential dwelling units, which achieves a density rate of 84.8 units per net hectare of land ("Proposal"). Five of the townhouse units will front onto Thorold Road, however, all of the units in the Proposal will be accessed via a private road, which will also be used to access 69 resident parking spaces, seven visitor parking spaces and 18 bicycle parking spaces.

[10] To facilitate the Proposal, the Appellant submitted an application for an OPA which would redesignate the Subject Property from Low Density Residential to Special Policy Medium Density Residential, the purpose of which is to permit a Medium Density Residential built form that achieves a High Density Residential density target of 84.8 units per hectare. The Appellant also submitted an application for a ZBA which would rezone the Subject Property from Residential Low Density 1-RL1 to Residential Medium Density RM, the purpose of which is to permit the desired built form of stacked townhouses.

[11] On June 6, 2023, the applications were considered by City Council. Despite City Planning Staff's recommendation of approval, City Council refused the applications without providing reasons and the Appellant appealed the refusal to the Tribunal.

[12] On January 30, 2024, City Council re-considered the applications and were in support of same, requesting through Counsel that the Tribunal approve the OPA and ZBA.

Evidence

[13] On the consent of the City, Adele Arbour, a Registered Professional Planner retained by the Appellant, was qualified by the Tribunal to provide land use planning opinion evidence in support of the Proposal. Ms. Arbour prepared an Affidavit in support of the settlement, which was filed as Exhibit 2.

[14] In her affidavit, Ms. Arbour provided a comprehensive contextual and planning rationale in support of the Proposal.

[15] In her affidavit, Ms. Arbour noted that the Subject Property is located on Thorold Road, which is an arterial road, and is in an established neighbourhood surrounded by commercial, residential and institutional uses. The Provincial Policy Statement, 2020 (“PPS”) supports intensification, redevelopment and the efficient use of land and many of these policies are carried forward in the Growth Plan for the Greater Golden Horseshoe, 2020 (“Growth Plan”). Ms. Arbour opined that the Proposal is consistent with the PPS as it will redevelop the Subject Property to provide affordable housing and residential intensification in a location with existing public transit, retail services and an active transportation network, which aligns with policies set out in the PPS. In addition, the Proposal conforms to the direction and policies of the Growth Plan for a number of reasons, including increasing the housing supply within an existing walkable community.

[16] In her affidavit, Ms. Arbour explained that the Subject Property is located in the Urban Area for the City and within a Built-Up Area pursuant to the Regional Official Plan. She opined that the Proposal conforms with the intent of the City Official Plan by providing compact pedestrian-oriented medium-density development which will be sensitive to adjacent low-density residential uses. The Proposal will contribute to the

City's intensification targets, add a range of affordable housing and represents an efficient and appropriate use of underutilized lands in the Urban Area.

[17] It was Ms. Arbour's opinion that the proposed OPA and ZBA that will facilitate the Proposal make use of existing infrastructure and resources in an area of the City that is in close proximity to public transit and existing commercial and retail services. It is a compatible form of development that will provide additional affordable housing in the neighbourhood.

[18] Ms. Arbour stressed to the Tribunal that the proposed site-specific ZBA will only change the zone category and there is no proposed change to the zone provisions.

[19] Ms. Arbour attested that the Minutes of Settlement reflect the City Planning Staff's planning report and recommendation of approval to Council and she opined that the OPA and ZBA that will facilitate the Proposal satisfy all requisite legislative tests, are overall representative of good planning and are in the public interest. The City is in support of the proposed settlement and did not present any evidence at the settlement hearing.

Analysis and Disposition

[20] The Tribunal accepts the uncontested opinion evidence of Ms. Arbour and finds that the proposed OPA and ZBA are consistent with the PPS, conform with the Growth Plan and are appropriate to implement the Municipal and Provincial policy directions.

[21] The Tribunal has had regard for applicable policies and guidelines and matters of provincial interest set out in s. 2 of the Act and finds that the proposed OPA and ZBA constitute good land use planning. The Tribunal considered the information and materials that the City received in relation to the applications.

[22] In considering the matter, the Tribunal accepts Ms. Arbour's opinion that the OPA and ZBA which will facilitate the Proposal represent a compatible form of development in an area with existing infrastructure and services. There is a need for additional housing options in the Province and the Proposal is a form of moderate intensification which will assist the Region and the City in achieving their intensification targets.

[23] The Tribunal accepts Ms. Arbour's opinion evidence which was proffered in response to the Tribunal's inquiry regarding concerns raised by members of the public related to traffic and parking. The Tribunal finds that the Proposal adequately responds to the traffic concerns as it does not propose any parking or residential unit driveways on Thorold Road; rather, the residents' parking and traffic needs will instead be accommodated through the provision of a private internal roadway which will service the development. The Proposal also responds to the concerns related to resident parking spaces, in that it provides sufficient parking spaces to meet the requirements set out in the City's Zoning By-law.

[24] The Tribunal finds that the Proposal is an appropriate and desirable use of the Subject Property and, in conjunction with the OPA and ZBA, represents good land use planning. The Tribunal will allow the appeal and approve the OPA and ZBA for the reasons set out above.

ORDER

[25] **THE TRIBUNAL ORDERS THAT:**

- (a) the appeal of the Appellant is allowed;
- (b) the Official Plan for the City of Welland is hereby amended as set out in Attachment 1 to this Order; and

- (c) the City of Welland Zoning By-law 2017-117 is hereby amended as set out in Attachment 2 to this Order. The Tribunal authorizes the municipal clerk to assign a number to this by-law for record keeping purposes.

"C. Hardy"

C. HARDY
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

Attachment 1

**Amendment No. 43
to the
Official Plan
of the
Corporation of the City of Welland**

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O.1990, Chapter P.13, as amended.

Date: June 6th, 2023

GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
PLANNING AND DEVELOPMENT SERVICES
THE CORPORATION OF THE CITY OF WELLAND

PART "A" - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 43 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 43 to the Official Plan of the Corporation of the City of Welland.

Part "C", the Appendices, which do not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THIS AMENDMENT

The purpose of Official Plan Amendment No. 43 is to redesignate the lands shown on the attached Schedule "A" from Low Density Residential to Medium Density Residential – Special Policy.

LOCATION OF THIS AMENDMENT

The lands subject to this Amendment are located at 392 and 398 Thorold Road, Welland, legally described as Plan 13 Lot 1 to Lot 3 NP 935, in the City of Welland, Regional Municipality of Niagara.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Low Density Residential. There is currently a single detached dwelling on the subject lands. A proposal has been put forth to redevelop the lands to permit the construction of 69 stacked townhouse dwelling units.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" - Land Use Plan and Policies constitute Amendment No. 43 to the Official Plan of the Corporation of the City of Welland. The Official Plan for the City of Welland is hereby amended as follows:

POLICY CHANGES

1. The Official Plan for the City of Welland is hereby amended by adding the following:

4.2.3.20 Exemptions

4.2.3.20 J Notwithstanding the policies of Subsection 4.2.2.3.A the a density provisions for 392 and 398 Thorold Road will provide a minimum density of 25 dwelling units per net hectare of land and a maximum density of 85 dwelling units per net hectare of land.

MAP CHANGES

Item 1 - The areas indicated on the attached Schedule A as Amendment No. 43 are hereby redesignated from "Low Density Residential" to "Medium Density Residential – Special Policy" on Schedule B1 to the Official Plan.

Attachment 2

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW
2017-117 (FILE NO. 2023-02) 392 and 398 THOROLD ROAD

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117
on the 17th day of October, 2017;

AND WHEREAS Subsection 1 of Section 34 of The Planning Act R.S.O. 1990, Chapter
P.13 provides that local Councils may pass Zoning By-laws;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient
to amend said Zoning By-law 2017-117.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
WELLAND ENACTS AS FOLLOWS:

That Schedule "A" to By-law 2017-117 be and the same is hereby amended as follows:

1. Plan 13 Lot 1 to Lot 3 NP 935, in the City of Welland, Regional Municipality of Niagara,
shown on Schedule "A" attached hereto as "Change to RM" is hereby rezoned to RM.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 6th DAY
OF JUNE, 2023.

MAYOR

CLERK

Explanation of the Purpose and Effect of By-Law Number _____

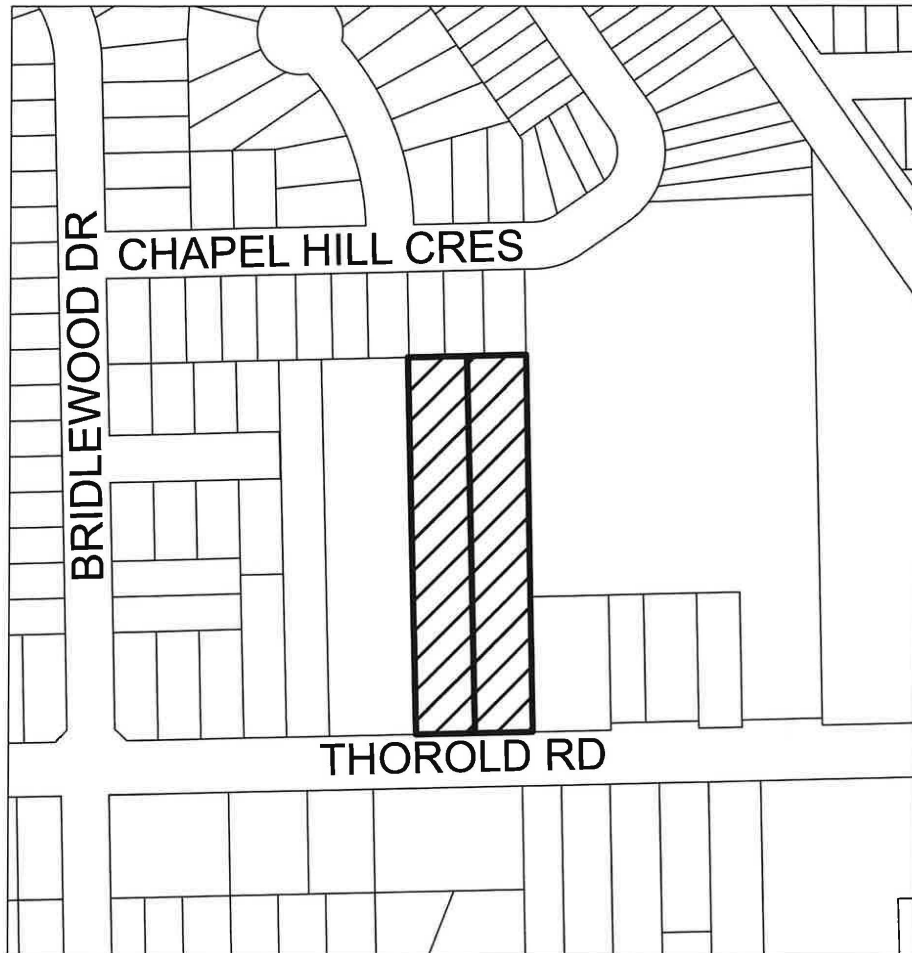
The subject lands are located on the north side of Thorold Road between Prince Charles Drive North/Rice Road Intersection and Bridlewood Drive, legally described as Plan 13 Lot 1 to Lot 3 NP 936 and municipally known as 392 and 398 Thorold Road, City of Welland, Regional Municipality of Niagara.

Purpose

The purpose of this By-Law is to rezone the property to facilitate the development of 69 stacked townhouse dwelling units.

Effect

The effect of this By-Law is to rezone the property to Residential Medium Density (RM). No site-specific provisions are being requested as the proposed development meets all the RM zone provisions.



BRIDLEWOOD DR

CHAPEL HILL CRES

THOROLD RD

 **CHANGE TO RM**

**THIS IS SCHEDULE "A" TO BY-LAW 2023-___
PASSED THE 6th DAY OF JUNE, 2023**

SKETCH SHOWING

392 & 398 THOROLD ROAD
**REFER TO LEGAL DESCRIPTION IN THE ATTACHED
BY-LAW**

MAYOR _____ CLERK _____

 **Welland**
PLANNING & DEVELOPMENT SERVICES
Planning Division

Welland Planning & Development Services
1000 Lakeshore Blvd. W. Unit 1000 Lakeshore, ON L8R 3V1
Tel: 905.882.2122 x150

MEMORANDUM

TO: Welland City Council

FROM: Amanda Degazio
Manager of Business and Community Service

DATE: September 18, 2026

SUBJECT: Public Art Maintenance and Restoration Update

The purpose of this memorandum is to provide Council with an update regarding the condition assessment of the City's public art collection and to summarize the recommendations and feedback provided by the Arts and Culture Advisory Committee.

In 2025, the City retained Toronto Art Restoration Inc. (TARI) to complete a comprehensive assessment of the City's public art inventory. TARI is a professional conservation and restoration firm that provides assessment, conservation, and restoration services for historical and contemporary artworks, including paintings, sculptures, murals, monuments, and architectural artworks.

Through its assessment of the City's public art inventory, TARI reviewed a total of 87 artworks and categorized them as Low Priority, Medium Priority, Critical Priority, or suitable for Deaccession Review based on condition, risk of deterioration, and recommended treatment requirements.

A total of 22 artworks were identified as Low Priority. These pieces are considered stable, maintain an acceptable aesthetic quality, and exhibit only minor surface contamination requiring routine maintenance.

A total of 42 artworks were identified as Medium Priority. These works remain relatively stable; however, surface contamination and weathering are evident and should be addressed through preventative maintenance to avoid further deterioration.

A total of 19 artworks were identified as Critical Priority. These pieces demonstrate active deterioration, and key artistic elements are at risk of loss if restoration work is not undertaken in the near term. Common issues identified included flaking paint, fading, bleaching, structural cracking, and material loss.

TARI also identified four artworks for potential deaccession review, meaning consideration may be given to removing these works from the City's public art inventory where restoration is no longer feasible, practical, or consistent with the artist's original intent. These artworks have experienced significant deterioration and loss of original artistic material, making restoration difficult and limiting the ability to preserve their original character and significance.

The Arts and Culture Advisory Committee reviewed the assessment findings and discussed ongoing public art maintenance and restoration requirements. The Committee recognized the importance of proactive maintenance in extending the lifespan of public artworks, protecting the City's investment in cultural assets, and reducing future restoration costs. The Committee supported the prioritization framework outlined by TARI and emphasized focusing resources on critical- and medium-priority artworks while continuing preventative maintenance activities for low-priority pieces to protect the City's public art assets.

In addition, the Committee acknowledged that a long-term maintenance strategy would assist the City in preserving its growing public art collection and help inform future budget planning and asset management initiatives.

Staff will utilize the assessment findings and recommendations provided by TARI, together with the feedback received from the Arts and Culture Advisory Committee, to develop a prioritized maintenance and restoration program for the City's public art collection. The program will focus on addressing critical- and medium-priority artworks while also undertaking preventative maintenance activities for low-priority pieces. This balanced approach will help preserve existing assets and extend the lifespan of public artworks.

Opportunities to incorporate annual maintenance funding, establish preventative conservation schedules, and evaluate deaccession recommendations will be explored through future budget deliberations and operational planning processes.

As an initial step in implementing the assessment recommendations, staff will move forward with the rejuvenation of the Canoe Art Project, a public art initiative originally launched as a legacy project of the 2015 Pan Am Games. After more than a decade on display throughout the community, the canoes will be refreshed through a new public art program designed to extend their lifespan and renew their contribution to the City's public art collection.

The Canoe Art Project has been identified as an appropriate first phase of implementation due to the visibility of the installations, their significance within the City's public art collection, and the opportunity to renew the artworks through community artist engagement.

Staff would like to acknowledge and thank the artists whose work contributed to the success of the Canoe Art Project over the past decade. Their creativity has enriched public spaces throughout Welland and contributed significantly to the City's cultural identity. The refreshed program will provide opportunities for a new generation of artists while building upon that legacy.

Staff will develop and launch a Call to Artists inviting artists to create new designs for the canoe installations. Prior to artist selection, canoes identified as requiring restoration will undergo surface preparation and receive a fresh base coat of paint. This work will restore the integrity of the canoe surfaces, enhance the appearance of the installations, and provide artists with a clean canvas from which to develop and visualize their concepts.

Subject to confirmation of the project framework and available funding, the Call to Artists process will be formally launched. The proposed approach represents an important first step toward implementing the recommendations of the public art assessment and establishing a sustainable framework for the long-term stewardship of the City's public art collection.

MEMORANDUM

TO: Welland City Council

FROM: Amanda Degazio
Manager of Business and Community Service

DATE: September 18, 2026

SUBJECT: Outdoor Sports Equipment Lockers Update

On August 12, 2026, the City of Welland launched a pilot partnership with Equip Sport and Canadian Tire Jumpstart Charities to improve access to recreation opportunities across the community. Through the program, 10 free self-serve sports equipment lockers were installed at parks and outdoor recreation spaces throughout the city, allowing residents to borrow equipment such as basketballs, soccer balls, frisbees, footballs, and volleyballs at no cost. The program is fully funded through the partnership, with no cost to the City or residents, and all installation, maintenance, and reporting responsibilities are managed by Equip Sport.

The equipment locker program helps remove financial barriers to recreation by providing free access to sports equipment in neighbourhood parks. The initiative supports active living, encourages spontaneous play, and creates opportunities for residents of all ages to engage in healthy outdoor activities. The success of the program would not be possible without the support and partnership of Equip Sport and Canadian Tire Jumpstart Charities, whose investment demonstrates how strategic partnerships can expand recreation opportunities and enhance public spaces.

The first three weeks of operation have demonstrated strong community interest and participation, with 331 residents registering and completing 720 equipment borrowing sessions across the City's locker network. These sessions resulted in approximately 2,160 participations, based on Equip Sport's methodology of estimating three participants per borrowing session, demonstrating strong community engagement and increased activation of parks and outdoor recreation spaces. Users averaged 2.18 sessions each during the

reporting period, indicating that participants have returned to use the service multiple times.

Community response has been overwhelmingly positive. The program received 278 user ratings, achieving an average rating of 4.85 out of 5 stars, with more than 91 per cent of users awarding the program a five-star rating. Participant feedback highlights the value of providing free, convenient access to recreation equipment and opportunities for active play.

Residents have expressed appreciation for having free access to recreation equipment, with one user stating, "Love being able to access sports without owning a certain type of ball." Another commented, "This is amazing, thank you Canadian Tire and City of Welland. Our family wasn't expecting this and had lots of fun at the park." A third user noted, "First time trying this. This is fabulous. I wish they had these when I was a kid growing up."

Sports equipment lockers are located at Almond Street Park, Beamus Park, Chippawa Park Playground, Empire Sportsplex, Gaiser Park, Glenwood Park, Hooker Street Park, Maple Park, Rolling Acres Park, and Station Park, providing access to free recreation equipment in every ward across the city. Borrowing activity was recorded at all 10 locations during the initial launch period, with Gaiser Park, Rolling Acres Park, and Glenwood Park accounting for approximately two-thirds of all borrowing activity.

Participation has been recorded across all age groups, with particularly strong uptake among youth and young adults. Basketball generated the highest level of equipment usage, followed by soccer, frisbee, football, and volleyball.

Staff will continue to promote the equipment locker locations through City communication channels and community outreach efforts. Staff anticipate continued growth in registrations and equipment borrowing throughout the pilot period.

The equipment locker initiative is being delivered as a one-year pilot program, allowing staff and project partners to evaluate usage trends, community demand, location performance, and overall program effectiveness before considering future opportunities. Overall, the first three weeks of the Outdoor Sports Equipment Locker pilot have produced strong results. The program has increased access to recreation opportunities, enhanced activity within neighbourhood parks, and generated strong community support.

The early success of the initiative demonstrates strong demand for accessible recreation opportunities and highlights the positive impact that innovative partnerships can have in supporting healthy, active, and connected communities.

Staff will continue to monitor usage trends, location performance, equipment demand, and user feedback throughout the pilot period and will provide additional updates as further data becomes available. Residents interested in participating can access locker locations, available equipment, and program information by visiting welland.ca.

MEMORANDUM

TO: Welland City Council

FROM: Greg Dempster, Chief Training Officer

DATE: September 16, 2026

SUBJECT: Welland Fire and Emergency Services – Mandatory Certification

In 2022, the Province of Ontario passed a new regulation which relates to the certification of firefighters in Ontario. Ontario Regulation 343/22, *Firefighter Certification*, requires municipalities to ensure that firefighters performing designated fire protection services meet the minimum certification standards established by the Ontario Fire Marshal. These requirements include certification related to fire suppression, pump operations, hazardous materials response, fire prevention, fire investigation, officer responsibilities and other specialized services.

The Office of the Fire Marshal provides certification testing and practical evaluations based on National Fire Protection Association (NFPA) standards and is the recognized authority for issuing Ontario firefighting certification. Welland Fire and Emergency Services continues to use approved training and certification pathways to support ongoing compliance and professional development.

The Department is pleased to report that all staff currently meet the mandatory firefighter certification requirements applicable to the services provided by the Department, **representing 100 per cent compliance with Ontario Regulation 343/22.**

A small number of firefighters are completing the final segments of their training as part of the Department's ongoing professional development program. These remaining components do not affect the Department's current compliance status, and all scheduled requirements are expected to be completed by the end of 2026. Training progress will continue to be monitored and documented by the Department.

The Department is also pleased to announce the opening of the new Welland Fire Training Facility. A ribbon-cutting ceremony will take place on September 26, 2026, ahead of Fire Prevention Week.

The new facility will provide an improved space for recruit training, ongoing professional development, practical skills evaluation and certification-related activities. It represents an important investment in firefighter and community safety and will strengthen the Department's ability to deliver consistent, locally accessible training.

Council and community partners will be invited to attend the ribbon-cutting ceremony and recognize this important addition to the municipality's emergency services infrastructure.



September 16, 2026

SENT ELECTRONICALLY

To the Honourable Doug Ford, Premier of Ontario,

**Re: 11.5 Resolution Respecting Support for Sustainable Provincial Grant
Funding for Fire Services in Ontario**

Please be advised that the Council of the Corporation of the City of Thorold, at its meeting held on September 15, 2026, considered the aforementioned topic and passed the following resolution:

1. That the Corporation of the City of Thorold **SUPPORTS** the municipalities of Plympton-Wyoming and St. Charles's resolution regarding Support for Sustainable Provincial Grant Funding for Fire Services in Ontario; and
2. That a copy of this resolution **BE CIRCULATED** to the Premier of Ontario; the Minister of Municipal Affairs and Housing; the Minister of Infrastructure; the Minister of the Solicitor General, Local Area MPPs; the Ontario Association of Fire Chiefs; the Ontario Professional Fire Fighters Association; the Ontario Volunteer Fire Fighters Association; the Association of Municipalities of Ontario; the Niagara Region; and Niagara Area municipalities.

Thank you,

Nicholas Debono
City Clerk, City of Thorold

Appendix 1 CWCD 331-2026 - 2026-05-22 Plympton-Wyoming - Sustainable
Provincial Grant Funding for Fire Services in Ontario

Appendix 2 CWCD 331-2026 - MSC Res 2026-158 - Plympton-Wyoming - Sustainable
Provincial Grant Funding for Fire Services in Ontario

cc. Minister of Municipal Affairs and Housing
Minister of Infrastructure
Minister of the Solicitor General
Local Area MPPs
Ontario Association of Fire Chiefs
Ontario Professional Fire Fighters Association
Ontario Volunteer Fire Fighters Association;
Association of Municipalities of Ontario
Niagara Region
Niagara Area municipalities



Plympton-Wyoming Resolution - Sustainable Provincial Grant Funding for Fire Services in Ontario

From Lisa Smeekens <LSmeekens@plympton-wyoming.ca>

Date Fri 2026-05-22 04:30 PM

To info@oafc.on.ca <info@oafc.on.ca>; clerk <clerk@county-lambton.on.ca>; admin@ontariofirefighters.org <admin@ontariofirefighters.org>; communication@ffao.on.ca <communication@ffao.on.ca>; 'amo@amo.on.ca' <amo@amo.on.ca>; AMO Policy <policy@amo.on.ca>; ROMA Communications <roma@roma.on.ca>; steve.pinsonneault@ontario.ca <steve.pinsonneault@ontario.ca>; bob.bailey@pc.ola.org <bob.bailey@pc.ola.org>; minister.solgen@ontario.ca <minister.solgen@ontario.ca>; kinga.surma@pc.ola.org <kinga.surma@pc.ola.org>; Flack, Rob <rob.flack@pc.ola.org>; Premier of Ontario | Premier ministre de l'Ontario <premier@ontario.ca>; Alnwick/Haldimand <info@ahtwp.ca>; Addington Highlands <clerk@addingtonhighlands.ca>; Adelaide-Metcalfe <mbarnier@adelaidemetcalfe.on.ca>; Adjala-Tosorontio <clerk@adjtos.ca>; Admaston/Bromley <info@admastonbromley.com>; Ajax <contactus@ajax.ca>; Alberton <albertonadmin@alberton.ca>

 1 attachment (153 KB)

Plympton-Wyoming Resolution - Sustainable Provincial Grant Funding for Fire Services in Ontario.pdf;

Good afternoon,

At their meeting on May 13th, 2026, the Council of the Town of Plympton-Wyoming passed the attached motion regarding Sustainable Provincial Grant Funding for Fire Services in Ontario.

Have a great weekend!

Lisa Smeekens
Executive Assistant – Deputy Clerk



546 Niagara Street, PO Box 250 | Wyoming, ON N0N 1T0 | 519-845-3939 | www.plympton-wyoming.com

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Date: 13 May 2026

15

Moved By: Deputy Mayor Netty McEwen

Seconded By: Councillor John van Klaveren

Support for Sustainable Provincial Grant Funding for Fire Services in Ontario

WHEREAS Municipal fire services in Ontario operate under legislative authority established by the province through statutes, regulations, codes, and prescribed standards governing training, equipment, certification, inspection, and operational requirements;

AND WHEREAS municipalities are responsible for implementing and maintaining compliance with these provincially mandated requirements primarily through local property taxation;

AND WHEREAS current provincial fire service grant programs are available to both full-time and volunteer fire departments across Ontario and are distributed through competitive application processes that may not fully reflect the differing financial and administrative capacities of urban and rural municipalities, highlighting the need for a more balanced approach to funding that supports all fire services equitably;

AND WHEREAS volunteer firefighters represent approximately **70–75% of firefighters in Ontario**, protecting the majority of communities across the province and, particularly in rural areas, are frequently **the first emergency responders to arrive on scene ahead of other emergency services**;

AND WHEREAS other provincially regulated emergency services, including policing and paramedic services, receive stable and predictable provincial funding contributions or cost-sharing arrangements;

AND WHEREAS the absence of a comparable and stable funding model for fire services creates a structural imbalance between provincial regulatory authority and municipal financial responsibility;

AND WHEREAS reliance on competitive funding creates budget uncertainty, limits long-term financial planning, and may not reflect the actual operational needs of fire services, contributing to instability, reduced preparedness and the reduction of services within a critical emergency response sector;

AND WHEREAS stable and predictable funding is essential to maintain emergency preparedness, firefighter safety, service sustainability, and equitable protection for residents regardless of municipal size or tax base;

NOW THEREFORE BE IT RESOLVED THAT

The Council of the Town of Plympton-Wyoming respectfully calls upon the Province of Ontario to **transition the current practice of competitive provincial fire service grant programs into a permanent, stable, and predictable non-competitive provincial funding program** that supports municipalities in meeting provincially legislated fire protection requirements;

AND FURTHER THAT this funding be structured to provide equitable and predictable annual support for **operational readiness and training costs associated with volunteer, composite and full-time fire departments across Ontario**;

AND FURTHER THAT the annual value of this funding be reviewed and adjusted to more appropriately reflect the level of provincial funding support currently provided to other provincially regulated emergency services, including policing and paramedic services;

AND FURTHER THAT this resolution be circulated for endorsement to:

- The County of Lambton
- Lambton County Fire Chiefs Association
- All municipalities
- Ontario Association of Fire Chiefs
- Ontario Professional Fire Fighters Association
- Ontario Volunteer Fire Fighters Association
- Association of Municipalities of Ontario
- Rural Ontario Municipal Association

AND FURTHER THAT, upon endorsement, this resolution be submitted to:

- Steve Pinnsoneault MPP Lambton-Kent-Middlesex
- Bob Bailey MPP Sarnia-Lambton
- The Honourable Michael Kerzner, Minister of the Solicitor General
- The Honourable Kinga Surma, Minister of Infrastructure
- The Honourable Rob Flack, Minister of Municipal Affairs and Housing
- The Honourable Doug Ford, Premier of Ontario

✓		
Carried	Defeated	Deferred

**The Corporation of the Municipality of St. Charles
RESOLUTION PAGE**



Regular Meeting of Council

Agenda Number: 4.4.2.
Resolution Number 2026-158
Title: Correspondence - Plympton-Wyoming - Sustainable Provincial Grant Funding for Fire Services in Ontario
Date: June 17, 2026

Moved by: Councillor Pothier
Seconded by: Councillor Laframboise

BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles hereby supports Resolution No. 15 passed by the Town of Plympton-Wyoming regarding the sustainable Provincial grant funding for fire services in Ontario;

AND BE IT FURTHER RESOLVED THAT a copy of this Resolution be sent to the Premier of Ontario, the Minister of the Solicitor General, the Minister of Municipal Affairs and Housing, the Minister of Infrastructure, our local Member of Provincial Parliament, and all Ontario Municipalities.

CARRIED


MAYOR



September 16, 2026

SENT ELECTRONICALLY

To the Honourable Doug Ford, Premier of Ontario,

Re: 11.6 Resolution Respecting Support for Sustainable Provincial Funding for Ontario Public Libraries

Please be advised that the Council of the Corporation of the City of Thorold, at its meeting held on September 15, 2026, considered the aforementioned topic and passed the following resolution:

1. That the Corporation of the City of Thorold **SUPPORTS** the municipality of Armour's resolution regarding Support for Sustainable Provincial Funding for Ontario Public Libraries; and
2. That a copy of this resolution **BE CIRCULATED** to the Premier of Ontario; the Minister of Tourism, Culture and Gaming; Local Area MPPs; the Association of Municipalities of Ontario; the Ontario Library Association (OLA); and the Federation of Ontario Public Libraries (FOPL); the Niagara Region; and Niagara Area municipalities.

Thank you,

Nicholas Debono
City Clerk, City of Thorold

Appendix 1 CWCD 328-2026 - Armour Resolution 2026-236 - Library OPL Funding

cc. Minister of Tourism, Culture and Gaming
Local Area MPPs
Association of Municipalities of Ontario
Ontario Library Association (OLA)
Federation of Ontario Public Libraries (FOPL)
Niagara Region
Niagara Area municipalities



DISTRICT OF PARRY SOUND

56 ONTARIO STREET
PO BOX 533
BURK'S FALLS, ON
POA 1C0

(705) 382-3332

(705) 382-2954

Fax: (705) 382-2068

Email: admin@armourtownship.ca

Website: www.armourtownship.ca

Date: August 11, 2026

Motion # 2026-236

WHEREAS public libraries provide essential services including literacy, education, technology access, employment resources, and community programming;

AND WHEREAS the Burk's Falls, Armour & Ryerson Union Public Library serves the residents of the Township of Armour and surrounding communities;

AND WHEREAS the provincial funding received by the Burk's Falls, Armour & Ryerson Union Public Library has remained at \$13,914 annually since 1990, despite significant increases in the cost of providing library services;

AND WHEREAS the Township of Armour's contribution to library services has increased from \$14,097.99 in 2001 to \$98,722 in 2026, placing an increasing financial burden on municipal taxpayers;

AND WHEREAS the Ontario Library Association and Federation of Ontario Public Libraries have called for increased and sustainable provincial funding for public libraries;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Armour petitions the Government of Ontario, through the Ministry of Tourism, Culture and Gaming, to substantially increase and provide sustainable, predictable operating funding for Ontario's public libraries;

AND BE IT FURTHER RESOLVED THAT copies of this resolution be forwarded to the Premier of Ontario, the Minister of Tourism, Culture and Gaming, the local Member of Provincial Parliament, the Association of Municipalities of Ontario (AMO), the Ontario Library Association (OLA), and the Federation of Ontario Public Libraries (FOPL) for their support and advocacy;

AND BE IT FURTHER RESOLVED THAT this resolution be circulated to municipalities across Ontario for their consideration and support.

Moved by:

Blakelock, Rod	☐
Brandt, Jerry	☐
Haggart-Davis, Dorothy	☒
Ward, Rod	☐
Whitwell, Wendy	☐

Seconded by:

Blakelock, Rod	☐
Brandt, Jerry	☒
Haggart-Davis, Dorothy	☐
Ward, Rod	☐
Whitwell, Wendy	☐

Carried / Defeated

Declaration of Pecuniary Interest by:



DISTRICT OF PARRY SOUND

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(705) 382-2954

Fax: (705) 382-2068

Email: admin@armourtownship.ca

Website: www.armourtownship.ca

Date: **August 11, 2026**

Recorded vote requested by:

Recorded Vote:

Blakelock, Rod
Brandt, Jerry
Haggart-Davis, Dorothy
Ward, Rod
Whitwell, Wendy

For

Opposed

☐☐☐☐☐☐☐☐☐☐



PORT COLBORNE

Legislative Services

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 • www.portcolborne.ca

T 905.228.8031 F 905.834.5746

E charlotte.madden@portcolborne.ca

September 15, 2026

Email: premier@ontario.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queens Park
Toronto, ON M7A 1A1

Dear Honourable Doug Ford:

Re: City of Port Colborne Supports the Town of Ingersoll regarding Review of OLT and Enhancing Deference to Municipal Planning Decisions

Please be advised that, at its meeting of September 8, 2026, the Council of The Corporation of the City of Port Colborne supported the resolution received from the Town of Ingersoll regarding a Review of OLT and Enhancing Deference to Municipal Planning Decisions.

The correspondence is attached for your consideration.

Sincerely,

Charlotte Madden
City Clerk

ec: Hon. Rob Flack, Ontario Minister of Municipal Affairs and Housing
Jeff Burch, MPP for Niagara West
Association of Municipalities in Ontario (AMO)
All Ontario Municipalities

August 13, 2026

Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Re: Town of Ingersoll Resolution - Review of OLT and Enhancing Deference to Municipal Planning Decisions

Dear Premier Ford,

Please be advised that at their regular meeting on August 10, 2026, Council of the Corporation of the Town of Ingersoll adopted the following resolution:

Resolution # 2026-230

Moved by Councillor Eus; seconded by Councillor Bowman

THAT the Council of the Corporation of the Town of Ingersoll receive the correspondence from the Town of the Blue Mountains regarding Review of OLT and Enhancing Deference to Municipal Planning Decisions;

AND THAT Council support the resolution regarding Review of OLT and Enhancing Deference to Municipal Planning Decisions;

AND THAT the resolution be forwarded to other municipalities in Ontario, Oxford MPP Ernie Hardeman, all relevant ministries, and the provincial government.

CARRIED

Please don't hesitate to contact me if you have any questions or concerns.

Kind regards,

Julie Clayton

Julie Clayton
Deputy Clerk

cc: Hon. Rob Flack, Ontario Minister of Municipal Affairs and Housing
Ernie Hardeman, Member of Provincial Parliament for Oxford
Association of Municipalities of Ontario (AMO)
All municipalities in Ontario



The Town of The Blue Mountains Council Meeting

Title: Kathryn Douglas, Supervisor, Legislative Services, Town of Whitby
Date: Monday, July 13, 2026
Time: 6:16 PM

Moved by: Councillor Hope
Seconded by: Councillor Porter

THAT Council of the Town of The Blue Mountains receives for information the June 25, 2026, correspondence from Kathryn Douglas, Supervisor, Legislative Services, Town of Whitby, and supports the June 22, 2026 Town of Whitby Council resolution regarding a Review of Ontario Land Tribunal and Enhancing Deference to Municipal Planning Decisions;

AND THAT Council directs staff to circulate this resolution of support to the Premier of Ontario, the Minister of Municipal Affairs and Housing, Local Members of Provincial Parliament, the Association of Municipalities (AMO) and all Ontario Municipalities for consideration and support

YES: 6

NO: 0

ABSENT: 1

The motion is Carried

YES: 6

Deputy Mayor Bordignon	Councillor Ardiel	Councillor Hope	Councillor Maxwell
Councillor McKinlay	Councillor Porter		

NO: 0

ABSENT: 1

Mayor Matrosovs

June 25, 2026

Via Email

The Honourable Doug Ford
Premier of Ontario
premier@ontario.ca

Re: Review of the Ontario Land Tribunal and Enhancing Deference to Municipal Planning Decisions

Please be advised that at its meeting held on June 22, 2026, the Council of the Town of Whitby adopted the following as Resolution # 166-26:

Whereas local councils are elected by residents to make planning decisions that reflect the needs and priorities of their communities;

Whereas municipalities rely on extensive public consultation, professional planning advice, engineering studies, and technical reports when making land-use decisions;

Whereas the Ontario Land Tribunal (OLT) has the authority to overturn municipal planning decisions, often requiring municipalities to spend significant taxpayer dollars defending decisions that have already undergone a thorough local review process;

Whereas lengthy and costly appeals can delay housing projects, consume municipal resources, and reduce the ability of municipalities to focus on delivering services to residents; and,

Whereas local governments should have greater certainty and authority when decisions are consistent with approved Official Plans, provincial policies, and sound planning principles.

Now Therefore be it Resolved:

1. That the Government of Ontario be requested to review the role and mandate of the Ontario Land Tribunal to ensure greater respect for municipal planning decisions that are supported by evidence, public consultation, and approved planning policies;

2. That the Province consider amendments to the Planning Act and Ontario Land Tribunal Act to provide stronger deference to municipal decisions that align with provincial planning frameworks and Official Plans;
3. That the Province improve transparency and accountability within the Ontario Land Tribunal by requiring clear and detailed reasoning when municipal decisions are overturned;
4. That the Province explore measures to reduce the financial burden on municipalities defending planning decisions before the OLT, helping to protect taxpayer dollars and improve the efficiency of the planning process; and,
5. That Staff be directed to circulate this resolution to the Premier of Ontario, the Minister of Municipal Affairs and Housing, Local Members of Provincial Parliament, the Association of Municipalities of Ontario (AMO), and all Ontario municipalities for consideration and support.

Should you require further information, please do not hesitate to contact the Office of the Town Clerk at 905-430-4300.



Kathryn Douglas
Supervisor, Legislative Services
clerk@whitby.ca

Copy: C. Harris, Director of Legislative Services/Town Clerk - clerk@whitby.ca

The Honourable Rob Flack, Minister of Municipal Affairs and Housing - minister.mah@ontario.ca
Peter Bethlenfalvy, MPP, Pickering-Uxbridge - peter.bethlenfalvy@pc.ola.org
Lorne Coe, MPP, Whitby - lorne.coe@pc.ola.org
Jennifer K. French, MPP, Oshawa - jfrench-co@ndp.on.ca
Todd J. McCarthy, MPP, Durham - todd.mccarthy@pc.ola.org
Rob Cerjanec, MPP, Ajax - rcerjanec.mpp.co@liberal.ola.org
Laurie Scott, MPP, Haliburton-Kawartha Lakes-Brock - laurie.scott@pc.ola.org
Robin Jones, President, Association of Municipalities of Ontario - amopresident@amo.on.ca
All Ontario Municipalities



PORT COLBORNE

Legislative Services

Municipal Offices: 66 Charlotte Street
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E charlotte.madden@portcolborne.ca

September 15, 2026

Email: premier@ontario.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queens Park
Toronto, ON M7A 1A1

Dear Honourable Doug Ford:

Re: City of Port Colborne Supports the Township of Armour regarding Support for Sustainable and Predictable Operating funding for Ontario's Public Libraries

Please be advised that, at its meeting of September 8, 2026, the Council of The Corporation of the City of Port Colborne supported the resolution received from the Township of Armour regarding support for Sustainable and Predictable Operating funding for Ontario's Public Libraries.

The correspondence is attached for your consideration.

Sincerely,

Charlotte Madden
City Clerk

ec: Zee Hamid, Minister of Tourism, Culture and Gaming
Jeff Burch, MPP for Niagara West
Association of Municipalities in Ontario (AMO)
Ontario Library Association (OLA)
Federation of Ontario Public Libraries (FOPL)
All Ontario Municipalities



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Fax: (705) 382-2068

Email: admin@armourtownship.ca

Website: www.armourtownship.ca

Date: August 11, 2026

Motion # 2026-236

WHEREAS public libraries provide essential services including literacy, education, technology access, employment resources, and community programming;

AND WHEREAS the Burk's Falls, Armour & Ryerson Union Public Library serves the residents of the Township of Armour and surrounding communities;

AND WHEREAS the provincial funding received by the Burk's Falls, Armour & Ryerson Union Public Library has remained at \$13,914 annually since 1990, despite significant increases in the cost of providing library services;

AND WHEREAS the Township of Armour's contribution to library services has increased from \$14,097.99 in 2001 to \$98,722 in 2026, placing an increasing financial burden on municipal taxpayers;

AND WHEREAS the Ontario Library Association and Federation of Ontario Public Libraries have called for increased and sustainable provincial funding for public libraries;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Armour petitions the Government of Ontario, through the Ministry of Tourism, Culture and Gaming, to substantially increase and provide sustainable, predictable operating funding for Ontario's public libraries;

AND BE IT FURTHER RESOLVED THAT copies of this resolution be forwarded to the Premier of Ontario, the Minister of Tourism, Culture and Gaming, the local Member of Provincial Parliament, the Association of Municipalities of Ontario (AMO), the Ontario Library Association (OLA), and the Federation of Ontario Public Libraries (FOPL) for their support and advocacy;

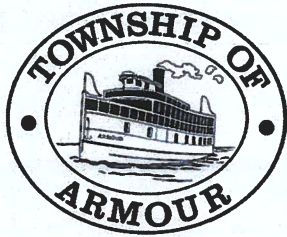
AND BE IT FURTHER RESOLVED THAT this resolution be circulated to municipalities across Ontario for their consideration and support.

Moved by: Blakelock, Rod ☐
Brandt, Jerry ☐
Haggart-Davis, Dorothy ☒
Ward, Rod ☐
Whitwell, Wendy ☐

Seconded by: Blakelock, Rod ☐
Brandt, Jerry ☒
Haggart-Davis, Dorothy ☐
Ward, Rod ☐
Whitwell, Wendy ☐

Carried / Defeated

Declaration of Pecuniary Interest by:



DISTRICT OF PARRY SOUND

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(705) 382-2954

Fax: (705) 382-2068

Email: admin@armourtownship.ca

Website: www.armourtownship.ca

Date: **August 11, 2026**

Recorded vote requested by:

Recorded Vote:

Blakelock, Rod

Brandt, Jerry

Haggart-Davis, Dorothy

Ward, Rod

Whitwell, Wendy

For

☐☐☐☐☐

Opposed

☐☐☐☐☐



September 9, 2026

Sent via email to: Minister of Infrastructure,
Minister of Municipal Affairs and Housing,
Local Member of Provincial Parliament (MPP),
Municipal Finance Officers Association of Ontario (MFOA),
Association of Municipalities of Ontario (AMO),
Rural Ontario Municipal Association (ROMA),
Ontario municipalities.

RE: Support for MFOA Request to Permanently Double the Ontario Community Infrastructure Fund (OCIF) Beyond 2026

Dear Ministers,

On behalf of the Corporation of the County of Huron, I am writing to express our support for the Municipal Finance Officers' Association of Ontario (MFOA) request to the Province of Ontario to permanently double the Ontario Community Infrastructure Fund (OCIF) beyond 2026.

The County of Huron recognizes the significant infrastructure needs facing municipalities across Ontario, particularly in rural communities. Stable and predictable infrastructure funding is essential to enable municipalities to effectively plan and invest in the renewal and maintenance of critical infrastructure.

OCIF funding is an important component of the County of Huron's ability to address its infrastructure renewal needs. Given the significant amount of infrastructure required throughout the County, this funding has been very beneficial in supporting necessary infrastructure renewal.

The current OCIF funding allocations are based on the replacement values of municipal infrastructure assets and align with municipal asset management plans. Increasing and maintaining this funding on a long-term basis would provide municipalities with greater stability and the ability to better plan for future infrastructure investments.

The County of Huron therefore supports MFOA's request that the Province of Ontario permanently double OCIF funding beyond 2026 and encourages the Province to provide municipalities with stable, predictable and sustained infrastructure funding.

We respectfully ask the Province to consider this request and recognize the important role that long-term infrastructure funding plays in supporting strong, sustainable and resilient communities across Ontario.

Director of Legislative Services/County Clerk

Corporation of the County of Huron, 1 Court House Square, Goderich, Ontario N7A 1M2 CANADA
Tel: 519.524.8394 Fax: 519.524.2044 Toll Free: 1.888.524.8394 Web: www.huroncounty.ca



Thank you for your consideration.

Should you have any questions, please reach out to me via email at clerk@huroncounty.ca.

Respectfully,

Susan Cronin
Director of Legislative Services/County Clerk



Hon. Mike Harris Jr.
Ministry of Natural
Resources
438 University Avenue,
Suite 1802, Toronto, ON
M7A 1Y6
VIA EMAIL:
mike.harrisco@pc.ola.org
Joseph Racinsky
Constituency office
2nd Floor
181 St. Andrew St. E
Fergus, ON N1M 1P9
VIA EMAIL:
joseph.racinsky@pc.ola.org

Hon. Rob Flack
Ministry of Municipal Affairs
and Housing
17th Floor
777 Bay St.
VIA EMAIL:
rob.flack@pc.ola.org

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0
www.puslinch.ca

September 10, 2026

RE: 6.17 TAPMO Newsletter July 2026

Please be advised that Township of Puslinch Council, at its meeting held on August 26, 2026 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Resolution No. 2026-255:

**Moved by Councillor Sepulis and
Seconded by Councillor Bailey**

That the Consent Agenda item 6.17 be received for information; and

Whereas the Aggregate Resources Act, R.S.O. (ARA) governs the licensing and regulation of aggregate pits and quarries in Ontario;

And Whereas the Planning Act and the Provincial Planning Statement establish the policy framework for land use planning in Ontario and recognize aggregate extraction as an interim land use, with defined expectations for progressive rehabilitation and ultimate transition to an appropriate end use;



And Whereas the Ministry of Natural Resources (MNR) has provided written clarification confirming that where a licensed site's site plan expressly permits the importation of aggregate material from other licensed sites in Ontario:

- such imported material may be brought to the site;
- such imported material does not count toward the site's annual licensed tonnage limit; and
- where processing and blending are permitted in the site plan, imported material may be processed or blended for the duration of the licence;

And Whereas under the Ministry's current interpretation, imported aggregate material that is processed or blended is not currently subject to annual licensed tonnage limits or associated TOARC levy payments;

And Whereas this interpretation may enable a licensed site to function as an ongoing industrial processing and blending facility, including in circumstances where on-site extraction has ceased or is winding down;

And Whereas municipalities may experience increased truck traffic, road deterioration, noise, and dust impacts where processing and blending continue independent of extraction;

And Whereas such an outcome may not align with the planning principle that aggregate operations are intended to be interim land uses and may have implications for municipal land use planning, infrastructure management, environmental oversight, and long-term rehabilitation objectives;

And Whereas clarity and consistency between the implementation of the ARA and the provincial land use planning framework are essential to maintaining policy coherence and municipal planning certainty;

Now Therefore Be It Resolved That the Council of Township of Puslinch respectfully requests that the MNR reconsider its current interpretation respecting the importation, processing, and blending of aggregate material under the ARA, particularly where such interpretation:

- permits unlimited importation of aggregate material from other licensed sites;



- excludes imported and processed materials from annual licensed tonnage limits; and
- allows processing and blending activities to continue for the duration of the licence without regard to the interim nature of aggregate extraction contemplated under provincial planning policy; and,

That the Province clarify how the interpretation and administration of the ARA will be aligned with the *Planning Act* and Provincial Planning Statement, including the recognition of aggregate extraction as an interim land use with defined rehabilitation and transition objectives;

That the Province provide guidance on how imported and processed aggregate materials are to be considered in relation to licensed tonnage limits, rehabilitation timelines, and the interim land use intent of aggregate operations;

That the Province consult with municipalities prior to finalizing any policy, regulatory, or interpretive direction related to importation, processing, blending, and tonnage calculations under the ARA and importantly any TOARC regulatory reform;

Further be it resolved that the Council of the Township of Puslinch supports TAPMO's call for policy clarification regarding importation, processing and blending under the Aggregate Resources Act; and

Be It Further Resolved That a copy of this resolution be forwarded to the Minister of Natural Resources, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario (AMO), the Top Aggregate Producing Municipalities of Ontario (TAPMO), MPP Joseph Racinsky and all Ontario Municipalities.

CARRIED



As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,

Justine Brotherston
Municipal Clerk

cc: Association of Municipalities of Ontario (AMO)
Top Aggregate Producing Municipalities of Ontario (TAPMO)

September 10, 2026

The Honourable Michael S. Kerzner
Office of the Solicitor General
25 Grosvenor Street, 18th Floor
Toronto, ON M7A 1Y6

Re: Request for Review of the OPP Municipal Policing Cost Model

Dear Minister Kerzner:

The Township of McNab/Braeside is writing to express its strong opposition to the current Ontario Provincial Police (OPP) municipal policing cost model and the significant cost increases being imposed on small rural municipalities. While the Province has limited the increase in OPP policing costs for 2027 to a maximum of 11 per cent, an increase of up to 11 per cent is not reasonable or sustainable for a small rural municipality. This level of increase places significant pressure on municipal budgets and local taxpayers, particularly at a time when communities are already facing substantial economic pressures.

The issue is not the importance of effective policing or the services provided by the OPP. The Township recognizes and values the OPP's role in keeping our community safe. Our concern is that the current funding model does not fairly reflect the financial realities and policing circumstances of small rural municipalities.

Municipalities with populations of 10,000 or less can have substantially different circumstances than larger urban communities, including smaller tax bases, larger geographic areas and different policing demands. These factors should be meaningfully reflected in how policing costs are allocated.

The Township therefore respectfully requests that the Province undertake a comprehensive review of the OPP municipal policing cost model and consider factors including population, geographic area, policing demand, calls for service and municipal financial capacity when determining municipal policing costs.

Small rural municipalities should not be expected to absorb increases of this magnitude under a funding model that does not adequately recognize the differences between rural and urban communities.

The Township urges the Province to re-evaluate the OPP municipal policing cost model and develop a more equitable, predictable and sustainable approach to policing costs for small rural municipalities.

The Township invites recipient municipalities to consider passing a resolution of support at an upcoming council meeting. Please forward any supporting motions to the Office of the Solicitor General to amplify this vital advocacy for rural communities.

Sincerely,



Mandy Cannon
CAO, Interim Clerk
Township of McNab/Braeside

cc:

MPP Billy Denault, Renfrew–Nipissing–Pembroke
All Ontario Municipalities

August 13, 2026

Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Re: Town of Ingersoll Resolution - Review of OLT and Enhancing Deference to Municipal Planning Decisions

Dear Premier Ford,

Please be advised that at their regular meeting on August 10, 2026, Council of the Corporation of the Town of Ingersoll adopted the following resolution:

Resolution # 2026-230

Moved by Councillor Eus; seconded by Councillor Bowman

THAT the Council of the Corporation of the Town of Ingersoll receive the correspondence from the Town of the Blue Mountains regarding Review of OLT and Enhancing Deference to Municipal Planning Decisions;

AND THAT Council support the resolution regarding Review of OLT and Enhancing Deference to Municipal Planning Decisions;

AND THAT the resolution be forwarded to other municipalities in Ontario, Oxford MPP Ernie Hardeman, all relevant ministries, and the provincial government.

CARRIED

Please don't hesitate to contact me if you have any questions or concerns.

Kind regards,

Julie Clayton

Julie Clayton
Deputy Clerk

cc: Hon. Rob Flack, Ontario Minister of Municipal Affairs and Housing
Ernie Hardeman, Member of Provincial Parliament for Oxford
Association of Municipalities of Ontario (AMO)
All municipalities in Ontario



The Town of The Blue Mountains Council Meeting

Title: Kathryn Douglas, Supervisor, Legislative Services, Town of Whitby
Date: Monday, July 13, 2026
Time: 6:16 PM

Moved by: Councillor Hope
Seconded by: Councillor Porter

THAT Council of the Town of The Blue Mountains receives for information the June 25, 2026, correspondence from Kathryn Douglas, Supervisor, Legislative Services, Town of Whitby, and supports the June 22, 2026 Town of Whitby Council resolution regarding a Review of Ontario Land Tribunal and Enhancing Deference to Municipal Planning Decisions;

AND THAT Council directs staff to circulate this resolution of support to the Premier of Ontario, the Minister of Municipal Affairs and Housing, Local Members of Provincial Parliament, the Association of Municipalities (AMO) and all Ontario Municipalities for consideration and support

YES: 6

NO: 0

ABSENT: 1

The motion is Carried

YES: 6

Deputy Mayor Bordignon	Councillor Ardiel	Councillor Hope	Councillor Maxwell
Councillor McKinlay	Councillor Porter		

NO: 0

ABSENT: 1

Mayor Matrosovs

June 25, 2026

Via Email

The Honourable Doug Ford
Premier of Ontario
premier@ontario.ca

Re: Review of the Ontario Land Tribunal and Enhancing Deference to Municipal Planning Decisions

Please be advised that at its meeting held on June 22, 2026, the Council of the Town of Whitby adopted the following as Resolution # 166-26:

Whereas local councils are elected by residents to make planning decisions that reflect the needs and priorities of their communities;

Whereas municipalities rely on extensive public consultation, professional planning advice, engineering studies, and technical reports when making land-use decisions;

Whereas the Ontario Land Tribunal (OLT) has the authority to overturn municipal planning decisions, often requiring municipalities to spend significant taxpayer dollars defending decisions that have already undergone a thorough local review process;

Whereas lengthy and costly appeals can delay housing projects, consume municipal resources, and reduce the ability of municipalities to focus on delivering services to residents; and,

Whereas local governments should have greater certainty and authority when decisions are consistent with approved Official Plans, provincial policies, and sound planning principles.

Now Therefore be it Resolved:

1. That the Government of Ontario be requested to review the role and mandate of the Ontario Land Tribunal to ensure greater respect for municipal planning decisions that are supported by evidence, public consultation, and approved planning policies;

2. That the Province consider amendments to the Planning Act and Ontario Land Tribunal Act to provide stronger deference to municipal decisions that align with provincial planning frameworks and Official Plans;
3. That the Province improve transparency and accountability within the Ontario Land Tribunal by requiring clear and detailed reasoning when municipal decisions are overturned;
4. That the Province explore measures to reduce the financial burden on municipalities defending planning decisions before the OLT, helping to protect taxpayer dollars and improve the efficiency of the planning process; and,
5. That Staff be directed to circulate this resolution to the Premier of Ontario, the Minister of Municipal Affairs and Housing, Local Members of Provincial Parliament, the Association of Municipalities of Ontario (AMO), and all Ontario municipalities for consideration and support.

Should you require further information, please do not hesitate to contact the Office of the Town Clerk at 905-430-4300.



Kathryn Douglas
Supervisor, Legislative Services
clerk@whitby.ca

Copy: C. Harris, Director of Legislative Services/Town Clerk - clerk@whitby.ca

The Honourable Rob Flack, Minister of Municipal Affairs and Housing -
minister.mah@ontario.ca
Peter Bethlenfalvy, MPP, Pickering-Uxbridge - peter.bethlenfalvy@pc.ola.org
Lorne Coe, MPP, Whitby - lorne.coe@pc.ola.org
Jennifer K. French, MPP, Oshawa - jfrench-co@ndp.on.ca
Todd J. McCarthy, MPP, Durham - todd.mccarthy@pc.ola.org
Rob Cerjanec, MPP, Ajax - rcerjanec.mpp.co@liberal.ola.org
Laurie Scott, MPP, Haliburton-Kawartha Lakes-Brock - laurie.scott@pc.ola.org
Robin Jones, President, Association of Municipalities of Ontario -
amopresident@amo.on.ca
All Ontario Municipalities



September 17, 2026

**Re: Support for Doubling of the Ontario Community Infrastructure Fund
Beyond 2026**

Please be advised that at its regular meeting held on September 16, 2026, Council of the Corporation of the Township of Southgate approved the following:

No. 2026-344

Moved By Councillor Shipston

Seconded By Deputy Mayor Dobreen

Be it resolved that Staff Report CAO2026-022 be received for information; and
WHEREAS recent municipal infrastructure funding programs by the Government of Canada and Province of Ontario have tended to prioritize growth-related or housing-enabling infrastructure projects over infrastructure renewal needs; and
WHEREAS the Government of Ontario has regulated municipal infrastructure asset management through O. Reg 588/17 (Asset Management Planning for Municipal Infrastructure) under the Infrastructure for Jobs and Prosperity Act, 2015; and
WHEREAS municipal asset management plans and the Financial Accountability Office of Ontario have identified that municipalities have significant state-of-good-repair backlogs and renewal needs for infrastructure; and
WHEREAS the Government of Ontario doubled the Ontario Community Infrastructure Fund (OCIF) from \$200M/year to \$400M/year for 2021-2026 but has not publicly committed to maintaining this level of funding beyond 2026; and
WHEREAS the OCIF has become a vital and indispensable resource for municipalities, assisting them with improving their asset management programs and meeting community-preserving infrastructure renewal needs; and
WHEREAS increased geopolitical uncertainty is threatening the economic prosperity of Canada, Ontario, and every municipality; and
WHEREAS municipal infrastructure is a key enabler and preserver of economic prosperity; and
WHEREAS the Municipal Finance Officers' Association of Ontario (MFOA) has heard from its members and their municipalities concerns regarding the potential erosion of existing municipal infrastructure and thus service levels in light of the ongoing focus on housing-enabling infrastructure by grant funding programs;
NOW THEREFORE BE IT RESOLVED that the Township of Southgate supports MFOA's letter to the Ministry of Infrastructure requesting that the doubling of the Ontario Community Infrastructure Fund be made permanent in advance of the allocations for the 2027 calendar year, helping municipalities to continue building housing enabling infrastructure while preserving the economic value provided by existing infrastructure.

Carried

If you have any questions, please contact our office at (519) 923-2110, ext 233.

Sincerely,

A handwritten signature in black ink, appearing to read 'H Malynyk'.

Holly Malynyk, Deputy Clerk
Township of Southgate

Encl: MFOA Letter to the Ministry of Infrastructure requesting the doubling of the Ontario Community Infrastructure Fund (OCIF) be made permanent

CC:

Hon. Todd McCarthy, Acting Minister of Infrastructure
Hon. Rob Flack, Minister of Municipal Affairs and Housing
Hon. Peter Bethlenfalvy, Minister of Finance
All 444 Municipalities in Ontario

Hon. Todd McCarthy
Acting Minister of Infrastructure
5th Floor
777 Bay St.
Toronto, ON M7A 2J3

June 25, 2026

Dear Minister McCarthy,

RE: Making permanent the doubling of the Ontario Community Infrastructure Fund (OCIF) that is scheduled to end after the 2026 allocation

I am writing on behalf of the Municipal Finance Officers' Association of Ontario, and the municipalities it serves, to request that the Government of Ontario make permanent the five-year doubling of the Ontario Community Infrastructure Fund (OCIF) from \$200 million/year to \$400 million/year in advance of the 2027 OCIF allocation calculations.

The Municipal Finance Officers' Association of Ontario (MFOA) is the professional association of municipal finance officers with more than 2,300 individual members. We represent individuals who are responsible for handling the financial affairs of municipalities and who are key advisors to councils. MFOA is a strong advocate for best practices that encourage long-term fiscal sustainability, including long-term financial planning and asset management planning.

In recent years, governments at all levels have reoriented their priorities to address the ongoing housing crisis, with heightened attention on growth-related infrastructure and increasing housing production. Application-based or incentive-based funding programs for municipalities have placed greater emphasis on growth-related or housing-enabling capital projects (e.g., Development Charge Reduction Program, Building Communities Strong Fund – Community Stream, Municipal Housing Infrastructure Program, Building Faster Fund). OCIF remains one of the few federal or provincial funding programs where the focus remains primarily on the preservation and renewal of existing infrastructure to maintain or improve municipal service levels.

With support from the Government of Ontario and MFOA, municipalities have made significant improvements to their municipal asset management plans and programs. The Government of Ontario introduced O. Reg 588/17 (Asset Management Planning for Municipal Infrastructure) in late 2017, which provided a standard framework for infrastructure planning. To support the transition to O. Reg. 588/17, MFOA has partnered with the Government of Ontario on many asset management initiatives, including guides, workshops, direct consulting support and other resources. As a result of these and significant municipal efforts, most municipalities in Ontario have an asset management inventory that identifies their infrastructure assets, including conditions, replacement costs and renewal schedules of those assets.

By leveraging municipal asset management plans in 2020, the Financial Accountability Office of Ontario estimated the state-of-good-repair backlog to be \$52.1 billion for core municipal infrastructure. That is an estimated cost of restoring such infrastructure to a 'good' condition. The report notably focused primarily on core assets and thus likely understated the full extent of the backlog. Addressing this should not be a priority that falls by the wayside due to an increased focus on growth-related capital projects by other funding programs. OCIF's flexible design provides municipalities with the opportunity to fund asset management staff, which can improve data and analysis quality, and it provides a critical means by which municipalities address the infrastructure funding challenges identified in their asset management plans.

In 2021, the Government of Ontario doubled OCIF for a five-year period. Minister Surma, in announcing that initiative, commented that the Government of Ontario was "providing stability and predictability to small, rural and northern communities as they repair, upgrade and modernize their critical infrastructure so that they are safer, healthier and more reliable for all." And Minister Bethlenfalvy said that "by nearly doubling our investment in the Ontario Community Infrastructure Fund, our government is supporting public safety, job creation and economic growth." In the current climate of geopolitical uncertainty, tariffs and the resulting economic shocks and instability, the need to provide municipalities predictability and to preserve and enhance the economic activity and benefits provided by well-supported and well-maintained municipal infrastructure is as imperative as it was in 2021.

We have also heard from our members on this matter. Municipalities outside of high-growth regions have expressed concern about the diminishing level of grant funding opportunities for municipalities trying to preserve the economic value of their existing infrastructure. Additionally, while growing municipalities have made significant efforts to emplace new, housing-enabling infrastructure, which has been rewarded through the Building Faster Fund, many of their state-of-good-repair capital plans remain underfunded. To maximize the economic potential of federal and provincial investment in infrastructure, all orders of government must work together to preserve service levels and the public value of existing infrastructure, and permanently doubling OCIF to \$400 million/year will especially help small and rural municipalities preserve that economic foundation throughout Ontario.

By adopting a Team Ontario approach during recent and ongoing economic challenges, we have seen how significant progress can be made when municipalities and the provincial government work together to achieve a common goal. Should you wish to follow up on this letter, please contact MFOA Executive Director, Donna Herridge (donna@mfoa.on.ca).

Sincerely,



Dr. Adam Found, Ph.D., PLE
President and Chair

cc. Hon. Rob Flack, Minister of Municipal Affairs and Housing
cc. Hon. Peter Bethlenfalvy, Minister of Finance

**Township of Southgate
Administration Office**

185667 Grey County Road 9, RR 1
Dundalk, ON N0C 1B0



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Web: www.southgate.ca

September 17, 2026

**Re: Support - Town of Parry Sound – Request for Province to Establish
Regulatory Framework for E-Scooters**

Please be advised that at its regular meeting held on September 16, 2026, Council of the Corporation of the Township of Southgate approved the following:

No. 2026-346

Moved By Deputy Mayor Dobreen

Seconded By Councillor Shipston

Be it resolved that Southgate Council receive for information the correspondence from the Town of Parry Sound regarding the establishment of a regularly framework to govern e-scooters; and

That a copy of this resolution be circulated to the Association of Municipalities of Ontario (AMO), the Rural Ontario Municipal Association (ROMA), the Premier of Ontario, Doug Ford, the Minister of Transportation, Prabmeet Singh Sarkaria, Bruce-Grey Owen Sound MPP Paul Vickers, and Ontario municipalities.

Carried

If you have any questions, please contact our office at (519) 923-2110, ext 233.

Sincerely,

Holly Malynyk, Deputy Clerk
Township of Southgate

Encl: Town of Parry Sound – Request Province Establish Regulatory Framework for E-scooters

CC:

AMO

ROMA

Hon. Doug Ford, Premier of Ontario

Hon. Steven MacKinnon, The Minister of Transportation

Prabmeet Singh Sarkaria, MPP, Parry Sound-Muskoka

Paul Vickers, MPP, Bruce-Grey-Owen Sound

All 444 Municipalities in Ontario



THE CORPORATION OF THE TOWN OF PARRY SOUND
RESOLUTION IN COUNCIL

NO. 2026 –

DIVISION LIST

YES NO

DATE: September 1, 2026

Councillor **G. ASHFORD**
Councillor **J. BELESKEY**
Councillor **P. BORNEMAN**
Councillor **B. KEITH**
Councillor **D. McCANN**
Councillor **C. McDONALD**
Mayor **J. McGARVEY**

MOVED BY:

SECONDED BY:

CARRIED: ☒ DEFEATED: ☐ Postponed to:

WHEREAS electric kick-style scooters (e-scooters) have become an increasingly popular and affordable form of transportation in Parry Sound and across Ontario; and

WHEREAS e-scooters can provide an accessible, low-emission transportation option and help address transportation needs in communities such as Parry Sound that do not have conventional public transit; and

WHEREAS Ontario's current e-scooter pilot program places responsibility on individual municipalities to determine how e-scooters may operate locally, creating administrative and enforcement challenges, particularly for smaller municipalities with limited resources; and

WHEREAS the continued use of a pilot framework has resulted in uncertainty and inconsistent approaches to e-scooter regulation across the Province.

THEREFORE BE IT RESOLVED that the Council of the Town of Parry Sound requests that the Province of Ontario establish a province-wide regulatory framework for e-scooters that recognizes their unique operating characteristics, maintains appropriate safety standards, and provides municipalities with authority to address local needs; and

FURTHER BE IT RESOLVED that the Town of Parry Sound requests the support of the Association of Municipalities of Ontario (AMO) and the Rural Ontario Municipal Association (ROMA) in advocating for a framework that reduces unnecessary administrative and enforcement burdens on local municipalities; and

FINALLY BE IT RESOLVED that a copy of this resolution be circulated to the Association of Municipalities of Ontario (AMO), the Rural Ontario Municipal Association (ROMA), the Premier of Ontario, Doug Ford, the Minister of Transportation, Prabmeet Singh Sarkaria, Parry Sound–Muskoka MPP, Graydon Smith, and all municipalities across Ontario.