

CHAIN LINK FENCE

PARKING LOT

GARAGE



220'

135'

ALGOMA

TAVERN

EXIT

CHAIN FENCE

74'

EXIT

LICENCED
DECK

RAMP

25'

30'

17'

CANOPY

20'

20'

EXIT

CHAIN FENCE

77'

CHAIN LINK FENCE

ERRINGTON ST.

WESTERN DAYS

2002

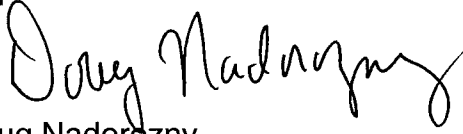
Report To: CITY COUNCIL

Report Date: 2002-05-10


Meeting Date: 2002-05-16

Subject: Temporary Liquor Licence Extension and Exemption to Noise By-law 82-14 (former Town of Rayside/Balfour) - Royal Canadian Legion, Branch 553

Department Review:


Doug Nadorozny,
General Manager of Economic
Development and Planning Services

Recommended for Agenda:


Jim Pule,
Chief Administrative Officer

Report Authored by: R. Leblanc, M.L.E.O.

Recommendation:

This Council has no objection to the issuance of a temporary extension to their liquor licence and no objection to the granting of an exemption to By-law 82-14 (former Town of Rayside/Balfour) Noise By-law to the Royal Canadian Legion, Branch 553, 211 Coté Street, Chelmsford, to hold their Canada Day Celebration. The event will take place on July 1st, 2002 from 12:00 noon to 1:00 a.m. with an anticipated attendance of 200 - 300 people during the event.

And further that this approval be subject to the following conditions:

1. That the tent be erected in accordance with the provisions of the Ontario Building Code;

2. That the event representative contact the Director of Maintenance for the required signage and barricading on the understanding that the event representative will be responsible for assisting the setting up and returning of the said signage and barricading;
3. That the event representative ensure emergency vehicles have access to the event area;
4. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicates a Fire Safety Plan is required for this event;
5. That no bonfires of any kind, barbecues or similar types of cooking devises shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;
6. That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the audience or crowd versus projecting straight over the crowd or adjoining properties;
7. That the event representative ensure that the surrounding businesses and residential properties are notified of the event at least ten (10) days prior to the start of the event;
8. That the special event organizer shall ensure the provision of adequate clean-up of the site and those properties adjacent to the event area no later than 12:00 o'clock noon on Tuesday, July 2nd, 2002;

Background:

Attached is an application for a temporary liquor licence extension and exemption to By-law 92-13 of the former Town of Nickel Centre (Noise By-law) submitted by Normand Dupuis on behalf of the Royale Hotel at 20 Birch Street, Garson and the Falcon Hotel at 3024 Falconbridge Road, Garson.

Both hotels are owned by the same person and the request is made as a joint venture to celebrate 100 years of serving the local community.

In accordance with Council's policy, this application was circulated to the Interim Fire Chief, Police Chief, Director of Citizen & Leisure Services, the City Solicitor and the Co-ordinator of Traffic and Parking. Their concerns have been added to the conditions for approval.

The foregoing resolution has therefore been placed on the Agenda for your consideration.



city of / ville de
SUDBURY

**Application for Approval
of Outdoor Fund Raisers
and Community Festivals**

Name of Applicant

Claire Hamilton

Name of Group

Royal Canadian Legion Br. 553

Address

211 Côte St. Chelmsford

Telephone

(705) 855-2865

Proposed Event (Describe all activities to be held)

Community Canada Day
Celebration / kids games, pony rides, B.B.Q., D.J. afternoon,
Live Band evening, Beer Tent, fireworks, street dance

Anticipated Attendance

200 to 300

Location

211 Côte St. Chelmsford

Date

July 1 / 2002

Hours of Operation

12 noon to 1 a.m.

Owner/Occupant of Location

Royal Canadian Legion (Memorial Hall)

Address

211 Côte St. Chelmsford

Telephone No

(705) 855-2865

Security Proposed (State whether police, private security or other and numbers)

There will
be legion members acting as security (approximately 8)

Proposed Access To Location and Proposed Parking Area (Attach Sketch if necessary)

see attached

Has This Event Been Held Before? (Provide Details)

no, not outdoors.

We've held an inhouse celebration last year.

Has this Group sponsored ant previous outdoor fund raisers or community festivals?

yes - Royal Festival Weekend at the Vermilion
Lake Park on July 20 to 22 / 2001

Claire Hamilton
Signature of Applicant

I/WE certify the above information to be correct and undertake to advise the Municipal ByLaw Enforcement Officer immediately upon any change in the above information.

FREEDOM OF INFORMATION
Personal Information on this form is collected under the authority of the Municipal Act, Liquor License Act and is used to process Application For Approval Of Outdoor Fund Raisers And Community Festivals. For further information please contact the City Clerk, c/o The Corporation of the City of Sudbury, 200 Brady Street, PO Box 5000, Station "A" Sudbury, Ontario, P3A 5P3.



The Royal Canadian Legion
Chelmsford, Ontario Branch 553
211 Cote Street, Chelmsford, Ontario P0M 1L0
Telephone:- Office 705-855-2865 Branch:-705-855-9411
Fax: 705-855-2865

e-mail address:- rclbranch553@sympatico.ca

January 28, 2002

Greater City of Sudbury
P.O. Box 5000
Station "A"
Sudbury, Ontario
P3A 5P3

Sir/Madam;

We are applying for a license to hold a "Canada Day Celebration" on, of course, July 1st 2002. Enclosed you will find the application as well as a letter signed by the surrounding neighbours with their permission to close off a section of the streets. They are all comfortable with this especially for this event.

I am also enclosing a list of the proposed events to be held on that day. As soon as we get the application approved, we will go ahead and confirm with the plans. We are well aware that we must write to the local municipal clerk's department, police, fire and health departments informing them of the event and identifying the physical boundaries. These letters are also enclosed.

I thank you very much for your prompt attention to this matter as there will be a lot of planning for this special day. If you have any questions or wish to meet with to discuss more about this, please feel free to call me at the Legion office, (705)855-2865 during the day. If I am not available please leave a message.

Yours in comradeship;

Claire Hamilton
Canada Day Chairman

Cc/on file

"Lest we Forget"

CANADA DAY EVENTS

TENT ACTIVITIES

1 P.M. TO 5 P.M.

STARLITE D.J.

12 NOON TO 11:00 P.M.

BAR (all roped off for no entry or exit with alcoholic beverages)

12 NOON TO 10:00 P.M.

B. B. Q.

6 P.M. TO 10.00 P.M.

LIVE BAND (street dance)

INDOOR HALL ACTIVITIES

1 P.M. TO 4 P.M.

CHILDREN'S GAMES (fish pond, face painting, show movies, clowns, races, etc...)

BALL FIELD ACROSS COTE STREET

10:30 P.M.

FIREWORKS (under supervision of a professional, this area is well fenced in for safety)

PARKING AREA TO BE DESIGNATED AT THE ARENA, WITH THE CITY'S PERMISSION TO USE THIS. WE ALSO NEED PERMISSION TO USE THE BALL FIELD ON COTE STREET TO HAVE OUR FIREWORKS.

FLYERS WILL BE OUT IN MAY FOR THIS EVENT WICH WILL INVOLVE THE WHOLE COMMUNITY.



The Royal Canadian Legion
Chelmsford, Ontario Branch 553
211 Cote Street, Chelmsford, Ontario P0M 1L0
Telephone:- Office 705-855-2865 Branch:-705-855-9411
Fax: 705-855-2865
e-mail address:- rclbranch553@sympatico.ca

January 21, 2002

Greater City of Sudbury
P.O. Box 5000
Station "A"
Sudbury, Ontario
P3A 5P3

Sir/Madam;

Below you will find a list of the local addresses, the signatures of the owners and their approval to close a section of Fitzgerald Street in order for us to hold a Canada Day Celebration. The hours will be from 12 noon to 11 p.m. We have the proper security guards to ensure that the area in question is very well looked after and still accessible for any emergencies that may arise.

NAMES	ADDRESS	YES	NO	SIGNATURE
Lucie Watier	199 Ché (tenant)	✓		Lucie Watier
YVETTE MECHEFSKE	199 Ché (owner)	✓		Y. Mechefske
Lou Gerling	15 Fitzgerald (owner)	✓		Lou Gerling
Rejean Devost	200 Charette (owner)	✓		Rejean Devost

Hoping that this is satisfactory, until next time, I remain;

Yours in comradeship;

Claire Hamilton
Canada Day Celebration
Chairman

Cc/on file

"Lest we Forget"

COTE STREET

BUNKER STREET

HARETTE STREET


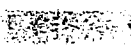

BBQ



LEGION BUILDING



FITZGERALD STREET

-  -barricades
- neighbours approval
-  -tent & B.B.Q
-  -legion cenotaph

RECEIVED

FEB 05 2002

AGCO
Licensing and Registration Dept.

Report To: **CITY COUNCIL**

Report Date: 2002-05-10

Meeting Date: 2002-05-16

Subject: Temporary Liquor Licence Extension and Exemption, Chapter 776
(former City of Sudbury Municipal Code), Noise By-law
- Nickel City Inn - 252 Hazel Street, Sudbury

Department Review:



Doug Nadorozny 
General Manager of Economic
Development and Planning Services

Recommended for Agenda:



Jim Fule,
Chief Administrative Officer

Report Authored by: R. Leblanc, M.L.E.O.

Recommendation:

This Council has no objection to the issuance of a temporary extension to their liquor licence and no objection to the granting of an exemption to Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law) to the Nickel City Inn, 252 Hazel Street, Sudbury, to include a beer tent being operated beside the Inn on the closed portion of Alder Street, Sudbury. The request is made to facilitate the hosting of their Annual West End Weekend and the hours of operation will be: Friday, June 14th, 2002 from 4:00 p.m. to 1:00 a.m.; Saturday, June 15th, 2002 from 11:00 a.m. to 1:00 a.m.; and Sunday, June 16th, 2002 from 11:00 a.m. to 10:00 p.m.

And that the foregoing approval be subject to the following conditions:

- 1. That the tent be erected in accordance with the provisions of the Ontario Building Code and that no spikes shall be used to anchor the tent;**
- 2. That the event representative contact the Director of Maintenance for the required signage and barricading on the understanding that the event representative will be responsible for assisting the setting up and returning of the said signage and barricading;**
- 3. That the event representative ensure emergency vehicles have access to the event area;**
- 4. That the event representative provide adequate liability insurance in a form satisfactory to the Manager of Financial Planning & Policy;**
- 5. That all Ontario Fire Code regulations must be adhered to, in particular, with respect to Section 2.8 that indicates a Fire Safety Plan is required for this event;**
- 6. That no bonfires of any kind, barbecues or similar types of cooking devices shall be operated on the site without the consent of the Fire Chief, and that an approved fire extinguisher be provided for each of the foregoing;**
- 7. That when outdoor amplified sound equipment is in use, all speakers and speaker stacks shall be positioned to tilt downward into the audience or crowd versus projecting straight over the crowd or adjoining properties;**
- 8. That the event representative ensure that the surrounding businesses and residential properties are notified of the event at least ten (10) days prior to the start of the event;**
 - Such notification shall include the complaints procedure has been put in place by the event representative so that any complaints made by the surrounding residents can be responded to properly by the event representative. This notice shall describe all steps taken by**

the event representative to control excessive noise, dust, smoke, glare, spillover lighting and clean-up arrangements;

- **The notice must state that alcohol will be part of this event;**
- **The event representative shall provide the name of a contact person with his or her cellular phone number, pager number or describe other means as to how this person may be contacted during the event. The event representative shall ensure that a contact person is present on the site during the entire duration of the event;**
- **The event representative shall provide the City Clerk's Office with a copy of this notice.**

Background:

Attached is an application submitted by Mr. Marty Martel, Manager of the Nickel City Inn, requesting Council's approval for a temporary extension to their liquor licence and exemption from Chapter 776 of the former City of Sudbury Municipal Code (Noise By-law). He would like to operate a beer tent on the closed portion of Alder Street, Sudbury. The request is made in conjunction with their Annual West End Weekend.

A concern has been raised by a resident in the area with regard to the lateness of the hour the bands continue to perform. In an attempt to strike a balance, the foregoing resolution includes a provision for outdoor amplified sound equipment and an alteration from previous years to reduce the hours the band performs from 2:00 a.m. to 1:00 a.m. to address this issue. The complainant has been notified that this matter is on the Agenda for Council's consideration.

In accordance with Council's policy, this application was circulated to the Interim Fire Chief, Police Chief, Director of Citizen & Leisure Services, the City Solicitor and the Co-ordinator of Traffic and Parking. Their concerns have been added to the conditions for approval.

The foregoing resolution has therefore been placed on the Agenda for your consideration.

Nickel City Hotel
252 Hazel Street
Sudbury, Ontario
P3C 1J2

April 29, 2002

Mr. Tom Mowry
City of Sudbury
Tom Davies Square
200 Brady Street
Sudbury, Ontario

Dear Mr. Mowry:

Please consider this letter as our application to close part of Alder Street for the Fourth Annual West-End Weekend from 4:00 p.m. on Thursday, June 13, 2002 to 8:00 a.m. Monday, June 17, 2002. As in past years, we will be applying for an extension on our liquor licence for the following dates:

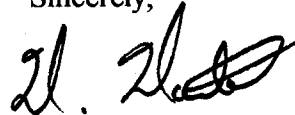
- * Friday, June 14, 2002 from 4:00 p.m. to 2:00 a.m.
- * Saturday, June 15, 2002 from 11:00 a.m. to 2:00 a.m.
- * Sunday, June 16, 2002 from 11:00 a.m. to 10:00 p.m.

During our Fourth Annual West-End Weekend, we will be having specials with the local business community and a Porketta Bingo will be held on Sunday, June 16, 2002.

I have enclosed a small map showing where the tent and barricades will be located. Should you have any questions or concerns, please do not hesitate to contact me at 675-7482.

Thank you.

Sincerely,



Marty Martel
Manager
Nickel City Hotel



city of | ville de
SUDBURY

**Application for Approval
of Outdoor Fund Raisers
and Community Festivals**

Name of Applicant NICKEL CITY HOTEL

Name of Group _____

Address 250 HAZEL ST Telephone 675-7482

Proposed Event (Describe all activities to be held) ANNUAL WREST END WEEKEND
MUSIC - PERKATA, DANCE- SINGING COMPETITION
FUND RAISING FOR CHARITY.

Anticipated Attendance 2500 Location ALDR STREET

Date JUNE 14-15-16 Hours of Operation 4 P.M. - 2 A.M. - 14
11 A.M. - 2 A.M. - 15
11 A.M. - 10 P.M. - 16

Owner/Occupant of Location NICKEL CITY HOTEL.

Address _____ Telephone No. _____

Security Proposed (State whether police, private security or other and numbers) _____

OWN SECURITY PEOPLE

Proposed Access To Location and Proposed Parking Area (Attach Sketch if necessary)

Has This Event Been Held Before? (Provide Details) THIS IS GOING TO BE

THE FIFTH ANNUAL WEEKEND.

Has this Group sponsored ant previous outdoor fund raisers or community festivals?

Signature of Applicant

I/WE certify the above information to be correct and undertake to advise the Municipal ByLaw Enforcement Officer immediately upon any change in the above information.

FREEDOM OF INFORMATION

Personal information on this form is collected under the authority of the Municipal Act, Liquor Licence Act and is used to process Application For Approval Of Outdoor Fund Raisers And Community Festivals. For further information please contact the City Clerk, c/o The Corporation of the City of Sudbury, 200 Brady Street, PO Box 5000, Station "A", Sudbury, Ontario. P3A 5P3.

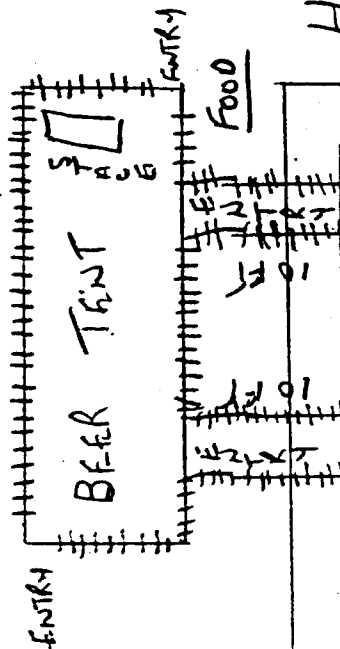
LOREN STREET

NORTHERN BREWERIES

CARAGE

DECK CARAGE

ALDER STREET



TENT: 40 X 100 FT
+++ SNOW FENCE: 48" HIGH
FOOD: INSIDE - REGULAR
FOOD OUTSIDE: BARBECUE
HOT DOGS, HAMBURGERS
ETC...

3-1 L L O 3 STREET

City Agenda Report

Report To: **CITY COUNCIL**

Report Date: May 8, 2002

Meeting Date: May 16, 2002

Subject: Application for Temporary Road Closure
Alder Street, 5th Annual West End Weekend

Division Review:



R. G. (Greg) Clausen, P. Eng.
Director of Engineering Services

Department Review:



D. Bélisle
General Manager of Public Works

C.A.O. Review:



J. L. (Jim) Rule
Chief Administrative Officer

Report Prepared by: Dave Kivi, Acting Co-ordinator of Traffic & Transportation Services

Recommendation:

That Council pass a By-law approving the temporary closure of Alder Street between Hazel Street and Willow Street for the following period;

4:00 p.m. Thursday, June 13th, 2002
to
8:00 a.m. Monday, June 17th, 2002

to facilitate the 5th Annual West End Weekend Community Festival.

Executive Summary

This is the 5th Annual West End Weekend sponsored by the Nickel City Hotel. The event includes a street dance, casino, live bands and a beer tent. Fundraising will be for a local community charity.

Staff recommends that a temporary street closure of Alder Street be approved for this annual community event.

Background:

Attached is a letter, Exhibit '1', and Application for Approval of Outdoor Fund Raising and Community Festival, Exhibit '2', from Mr. Marty Martel, Manager of the Nickel City Hotel dated April 29th, 2002 requesting Council approval for the temporary closure of a portion of Alder Street in conjunction with their 5th Annual West End Weekend.

The proposed street closure is shown on Exhibit '3' attached.

As in previous years the even will include a street dance, casino, live bands and beer tent. Fundraising will be for a local charity.

The Economic and Planning Department has prepared a concurrent report dealing with the application for an extended liquor license.

Ward Councillors, Gerry McIntaggart and Eldon Gainer support this application and temporary road closure.

As in previous years, Mr. Martel will be permitted to borrow City barricades and appropriate street signage. City staff will monitor the area to ensure that signage and barricades are properly installed and maintained.

Staff recommend that Council pass a By-law approving the temporary closure of Alder Street between Hazel Street and Willow Street for the following time periods;

4:00 p.m. Thursday, June 13th, 2002
to
8:00 a.m. Monday, June 17th, 2002

to facilitate the 5th Annual West End Weekend Community Festival.

Attachments

/bb

66

Nickel City Hotel
252 Hazel Street
Sudbury, Ontario
P3C 1J2

April 29, 2002

Mr. Tom Mowry
City of Sudbury
Tom Davies Square
200 Brady Street
Sudbury, Ontario

Dear Mr. Mowry:

Please consider this letter as our application to close part of Alder Street for the Fourth Annual West-End Weekend from 4:00 p.m. on Thursday, June 13, 2002 to 8:00 a.m. Monday, June 17, 2002. As in past years, we will be applying for an extension on our liquor licence for the following dates:

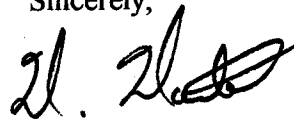
- * Friday, June 14, 2002 from 4:00 p.m. to 2:00 a.m.
- * Saturday, June 15, 2002 from 11:00 a.m. to 2:00 a.m.
- * Sunday, June 16, 2002 from 11:00 a.m. to 10:00 p.m.

During our Fourth Annual West-End Weekend, we will be having specials with the local business community and a Porketta Bingo will be held on Sunday, June 16, 2002.

I have enclosed a small map showing where the tent and barricades will be located. Should you have any questions or concerns, please do not hesitate to contact me at 675-7482.

Thank you.

Sincerely,



Marty Martel
Manager
Nickel City Hotel



city of | ville de
SUDBURY

Application for Approval of Outdoor Fund Raisers and Community Festivals

Name of Applicant NICKEL CITY HOTEL **EXHIBIT '2'**

Name of Group _____

Address 250 HAZEL ST Telephone 675-7482

Proposed Event (Describe all activities to be held) ANNUAL WREST END WEEKEND
MUSIC - PORRITA, DANCE- SINGING COMPETITION
FUND RAISING FOR CHARITY.

Anticipated Attendance 2500 Location ALORA STREET

Date JUNE 14-15-16 Hours of Operation 4 P.M. - 2 A.M. - 14
11 A.M. - 2 A.M. - 15
11 A.M. - 10 P.M. - 16

Owner/Occupant of Location NICKEL CITY HOTEL.

Address _____ Telephone No. _____

Security Proposed (State whether police, private security or other and numbers) _____
OWN SECURITY PEOPLE

Proposed Access To Location and Proposed Parking Area (Attach Sketch if necessary)

Has This Event Been Held Before? (Provide Details) THIS IS GOING TO BE

THE FIFTY ANNUAL WEEKEND.

Has this Group sponsored ant previous outdoor fund raisers or community festivals?

[Signature]

Signature of Applicant

I/WE certify the above information to be correct and undertake to advise the Municipal ByLaw Enforcement Officer immediately upon any change in the above information.

FREEDOM OF INFORMATION

Personal information on this form is collected under the authority of the Municipal Act, Liquor Licence Act and is used to process Application For Approval Of Outdoor Fund Raisers And Community Festivals. For further information please contact the City Clerk, c/o The Corporation of the City of Sudbury, 200 Brady Street, PO Box 5000, Station 'A', Sudbury, Ontario. P3A 5P3.

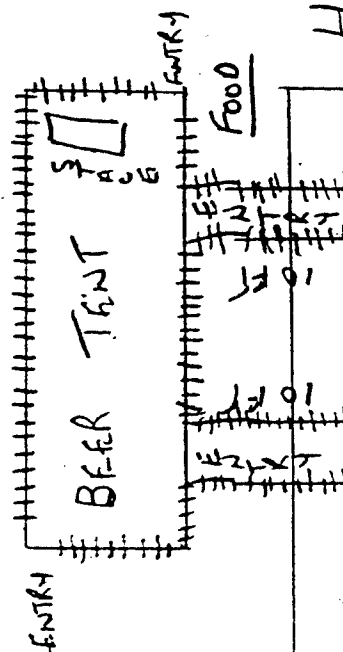
LOKNE STREET

NORTHERN BREWERIES

CARAGE

BAR-CADE

ALDER STREET



BARRICADE

TENT: 40 X 100 FT
 FENCE: SNOW FENCE: 48" HIGH
 FOOD: INSIDE - REGULAR
 FOOD OUTSIDE: BARBECUE
 HOT OIES, HAMBURGERS
 ETC...

HANDEL STREET

HARRISBER LAKE

3-1 L L O 3 STREET

Agenda Report

Report To: **CITY COUNCIL**

Report Date: **May 8, 2002**

Meeting Date: **May 16, 2002**

Subject: Commercial / Industrial Vacancy Rebate Program

Division Review:



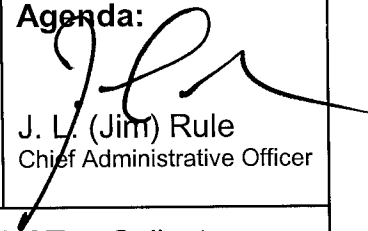
S. Jonasson
Director of Finance /
City Treasurer

Department Review:



D. Wuksinic
General Manager, Corporate Services and
Acting General Manager, Emergency Services

**Recommended for
Agenda:**



J. L. (Jim) Rule
Chief Administrative Officer

Report Prepared by: Tony Derro, Supervisor of Tax / Chief Tax Collector

Recommendation:

That By-law 2002-133F be passed establishing the Commercial / Industrial Rebate Program for the City of Greater Sudbury and authorizing a verification service agreement with the Municipal Property Assessment Corporation.

Executive Summary:

The Province of Ontario has introduced a new Commercial / Industrial Vacancy Rebate Program commencing the taxation year 2001. All municipalities have been given the responsibility to administer the Program within their municipal jurisdiction.

Background:

Prior to 2001, commercial and industrial property owners that experienced vacancies notified the Municipal Property Assessment Corporation before November 1 of each year. The assessment roll was then returned for the next taxation year reflecting the assessed value of the vacant area separately from fully occupied space. The municipality then applied a lower tax rate to the assessed value of the vacant area in order for the property owner to receive tax relief.

In December of 2000, the Province of Ontario enacted Bill 140, the Continued Protection for Property Taxpayers Act and Regulation #325/01 to provide the authority for the Commercial / Industrial Vacancy Rebate Program. For the 2001 taxation year, the assessment roll was returned showing all commercial and industrial properties as fully occupied in an effort to implement a real-time approach for vacancies. The authority now requires the property owner to file an application for a rebate of taxes for that portion of the year the property was vacant. Under the new Program, Regulation #325/01 municipalities are authorized to receive the commercial / industrial rebate program applications, process same, and calculate the rebate amount.

The Municipal Property Assessment Corporation was given the responsibility of providing the current value assessments to the municipalities in order for the calculations to be completed. The legislation did not address the issue of verifying the dates of vacancy and this responsibility defaulted to the municipality.

In mid-2001, MPAC indicated to both the Ministry of Finance and client municipalities, a willingness to accept the verification responsibility, for a fee. MPAC and the Ministry of Finance negotiated for several months before a workable process was developed. This delay affected all municipalities in the Province and the Ministry of Finance acknowledged the problem by establishing a deadline of June 30, 2002 for municipalities to process the 2001 applications.

For 2001, we have received approximately 550 applications and all have been sent to the Municipal Property Assessment Corporation in order to obtain current value assessments on the vacant areas.

Highlights of the Program

For the information of Council, appended to this report as Exhibit 1, is an excerpt of a presentation by Diane Ross of the Ministry of Finance to the Association of Municipal Tax Collectors of Ontario (April 2002) concerning the Commercial / Industrial Vacancy Rebate Program. The Program highlights are:

- ▶ The property owner must apply to the municipality for the rebate before February 28 of the following year (February 28, 2002 for a 2001 vacancy).
- ▶ The space must be vacant for 90 consecutive days.
- ▶ The vacant space must be rentable, separately defined from other areas of the building and cannot be used for storage. Basement areas will not qualify unless they are rentable.
- ▶ Seasonal businesses and vacant land are not eligible.
- ▶ The Municipal Property Assessment Corporation is responsible for determining the value of the assessment for the vacant area.
- ▶ The municipality is responsible for verifying the accuracy of the vacancy and the time period involved.
- ▶ The amount of the rebate is 30 per cent (commercial) or 35 per cent (industrial) of the taxes attributed to the vacant space during the vacancy period.
- ▶ Municipalities have the option of choosing a common rebate percentage between 30 and 35 per cent for both commercial and industrial property classes as authorized by Section 442.5(4) of the Municipal Act.
- ▶ Property owners may submit a maximum of two applications per property per year:
(a) one application for all vacancies on the property during the entire tax year; or,
(b) one application for all vacancies during the first six (6) months of the year and a second application for the last six (6) months of the year.
- ▶ If the assessment on the property is reduced after a rebate is given due to an Assessment Review Board decision, Minutes of Settlement, reconsideration or Section 442 application, the proportionate rebate reduction can be charged back to the property as additional taxes.
- ▶ Property owners who disagree with the amount of the rebate can appeal to the Assessment Review Board within 120 days of receiving notice from the municipality.
- ▶ The municipality is liable to pay interest on a rebate if certain conditions are not met.
- ▶ The costs of a rebate under this Program is shared by the municipality and the school board in the same proportion that they share in tax revenue, however this does not include the administrative costs of the program.

Verification Criteria

City of Greater Sudbury staff have developed the following verification criteria as a result of consultations with the Municipal Property Assessment Corporation, the Ministry of Finance, various municipal associations and peer municipalities. Some or all of this criteria may be utilized, depending on the circumstances surrounding the vacancy application.

- a) eligibility of the vacancy with reference to buildings entirely / partially vacant
- b) eligibility of the vacancy with reference to date of application, tax year and number of ninety (90) days
- c) eligibility of the claimed area with reference to size of vacant area and the demised area
- d) excerpt of a lease agreement indicating the date of the lease termination
- e) rent invoices or correspondence that would support the vacancy application
- f) telephone contact with the property owner, former tenant, or current landlord of the former tenant to substantiate the applicable dates of vacancy
- g) measurement of the vacant area
- h) sketch of the vacant area indicating dimensions and location within the building
- i) photograph of the vacant area
- j) communication with the Clerk's department regarding information on business licenses
- k) liaison with Greater Sudbury Hydro regarding hydro consumption data
- l) any supporting documentation that the municipality deems relevant in order to facilitate the verification process.

Verification Options

The City of Greater Sudbury considered a number of options to complete the verification process of the Commercial / Industrial Vacancy Rebate Program:

- i) *Municipal Property Assessment Corporation* - the City may contract the work to MPAC since this organization is already mandated to provide the current value assessment on the vacancy application. As well MPAC has access to all of the property files in the commercial and industrial property classes. MPAC has provided a scope of the verification service and a fee structure regarding same, and both documents are attached as Exhibits 2 and 3, respectively.
- ii) *Agent / Contract Services* - the City may retain an agent or contract out the verification process. This could be on a contract basis or a weekly fee. Unfortunately this will result in a double handling of the vacancy application forms since they must be sent to MPAC firstly for calculation of the current value assessment of the vacant area and then returned to the City for field work by the agent / contract employee.
- iii) *Combination* - another option considered would be to retain MPAC for the special properties such as mines, mills and regional malls, and hiring an agent / contract employee to undertake the verification process in small commercial properties and strip malls.

ACTION:

Vacancy Rebate Program for Commercial / Industrial Properties

A Vacancy Rebate Program for Commercial / Industrial properties will be established by by-law as outlined in this report:

- ▶ the by-law will ensure that the City's Commercial / Industrial Vacancy Rebate Program complies with Section 442.5 of the Municipal Act and Regulation #325/01 as outlined in the attached Exhibit 1
- ▶ the by-law will provide the authority for the City to contract the verification process to the Municipal Property Assessment Corporation
- ▶ the by-law will establish the verification criteria for vacancy eligibility as contained in this report
- ▶ the by-law will address the administrative aspects of the City's Commercial / Industrial Vacancy Rebate Program, such as offsetting rebates against outstanding tax liabilities.

2001 Rebates

The City of Greater Sudbury has adopted the following action plan in an effort to process the 2001 commercial / industrial vacancy applications as expeditiously as possible:

- (A) For the 2001 commercial / industrial vacancy applications, the City will contract the verification process to the Municipal Property Assessment Corporation based on MPAC's scope of verification and fee structure. The Vacancy Rebate Program by-law will also authorize a verification service agreement with the Municipal Property Assessment Corporation.
- (B) Since the minimum cost of processing an application via MPAC is \$84.00, the City will utilize some of the simpler verification criteria for low cost rebates such as telephone contact with the property owner and former tenant.
- (C) The City has estimated that this Program will cost \$600,000, inclusive of the cost of vacancy verification.
- (D) Our software provider, Vailtech, has developed a program to facilitate the processing of applications electronically. The program inventories the applications, calculates the rebate and adjusts the tax roll accordingly. This program is available at no cost to the City and it is expected that our Information Technology staff will be loading this system during the week of May 14, 2002. Rebates will begin to be paid on or before June 15, 2002.

2002 and Future

For 2002 applications, the City will investigate other verification options. Although we were unable to do so for 2001 due to time constraints, for 2002 and future years, the City will investigate other verification options such as contracted services in an effort to obtain the most cost effective method of processing these applications.

VACANT COMMERCIAL and INDUSTRIAL BUILDINGS

Rebates under Section 442.5 of the Municipal Act and Ontario Regulation 325/01

Highlights

- Local municipalities must provide property tax rebates to owners of vacant commercial and industrial buildings.

By-Laws and Administration

- **Lower-tier and single-tier** municipalities are required to **administer** this rebate program.
- With respect to the passage of **by-laws**, the same situation appears in section 442.5 (vacancy rebates) as in section 442.1 (rebates to charities); that is, the legislation does not specify that a by-law is required, but it does state that every local municipality shall have a tax rebate "program" for vacant properties.
 - ▶ As noted on page 1 above, many lawyers believe that a by-law must be passed in respect of every program that is administered by a municipality, even if the municipality will only be implementing the features of the program that are made mandatory by the legislation. Other lawyers believe that a by-law is not required for a municipality to act on mandatory directions that are set out in legislation.
 - ▶ Out of an abundance of caution, it is recommended that municipalities pass a by-law setting out the details of the program that will be implemented in accordance with the requirements of section 442.5 of the *Municipal Act* and O. Reg. 325/01.
- If a local municipality wants to exercise the option of imposing evidentiary requirements beyond those stipulated in the Act and regulation, it must pass a by-law setting out those requirements [section 442.5(5)].
- If an upper-tier or single-tier municipality passed a **by-law under section 368.1(4)** of the *Municipal Act* to specify a percentage tax rate reduction for the vacant land and excess land sub-classes that differs from the standard 30% for commercial and 35% for industrial property, the percentages in that by-law will also apply to the rebates that are issued by local municipalities under this program.



Form of Relief

- Tax relief under this program takes the form of a tax rebate.
- If the property owner has an outstanding tax liability, the rebate may be processed as a credit against the outstanding liability [section 442.5(14)].

Eligible Property

Buildings that are Entirely Vacant:

- A whole commercial or industrial building will be eligible for a rebate if the entire building was unused for at least 90 consecutive days [O. Reg. 325/01, section 1(1)].

Buildings that are Partially Vacant:

- A suite or unit within a commercial building will be eligible for a rebate if, for at least 90 consecutive days, it was:
 - ⇒ unused; and
 - ⇒ clearly delineated or physically separated from the used portions of the building; and
 - ⇒ either
 - capable of being leased for immediate occupation, or
 - not capable of being leased for immediate occupation because it was undergoing repairs or renovations, or it was in need of repairs or renovations, or it was unfit for occupation. [O. Reg. 325/01, section 1(2)]
- A portion of an industrial building will be eligible for a rebate if, for at least 90 consecutive days, it was:
 - ⇒ unused; and
 - ⇒ clearly delineated or physically separated from the used portions of the building. [O. Reg. 325/01, section 1(3)]

Clarification of Terms Defining Eligibility

“Used”:

- Property will only be eligible for a rebate if it is not used.
- For the purpose of this program, the following circumstances **do not** constitute “use”:
 - construction, repairs or renovations of vacant premises;
 - heating, cooling, lighting, or cleaning of vacant premises;
 - presence of fixtures in vacant premises (e.g. shelving units that are bolted to the wall or floor) [O. Reg. 325/01, section 1(4) para. 2].

“90 Consecutive Days”:

- A property will only be eligible for a rebate if it is vacant for at least 90 consecutive days. However, 89 days will suffice if the period of the vacancy includes the month of February [O. Reg. 325/01, section 1(4) para. 1].

Exclusions from Eligible Property

Seasonal Property:

- Businesses that operate on a “seasonal” basis are not eligible for a rebate for the seasons they are closed.
- In this regulation, “seasonal” is used to refer to businesses that ordinarily operate for one to three seasons per year and choose to close during their off-season(s) [O. Reg. 325/01, section 1(5)(a)].
 - ▶ The word “seasonal” has a cyclical connotation that describes businesses which, on an annual basis, only operate during selected seasons.
 - ▶ For example, a business which chooses to operate each year from April 1 to October 1 would not be eligible for a rebate for the remaining months in the year.
 - ▶ This reflects historic practices under the former business occupancy tax (BOT) rules whereby seasonal businesses were subject to BOT on a full-year basis.



Leased Property:

- Buildings or portions of buildings that are vacant, but are leased to a tenant, are not eligible for a rebate [O. Reg. 325/01, section 1(5)(b)].
 - ▶ More specifically, the property is not eligible for a rebate if “a tenant is in possession of the leasehold interest” (which means that a lease term is in effect).

Vacant Land Sub-Class:

- New buildings that have never been occupied are not eligible for a rebate because they are included in a vacant land sub-class and are already being taxed at the reduced rate [O. Reg. 325/01, section 1(5)(c)].

Applications

- Property owners (or their authorized representatives) must submit an application to their local municipality in order to receive a rebate under this program.

Form of Application:

- There is no provincially-prescribed application form.
- The Province has developed a sample form that municipalities may choose to provide to their taxpayers (see Appendix 3). However, municipalities may develop their own forms.

Contents of Applications:

- At a minimum, rebate applications must contain the following information [O. Reg. 325/01, section 3]:
 - ▶ name of property owner (and name of owner's agent, if applicable);
 - ▶ municipal address of property;
 - ▶ roll number of property;
 - ▶ dates of vacancy;
 - ▶ description of vacant portion of property (suite number and floor number or description of location within building);
 - ▶ size of vacant area in square feet.
- The municipality or MPAC may request further information from the applicant to assist in identifying the vacant area.

Number of Applications:

- Property owners may submit a maximum of two applications *per property* per year [Municipal Act, section 442.5(2)6].
 - ▶ Owners may submit one application in respect of all vacancies that occurred on a property during the tax year, or they may submit one application in respect of the vacancies that occurred during the first six months of the year and a second application in respect of the vacancies that occurred during the last six months of the year.

Calculation of Rebates



Rebates under this program should be calculated as follows [O. Reg. 325/01, section 2]:

$$\begin{array}{ccccccc} \text{assessed value} & & & \text{number of days} & & & \\ \text{of vacant area (1)} & & \text{taxes levied} & \text{of vacancy (4)} & & & \\ \hline & \times & \text{on whole property} & \times & & & \\ \text{assessed value of} & & \text{for the year (3)} & & \times & \text{30\% or 35\% (6)} & = \text{Rebate} \\ \text{whole property (2)} & & & & & & \\ & & & \text{total number of} & & & \\ & & & \text{days in year (5)} & & & \end{array}$$

Notes to Calculation Formula:

- (1) The assessed value of the vacant area will be the portion of the property's current value assessment (CVA) that is attributable to the vacant area, as determined by MPAC.
- (2) The assessed value (CVA) of the whole property does not include portions of the property that are exempt from taxation or portions that are in a sub-class for excess land. In a mixed-use property, the assessed value of the property refers to the CVA attributable to the portion of the property that is in the same property class as the vacant portion.
- (3) The taxes to be used in this calculation are the taxes that are actually levied on a property for a year, after taking into account adjustments for capping under section 447.68 and clawbacks under section 447.69 of the *Municipal Act*. (In other words, the rebates are based on capped taxes, not CVA taxes.) Note also that the taxes on the whole property do not include taxes attributable to portions of a property that are in a sub-class for excess land. In a mixed-use property, the taxes of the whole property refer to the taxes attributable to the portion of the property that is in the same property class as the vacant portion.
- (4) Number of days of vacancy refers to the number of days that the property met the eligibility criteria within a tax year.
- (5) Total number of days in year will be 365 except in leap years when it will be 366.
- (6) The percentage will be 30% for commercial property and 35% for industrial property unless a municipality has passed a by-law under section 368.1(4) to apply a common percentage between 30-35% to all commercial and industrial vacancies.

- If a period of vacancy **begins after October 3** of one tax year and ends at least 90 days later in the **next tax year**, the rebate will be calculated by adding together the following two amounts:
 - ▶ the amount calculated using the above-noted formula in respect of the period of vacancy that occurred after October 3 of the first tax year;
 - ~ plus ~
 - ▶ the amount calculated using the above-noted formula in respect of the period of vacancy that occurred in the next tax year.
- See Appendix 2 for sample calculations and related notes.

Processing Applications

Applications should be processed through the following steps:

1. Property owner or authorized representative submits an application to the local municipality.
2. Municipality forwards a copy of the application to MPAC.
3. MPAC determines the assessed value that is attributable to the vacant area.
4. MPAC notifies the municipality of the value of the eligible vacant portion of the property.
5. Municipality calculates rebate and notifies property owner. Rebates may be issued as a credit against an outstanding tax liability or through direct payment to the property owner.

Timing

- Entitlement to a rebate does not begin until after a qualifying period of vacancy. Therefore, a rebate application should not be processed under after the requisite period of eligibility has passed.
- The deadline to submit applications for a tax year is **the last day of February** of the following year [*Municipal Act*, section 442.5(2)5]. For example, for the 2001 tax year, the deadline to submit applications was February 28, 2002.
- In the case of an eligible period of vacancy that straddles two tax years, that is, a property becomes vacant after October 3 of one year and the vacancy continues for at least 90 days into the next year, the deadline for a property owner to submit a rebate application in these circumstances is the last day of February following the second year.

- ▶ For example, if a vacancy commenced on October 31, 2002 and ended on March 31, 2003, the deadline to submit an application would be February 28, 2004.
- An exception to these deadlines arises in situations where a property owner receives a notice of omitted assessment after the tax year. In these cases, the deadline for an owner to submit a rebate application is 90 days after the date that the notice of omitted assessment was issued [O. Reg. 325/01, section 5].
 - ▶ For example, if an omitted assessment notice is issued in July 2003 adding value for 2001 and 2002 in respect of a building that was constructed in 2001, and if part of the building was vacant in 2002, the ordinary deadline to submit an application for a rebate would have passed on February 28, 2003 before the owner received the notice. The special deadline for omitted assessments would give this owner the opportunity to apply for a rebate.

Interest on Unpaid Rebates

- For the 2001 tax year, if a rebate application was submitted between January 1, 2001 and February 28, 2002, interest will begin to accrue on unpaid rebates on the later of the following dates [O. Reg. 325/01, section 6]:
 - ▶ June 30, 2002 (i.e. 120 days after the last day for filing rebate applications for the year); or
 - ▶ 120 days after the owner has provided all of the information required in support of the application.
- For 2002 and future years, interest will begin to accrue on unpaid rebates as follows [O. Reg. 325/01, section 7]:
 - ▶ for applications submitted between January 1 and July 31 of the tax year, interest will run from the later of (i) November 30 of the tax year, or (ii) 120 days after the owner has provided all of the information required in support of the application; and
 - ▶ for applications submitted between August 1 of the tax year and February 28 of the year following the tax year, interest will run from the later of (i) June 30 of the year following the tax year, or (ii) 120 days after the owner has provided all of the information required in support of the application.
- Interest is payable at the same rate that applies under section 257.11(4) of the *Education Act* [section 442.5(21)].

Overpayment

- If a municipality provides a rebate to a property owner under this program and subsequently learns that the amount paid was more than the amount to which the owner was entitled, the municipality may notify the owner of the amount of the discrepancy and may request repayment of that amount, provided the notice is sent to the owner within two years after the date of the original rebate application [section 442.5(23)-(24)].
- Overpaid amounts under this program are deemed to be taxes and may be collected by municipalities in the same manner as taxes.

Appeals

- Property owners who disagree with the amount of the rebate that is calculated by the municipality can appeal to the Assessment Review Board (ARB) within 120 days after receiving notification of the rebate amount from the municipality [section 442.5(15)].
 - ▶ The ARB is responsible for determining the amount of the rebate that is owing to the property owner [section 442.5(17)].
- If a municipality fails to process a rebate application by the dates that interest begins to accrue (as described on page 30 above), the owner may appeal to the ARB to ask the Board to determine the amount of their rebate entitlement [section 442.5(16) and O. Reg. 325/01 section 9].
- If a municipality notifies a property owner that the original rebate amount paid to the owner was too high and if the municipality seeks to re-collect the overpaid amount, the property owner may appeal to the ARB to seek a determination of the appropriate rebate amount.

Penalties

- A person who knowingly makes a false or deceptive statement in an application for a rebate may be liable, upon conviction, for a fine of double the amount of the rebate that the person sought to obtain through their false or deceptive statement [section 442.5(20)].
- For the purpose of verifying a vacancy rebate application, municipalities have been given similar rights as assessors to request information and obtain access to premises. A fine of \$100 per day may be imposed, upon conviction, for a property owner's failure to comply with a request for information [Municipal Act, section 442.5(6)-(10)].

Funding

- The costs of a rebate under this program shall be shared by the municipalities and school board(s) in the same proportion that those bodies share in the revenue from taxes [section 442.5(11)].





MUNICIPAL PROPERTY ASSESSMENT CORPORATION

VACANCY VERIFICATION SERVICE

March 2002

OVERVIEW

The Municipal Property Assessment Corporation (MPAC) will provide a Vacancy Verification Service (VVS) to assist municipalities in the administration of the Vacancy Rebate Program.

The service is available province-wide and is offered on a fee-for-service basis.

SCOPE OF VERIFICATION SERVICE

MPAC will investigate the accuracy of all facts set out in the application and any supporting documentation forming part of the application. Any other factual matter pertaining to the application will be investigated upon written request by the municipality.

MPAC will provide the municipality with a completed "Vacancy Verification Form" for each claim.

As an additional service, MPAC will provide a witness to testify before any court or tribunal regarding any findings made by MPAC.

OBJECTIVE OF VERIFICATION SERVICE

MPAC will investigate the accuracy of the following information as provided on the application:

- i. Eligibility of vacancy with reference to:
 - buildings entirely vacant
 - buildings partially vacant
- ii. Eligibility of vacancy with reference to:
 - date of application
 - tax year
 - number of (90) consecutive days
- iii. Eligibility of claimed area with reference to:
 - size of vacant area
 - demised area

The investigation will include some or all of the following functions:

- review of the data on the application, and/or any supporting documentation;
- phone contact with applicant;
- field inspection of the property, including contact with owner, tenant or adjoining tenant(s);
- inspection of vacant area;
- measurement of vacant area (if required); and
- photograph (if requested).

MPAC may retain a photocopy of the investigation form.

PROCESS OF VERIFICATION SERVICE

- i. The municipality and MPAC finalize a Service Agreement.
- ii. The municipality will forward to MPAC's VVS Office (see *Contact us*) an electronic inventory of properties to be verified, a paper copy of the applications along with any related documents.
- iii. The applications will be assigned to the Field Supervisors for processing.
- iv. The completed applications will be Processed Controlled by the Field Supervisors and returned to the VVS Office.
- v. The VVS Office will return to the municipality the completed electronic inventory, application(s) with related documents, Verification Form, and photograph (if requested).

FEE STRUCTURE FOR VERIFICATION SERVICE

The fee structure is based on type of property and service agreed to.

For the verification of applications pertaining to simple commercial/industrial properties, a flat rate per application will apply for up to three (3) vacant units. A flat rate for each additional vacant unit will apply.

For the verification of applications pertaining to complex/unique properties, an hourly rate will apply.

As an additional service, a witness will be provided to testify before any court or tribunals. An hourly rate for this service will apply.

The rates are subject to applicable taxes, disbursements and special service requests.

The fee schedule may be reviewed in more detail by contacting Mario Vittiglio at 1.800.263.3224 or 905.727.2647, ext. 101. You may also contact your local MPAC Account Manager or Municipal Relations Representative.

Contact us:

The Vacancy Verification Service Office is located at MPAC's Aurora Office:

50 Bloomington Road West, 2nd Floor
P.O. Box 2700
Aurora, ON L4G 6J8

Phone: 905.727.2647 ext 101
1.800.263.3224 ext 101

Fax: 905.727.2933
e-mail: verify@mpac.ca
web: www.mpac.ca

For specific and detailed information, municipalities may contact their local MPAC Account Manager or Municipal Relations Representative.

MUNICIPAL PROPERTY ASSESSMENT CORPORATION

VACANCY VERIFICATION SERVICE - FEE STRUCTURE

The fee structure is based on type of property and service agreed to.

For the verification of applications pertaining to "*simple*" commercial/industrial properties, a flat rate of \$84.00 per application will apply for up to three (3) vacant units. A flat rate of \$21.00 for each additional vacant unit will apply.

Sample of "Simple" property: retail, restaurant, motel, tavern, neighborhood plaza etc.

For the verification of applications pertaining to "*complex/unique*" properties, an hourly rate of \$84.00 will apply.

Sample of "Complex/Unique" property: office buildings, regional malls, mines, paper mills etc.

As an additional service for a witness to testify before any court/tribunals, an hourly rate of \$100.00 will apply.

The above fees are for the basic verification service. These rates are subject to special service requests and are also subject to applicable taxes and disbursements.

The fee schedule may be reviewed in more detail by contacting Mario Vittiglio at 1.800.263.3224 or 905.727.2647, ext. 101. You may also contact your local MPAC Account Manager or Municipal Relations Representative.

March 2002

Report To: CITY COUNCIL

Report Date: 30 April 2002

Meeting Date: 16 May 2002

Subject: Appointment of Planning Committee

Department Review:


Doug Wuksinic
General Manager, Corporate Services and
Acting General Manager, Emergency Services

Recommended for Agenda:


J.L. (Jim) Rule,
Chief Administrative Officer

Report Authored by: Thom M. Mowry, City Clerk

Recommendation:

1. THAT effective June 1st, 2002 the following five (5) Members of Council are hereby appointed to the Planning Committee for the term ending November 30, 2002 or until their successors are appointed:

1. Councillor Kilgour
2. Councillor _____
3. Councillor _____
4. Councillor _____

5. Councillor _____

AND THAT Councillor Kilgour be confirmed as Chair of the Planning Committee to hold office for the term ending November 30, 2002 or until his successor is appointed;

AND FURTHER THAT Councillor _____ be appointed as Vice-Chair of the Planning Committee to hold office for the term ending November 30, 2002 or until his/her successor is appointed.

Executive Summary:

Council at a Special Meeting held on 2002-03-27, called to consider the implementation of the Cuff Report on Council Governance, approved the creation of a five (5) Member Planning Committee to replace the current Committee of the Whole - Planning. In addition, Council approved a recommendation that the current Chair of Committee of the Whole - Planning, Councillor Kilgour be appointed as Chair of the new Planning Committee for the term ending November 30, 2002.

The purpose of this Report is to appoint five (5) Members of Council to the Planning Committee, one of whom shall be Councillor Kilgour and to confirm the appointment of Councillor Kilgour as Chair and one other member as Vice-Chair.

Appointment Procedure:

Council will be appointing a five (5) Member Planning Committee for the term ending November 30, 2002.

Councillor Kilgour will be appointed as both a member of the Committee and its Chair.

Following the appointment of the four (4) Members, then Council will select from the four (4) Members, the Councillor to be appointed as Vice-Chair for the term ending November 30, 2002.

These appointments are to be filled in accordance with Article 36 of the current Procedural By-law.

Where only four (4) Members of Council are nominated, a motion to appoint the Councillors shall be presented and voted upon. If there are more nominations than positions available, then a roll call vote of Council shall be taken.

Where all Members of Council are in attendance, seven (7) votes are required to fill each vacancy. Each Member is entitled to vote for four (4) Members of Council. It is always in order for a Member of Council to nominate themselves and to vote for themselves.

Under Robert's Rules of Order a nomination does not need a second.

In the event all Members of Council are not in attendance, a Majority Voting Chart is attached for Council's reference.

If on the first vote no nominee receives the votes of more than one-half of the number of all Members of Council present (that is: 7 or more votes), then the nominee receiving the fewest number of votes is excluded from the voting. The vote shall be taken again by the Clerk, and if necessary more than one vote, excluding in each successive vote the candidate who received the fewest number of votes in the preceding vote, until one candidate receives more than one-half the votes of the Members of Council present and voting.

Where the votes cast in any one ballot are **equal for all the nominees**:

- ➡ if there are three or more nominated or remaining, the Clerk shall, by lot, select one such candidate to be excluded from the subsequent voting;
- ➡ if only two candidates remain, the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the Clerk.

Where no applicant receives the majority required for appointment on a roll call vote, and where **two or more applicants are tied with the least number of votes** a special roll call vote shall be taken to decide which of the tied applicants with the least number of votes shall be dropped from the list of names to be voted on in the next roll call vote.

The term ***lot*** means the method of determining the candidate to be excluded or the candidate to fill the vacancy, as the case may be, by placing the names of the candidates on equal size pieces of paper placed in a box and one name being drawn by the Clerk.

Following the selection of the four (4) Committee Members and the selection of the Vice-Chair, then the above resolution will be introduced for consideration by Council.

All of which is respectfully submitted for the information of Council.

attachments



SUMMARY:

Planning Committee of Council:

The Planning Committee is to be composed of five (5) Members appointed by Council, one (1) of whom shall be appointed as Chair and one (1) other Member who shall be appointed as Vice-Chair.

1. The following appointments are to be made to the new Planning Committee:
 - five (5) Members of Council, one of whom shall be Councillor Kilgour.
 - Councillor Kilgour is to be appointed as Chair
 - one (1) of the four (4) Members selected by Council is to be appointed as Vice-Chair.
2. The appointments will take effect on June 1, 2002 and will be for the term ending November 30, 2002.
3. Each Member is eligible for reappointment.
4. Voting shall be by roll call vote of Members of Council; however, voting may be by paper ballot.
5. Each Member of Council is entitled to four (4) votes.
6. Once Council has selected the four (4) Members to sit on the Planning Committee, Council will then select from the four (4) a Vice-Chair.
7. Where all Members of Council are in attendance, seven (7) votes are required to fill the four (4) appointments and the election of a Vice-Chair.
8. The appointments will be confirmed by Resolution.
9. In the event Council votes by paper ballot, a Member of Council may rise and request the consent of Council to dispense with the reading of each vote. Such as request would require the consent of two-thirds of all Members of Council present and voting.



VOTING CHART

Majority Vote

(7 Members of Council are required for quorum)

Number of Members Present and Voting	Majority Vote
13	7
12	7
11	6
10	6
9	5
8	5
7	4

ARTICLE 36

APPOINTMENTS - BOARDS - COMMISSIONS - COMMITTEES - ADVISORY PANELS - CORPORATIONS

36.1 Made - by Council - procedure - set out

Appointments to the various boards, commissions, committees, advisory panels and corporations of the Corporation shall be made by Council. In making such appointments, the procedure set out in this article shall apply unless otherwise provided in the shareholders declaration.

36.2 Advertising - position - requirements - to local citizens

At least 30 days prior to the Council meeting at which the appointment is scheduled for any board, commission or advisory committee, as the case may be, the Clerk shall place an advertisement in a local newspaper to run on at least two occasions and place an advertisement on radio or television or both, as the Clerk deems advisable, on at least one occasion outlining the position to be filled on such board, commission or advisory committee and inviting applications from interested citizens.

36.3 Applications - in writing - time limitation

All applications for appointment must be in writing and received by the Clerk at least four clear days prior to the meeting of Council concerned.

36.4 Qualifications - of applicants - determined - by Clerk

Unless otherwise authorized by by-law, all applicants must meet the same qualifications as electors in the municipality and the Clerk shall determine the qualifications of each applicant.

36.5 Applications - qualifying - included - Council agenda

Copies of all applications received for each position from qualifying applicants shall be included with the agenda material for the Council meeting concerned.

36.6 Applicants - qualified - exact number - motion

Where there are only the exact number of qualified applicants as required for any position or positions, a motion to appoint the applicants to the position or positions concerned shall be presented and voted upon.

36.7 Applicants - qualified - more than required - selection

If there are more qualified applicants than positions available, then Council shall select from the qualified applicants the ones to fill the position or positions concerned.

36.8 Roll call vote - Council - taken - regarding applicants

A roll call vote of the Council shall be taken with respect to the qualified applicants for each position available.

36.9 Appointment - determined - by vote - exception

If upon the first roll call vote no applicant receives the votes and the majority of members are present, the name of the applicant receiving the least number of votes shall be dropped and the members shall proceed to vote anew and so continue until either an applicant receives the votes of the majority of members present, at which time such applicant shall be declared appointed; or, it becomes apparent by reason of an equality of votes that no applicant can be appointed by the voting process.

36.10 Voting - unsuccessful - position selected - by lot

Where by reason of an equality of votes, it becomes apparent that no applicant can be appointed by the voting process, then the vacancy shall be filled by the applicant selected by lot by the Clerk.

36.11 Special vote - applicants tied - least number of votes

In the case where no applicant receives the majority required for appointment on a roll call vote, and where two or more applicants are tied with the least number of votes, a special roll call vote shall be taken to decide which of the tied applicants with the least number of votes shall be dropped from the list of names to be voted on in the next roll call vote.

36.12 Staff member - appointment - conditions

Except where prohibited by law, Council may appoint a member of staff to a board, commission or outside agency when no member of Council wishes to be appointed.

36.13 Further votes

If no person receives more than half the votes, the Clerk shall take another vote, excluding the person who received the fewest votes in the previous vote; if two or more persons received the fewest votes, the Clerk shall choose the person to be excluded by lot.

36.14 Committee Appointments - ballots

At the first regular meeting of a new Council, or as soon thereafter as is reasonable, Council shall appoint members to Committees by way of simultaneous, written, signed ballots which will be read aloud by the Clerk and recorded in the minutes.

36.15 Ballots - destruction

These ballots, as well as ballots used for simultaneous roll-call votes generally, may be destroyed by the Clerk and need not be retained following the confirmation of the minutes.

EXAMPLES OF VOTES
(All Members of Council Present - Four Nominees)

Candidate	Votes Received
A	6
B	4
C	3
D	0

Result: Candidate D is dropped from the next vote.

Candidate	Votes Received
A	5
B	4
C	3
D	1

Result: Candidate D is dropped from the next vote.