

# Agenda Including Addeds

## Environmental and Ecological Planning Advisory Committee

The 1st Meeting of the Environmental and Ecological Planning Advisory Committee  
January 16, 2020, 5:00 PM  
Committee Rooms #1 and #2

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	Pages
<b>1. Call to Order</b>	
1.1 Disclosures of Pecuniary Interest	
1.2 Election of Chair and Vice-Chair for the term ending November 30, 2020	
<b>2. Scheduled Items</b>	
2.1 5:00 PM Melanie Stone, Accessibility Specialist - Accessibility for Ontarians Disabilities Act Training	
2.2 5:30 PM Adrienne Sones, Environmental Services Engineer - Dingman Environmental Assessment	
2.3 6:00 PM Matt Davenport, Engineer in Training - Adelaide Street North Environmental Assessment - Environmental Impact Study	
<b>3. Consent</b>	
3.1 12th Report in the Environmental and Ecological Planning Advisory Committee	3
3.2 Municipal Council resolution adopted at its meeting held on November 26, 2019, with respect to the bird-friendly development and instituting a limited light period for the City of London	6
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3.4 Municipal Council resolution adopted at its meeting held on December 10, 2019, with respect to the 12th report of the Environmental and Ecological Planning Advisory Committee	15
a. <i>(ADDED) Environmental Considerations Relating to Studies and Reports</i>	17
<b>4. Sub-Committees and Working Groups</b>	
4.1 Kilally Stormwater South, East Basin Environmental Assessment	18
a. <i>(ADDED) Habitat Regulation Strategy Summary</i>	19
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**5. Items for Discussion**

5.1	Draft Respectful Workplace Policy	24
5.2	Notice of Planning Application - 7098-7118 Kilbourne Road  (Note: Copies of the Scoped Hydrogology Report and Environmental Impact Study Report will be available at the meeting.)	41
5.3	2020 Go Wild Grow Wild Conference	
5.4	Draft City Budget - S. Levin	
5.5	2020 Work Plan	48

**6. Adjournment**

Next Meeting Date: February 20, 2020

# Environmental and Ecological Planning Advisory Committee

## Report

The 12th Meeting of the Environmental and Ecological Planning Advisory Committee  
November 21, 2019  
Committee Rooms #1 and #2

Attendance                      PRESENT: S. Levin (Chair), L. Banks, A. Bilson Darko, C. Dyck, P. Ferguson, L. Grieves, S. Hall, S. Heuchan, B. Krichker, K. Moser, B. Samuels, R. Trudeau and I. Whiteside and H. Lysynski (Clerk)

ALSO PRESENT: G. Barrett, C. Creighton, M. Fabro, S. Hudson, J. MacKay and L. McDougall

ABSENT: I. Arturo, A. Boyer, A. Cleaver, R. Doyle, S. Esan, J. Khan, I. Mohamed, S. Sivakumar and M. Wallace

The meeting was called to order at 5:03 PM

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

#### 2.1 Gregg Barrett, Manager, Long Range Planning and Sustainability re City Owned and Privately Owned Environmentally Significant Areas

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee heard the attached presentation from G. Barrett, Manager, Long Range Planning and Sustainability, with respect to the differences between city-owned and privately owned Environmentally Significant Areas.

### 3. Consent

#### 3.1 11th Report of the Environmental and Ecological Advisory Committee

That it BE NOTED that the 11th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on October 17, 2019, was received.

#### 3.2 Municipal Council Resolution - 10th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee reviewed and received a Municipal Council resolution adopted at its meeting held on October 15, 2019, with respect to the 10th Report of the Environmental and Ecological Planning Advisory Committee.

3.3 Municipal Council Resolution - 8th Report of the Animal Welfare Advisory Committee

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee reviewed and received a Municipal Council resolution adopted at its meeting held on October 15, 2019, with respect to the 8th Report of the Animal Welfare Advisory Committee, from its meeting held on September 5, 2019.

3.4 Municipal Council Resolution - 11th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee reviewed and received a Municipal Council resolution adopted at its meeting held on November 12, 2019, with respect to the 11th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on October 17, 2019.

3.5 Municipal Council Resolution - Environmental Considerations Relating to Studies and Reports

That a Working Group BE ESTABLISHED consisting of S. Levin and S. Hall with respect to environmental considerations relating to studies and reports; it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received a Municipal Council resolution adopted at its meeting held on November 12, 2019, with respect to these matters.

3.6 White Oak Dingman Secondary Plan - Response to EEPAC's Comments

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee reviewed and received the Civic Administration's comments relating to the Environmental and Ecological Planning Advisory Committee's comments on the White Oak Dingman Secondary Plan.

**4. Sub-Committees and Working Groups**

4.1 Byron Gravel Pit Subject Land Status Report

That, the following actions be taken with respect to the Byron Gravel Pit Subject Land Status Report:

- a) the Working Group comments relating to the Byron Gravel Pit Subject Land Status Report BE FORWARDED to the Civic Administration for consideration; and,
- b) the Civic Administration BE REQUESTED to consider opportunities for retention of part or all unique landscapes, in particular, bank swallow habitat during the development of the Secondary Plan.

4.2 Environmental Management Guidelines

That the Working Group comments with respect to the Environmental Management Guidelines BE FORWARDED to the Civic Administration for consideration.

**5. Items for Discussion**

5.1 (ADDED) Bird Friendly Development Working Group

That B. Samuels and L. Grieves BE APPOINTED to the Bird Friendly Guidelines Working Group as the representative and alternate, respectively.

5.2 (ADDED) Subject Lands Status Report for Kilally South, East Basin Stormwater Servicing

That a Working Group BE ESTABLISHED consisting of I. Whiteside (lead), C. Dyck, P. Ferguson and B. Krichker, with respect to the Subject Lands Status Report for the Kilally South, East Basin Stormwater Servicing and to report back at the January 16, 2020 Environmental and Ecological Planning Advisory Committee meeting.

5.3 (ADDED) Wetland Conservation Strategy

That it BE NOTED that "A Wetland Conservation Strategy for London: A Discussion Paper on Best Practices" has been forwarded to the Civic Administration for their consideration.

**6. Adjournment**

The meeting adjourned at 6:21 PM.



P.O. Box 5035  
300 Dufferin Avenue  
London, ON  
N6A 4L9

November 27, 2019

G. Kotsifas  
Managing Director, Development and Compliance Services and Chief Building  
Official

I hereby certify that the Municipal Council, at its meeting held on November 26, 2019 resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to bird-friendly development and instituting a limited light period for the City of London:

a) the proposed by-law appended to the staff report dated November 18, 2019 BE INTRODUCED at the Municipal Council meeting to be held on November 26, 2019 to amend By-law C.P.-1455-541, as amended, entitled the "Site Plan Control Area By-law" to add the following to Schedule 1:

i) Section 2

A) 2.1 Objectives – a new objective for bird-friendly design of a development site;

ii) Section 8

A) Section '8.1 Objectives - a new objective to read: "All lighting should be limited to, and directed towards, the area requiring illumination so as to reduce skyglow and light pollution and thereby promote bird-friendly development."; and,

B) Section '8.2 Yard Lighting' – adding a new requirement for full cut-off and have zero up light lighting;

b) the Civic Administration BE DIRECTED to further public consultation and provide for consideration future proposed Site Plan Control By-law Amendments to address other possible bird-friendly design criteria, including the possible use of visual markers on glass treated high-rise buildings for Council consideration; and,

c) the Civic Administration BE DIRECTED to undertake a public awareness campaign on creating visual markers, treating glass, and muting the reflection of glass on buildings to ensure buildings are less dangerous for birds, and the promotion of a limited lit period coinciding with bird migrations in spring (approx. March to June) and fall (approx. August to November) migratory seasons, respectively;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2019-D11) (3.4/20/PEC)



C. Saunders  
City Clerk  
/lm

cc: P. Yeoman, Director, Development Services  
L. Maitland, Site Development Planner  
G. Barrett, Manager, Long Range Planning and Sustainability  
D. Wachter, Communications Specialist  
Chair and Members, Environmental and Ecological Planning Advisory Committee  
Chair and Members, Advisory Committee on the Environment  
Chair and Members, Animal Welfare Advisory Committee  
External cc List in the City Clerk's Office

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.4 PUBLIC PARTICIPATION MEETING – Bird Friendly Development

- *Mayor E. Holder indicating that he was not going to comment but just a couple of things that came to mind, he did not see it here and perhaps it was just him but how many birds in London do we lose per year as a result of lighting challenges.);* Mr. L. Maitland, Site Development Planner, indicating that he does not have an exact number, the number that was quoted to them at the last meeting of the Environmental and Ecological Planning Advisory Committee was in the hundreds of millions within North America; obviously that is not specific to London but it is eight or nine figures; *(Mayor E. Holder saying that is not credible, he is not sure how you measure that and he just wondered for them to, he knows they are just trying to fine tune the aspects of this but he is wondering, he thinks it is a noble effort and it is not just for the birds but he would tell you that he is just trying to understand what the impact in London is and there has been no measurable study he guesses is what he is asking through the Chair.);* Mr. P. Yeoman, Director, Development Services, responding that the Advisory Committees, as Mr. L. Maitland, Site Development Planner, has mentioned are the ones that brought this forward, there is a member of one of the Advisory Committees who is actually doing his PhD research in this area; he has not actually completed and fleshed out the full study yet for the City but they are working on it actively; to the Mayor's question, no, they do not have a full London number for this; *(Mayor E. Holder suggesting that this is anticipatory in terms of the challenge that might occur as it relates to the safety of birds and migrations and the light, is that correct.);* Mr. P. Yeoman, Director, Development Services, responding that yes, they think that will be impactful and helpful but they do not actually have a quantifiable measure related to the policy that is before the Committee.
- Brendon Samuels, student at Western University that was just mentioned; he is doing his PhD at Western and his Doctoral research is about bird/window collisions specifically - *(See attached presentation.)*
- Mike Wallace, Executive Director, London Development Institute – indicating that it is great to follow Brendon and he talked about cats and lower buildings; expressing appreciation to staff for their approach to their Industry, he knows it was brought here in January of last year in terms of the by-law you are seeing in front of you and over the last number of months, the Spring and Summer, they have had a number of meetings and they had discussions about what they would like to see and from their perspective, their Industry is ok with the changes in terms of what is being proposed here in terms of lighting and actually supporting of it, the one thing that they would ask is that once they get familiar with what the issues are and understand and staff at City Hall understand what works and what does not and what is needed, and if an application comes in and it meets that criteria that it does not have to be circulated over and over again; if they meet what the City's requirements are, it should not need to be circulated; every time something gets circulated somewhere else it costs time and effort and money and makes your affordability issue go up every single time so they are happy with what is being proposed, they are more than interested in the Working Group; he sits beside Brendon most often at Environmental and Ecological Planning Advisory Committee meetings and he has tried to absorb some intelligence from him but it does not really happen that way but the Council has some very good experts right here in the community volunteering their time to give them the information that they need to make the appropriate recommendations to Council on this bird issue; happy to be working on the Working Group that is coming forward, that you have to call us tomorrow morning about.



## Comments on Report to Planning and Environment Committee on Bird-Friendly Development Monday November 18 2019

My name is Brendon Samuels. I am a graduate student at Western University where I do research on bird-window collisions. I attended the PEC public meeting and provided some of my comments. However, given the 5 minute limit, I was unable to cover all of my comments, so I have listed them below for the committee's review.

Secondary sources which support my points below can be made available upon request in the form of an annotated bibliography.

### General comments

- The proposed amendments to the Site Plan Control Area By-law for bird-friendly development are recommended. Comparable requirements for lighting have already been adopted in other municipalities in Ontario, in other parts of Canada and in the United States. I point this out because the birds being protected do not belong to London and will traverse many municipalities. Society has a shared responsibility to protect birds from harm in our own backyard, and bird-friendly action undertaken by London can achieve that.
- However, the wording of the By-law should be consistent with current ecological research, and there are some items covered where the wording should be updated.
- In my opinion the background information provided is missing certain critical details. I've sorted my suggestions for missing details below, first with general information, second the artificial light at night piece and third the glass treatment piece to be discussed by a working group moving forward.
- I agree with the London Development Institute's comment (see their attached letter) that "clear bird-friendly design requirements be included in the Site Plan Design Manual for standards and designs". I would like to add that these requirements should reflect current ecological data, especially previous scientific studies on related topics such as the efficacy of collision deterrent markers, films, etc. and best practices for reducing artificial light at night.
- According to current scientific studies within Canada, less than 1% of bird-window collisions occur at high rises buildings. Most are at low-rise buildings and homes. High rise buildings are not the main source of the collisions issue.
- The majority of bird-window collisions are thought to occur during the day, starting in early morning and lasting through mid-day. This means that artificial light at night is not the primary factor underlying collisions with glass for most collisions.
- Page 5, section 3.4 Migratory Bird Season: "*the City's Ecologist has advised that there is no distinct season for bird migration in the London area. A review of bird migration would require a detailed investigation on a species by species basis.*" There are two statements here that are patently false. There are two seasons for bird migration in London, spring and fall, and the onset of these periods is established (although no particular dates can be marked as the exact starts and ends). Also, there is already detailed data available on bird migration timing through various programs run by Bird

Studies Canada, from nearby bird banding stations in SW Ontario, and through citizen science databases (e.g. eBird). In fact birdwatchers visit from all over the world in spring and fall to witness the legendary migration here in SW Ontario.

- *“However, it is proposed that the City of London apply the City of Toronto’s model for the migratory spring and fall seasons...”* Toronto’s by-law and development guidelines for bird friendliness are some of the most progressive of their kind in the world. I recommend following their lead.
- The City of London will be hosting the annual meeting of American Ornithological Society in 2021. This is one of the largest meetings of bird experts. It would be great to have bird-friendly initiatives in place before then.

### **Comments on Lighting Piece**

- Artificial Light at Night (ALAN) is detrimental not only for birds but for entire ecological systems including other animals such as bats, insects and mammals, as well as for human health. According to recent scientific studies, ALAN negatively impacts birds in multiple ways: collisions with buildings is one, but ALAN also alters birds’ timing of migration and breeding. The timing of behaviours like calling and singing at dawn and dusk may be affected.
- In section 2.2 Site Plan Design Manual, paragraph 5: *“Section 8.2 (b) Height, limits the maximum height of all yard lighting fixtures to 15m (50 ft.) for non-residential uses and 6 m (20 ft.) for multi-family residential uses”*. Could you clarify where these criteria for fixture height come from? Currently best practices (e.g. Toronto’s by-law) recommend treating glass up to the anticipated height of the nearby tree canopy. For much of the deciduous forest in London trees may reach up to the 4<sup>th</sup> floor (i.e. approximately 40 feet in height).
- Section 2.2 Site Plan Design Manual, paragraph 5: *“the Site Plan Design Manual 8.2 (d) allows staff to require a Light Study where a qualified engineer will prepare and provide a report demonstrating how the lighting is contained on the site and that the selection/style of light will not create glare and/or broadcast light onto adjacent properties or roadways”*. Similarly, two paragraphs later, *“16. Lighting Facilities: All lighting of the site shall be oriented and its intensity controlled so as to prevent glare on adjacent roadways and residential properties to the satisfaction of the Managing Director.”*
- Can you clarify whether Light Studies factor in light spillage into nearby natural areas? (unsure if these are encompassed by “properties” mentioned here). Also, is this simply looking at light spillage only at immediately adjacent properties?

### **Comments on Glass Treatments Piece**

- 3.1 Site Plan Control Bylaw Proposed Amendments: *“The proposed amendments to the Site Plan control By-law set out the objectives of bird-friendly design generally and bird-friendly lighting specifically”* – is this by design, for the ultimate version of the By-law

amendments, or for describing current progress? The bird-friendly design criteria should not be “general” – as indicated by the Development Institute more specificity is needed.

- *“Development Services staff presently lack the specific training to ensure buildings can be considered “bird-friendly- but can rely on other professional staff and advisory groups to provide the ecological expertise to identify bird-friendly development”* Does this training exist? Who has it? Who should have it? Potentially training could be replaced with a comprehensive document outlining standards and best practices.
- 3.3 Effectiveness of Visual Markers and Glass Alterations. I will save the majority of my comments for discussions held by the working group. However, I want to indicate a couple things here: 1) the efficacy of glass treatments depends not just on the treatment itself but how it is used – should be applied to the exterior of the glass to break up reflections, not the interior; 2) treatments should be applied to cover edge-to-edge of the window leaving no major gaps; 3) some of the “potential glass design elements” listed have not been backed by empirical scientific studies, including UV glass. “Fritted” glass has practical considerations that may influence its efficacy such as the specific layer of the glass within a window that is modified.

### 3.5 Awareness Campaign – Existing Buildings not Subject to Site Plan

- I hope that similar to the lighting and window treatment pieces, this campaign will be designed and coordinated upon consultation with ecological experts.
- One thing to note is that windows cannot be retrofitted for reducing bird-window collisions in cold temperatures (due to requirements of adhering the materials to the glass). For this reason, consider adjusting the timing of the campaigns to afford people time to pursue mitigative actions ahead of migration in fall.

4.0 Additional Considerations *“...Council passed the implementation of program guidelines for Downtown Façade Uplighting Grant Program.” This incentive program is contained within the existing façade Improvement Loan program provided by the City of London through the Downtown Community Improvement Plan”*.

It would be ideal if a similar incentive program could be set up for retrofitting existing glass windows with treatments/products/deterrents that can reduce the risk of bird collisions. Currently the cost of fixing dangerous windows on existing structures is entirely paid by consumers/property owner. Retrofits are typically more expensive than new installations because they often require a more complicated installation involving equipment rentals and hiring a contractor.

Regarding the letter from the London Development Institute

*“We do not believe it is fair and reasonable that a Site Plan submission, that meets the standards, be delayed up to 30 days due to Advisory Committee circulation requirements.” “... if bird-friendly glass and lighting are standardized within the Site Plan Design Manual, it would be redundant to have the Ecologist circulated on the application for buildings over 6 stories”*

I disagree with the above comments because the collision risk at any particular site might vary based on a number of factors (e.g. nearby vegetation and bird habitat, type of glass used,

structural configuration of the building, geographic location of the site, presence of plants indoors, the angle and direction of the glass facades, parallel glass panes presenting a corridor). The standards/guidelines provided to the Development Institute should be as explicit and specific as possible, but it is unlikely the documents will be able to prescribe assessments and recommendations for every single possible scenario in which glass is used in construction. For this reason, redundancy in the Site Plan review process by committees and the Ecologist will be able to provide additional recommendations before developers proceed with construction. If development proceeds and the glass that is used ends up killing birds, despite compliance with the documents, it is 4-5 times more expensive to retrofit existing glass than to treat the glass at the onset.



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November 27, 2019

C. Saunders  
City Clerk

J. Davies  
Manager III, Financial Planning and Policy

I hereby certify that the Municipal Council, at its meeting held on November 26, 2019 resolved:

That the following actions be taken with respect to the 10th Report of the Advisory Committee on the Environment, from its meeting held on November 6, 2019:

a) the following actions be taken with respect to Gas Tax Distribution:

- i) the '8.0 - Recommendations' section of the Cycling Master Plan Review Working Group Report of the Cycling Advisory Committee, dated October 16, 2019, BE ADDED to the December 2019 agenda of the Advisory Committee on the Environment (ACE) for discussion;
- ii) a representative from Financial Planning and Policy BE INVITED to attend the ACE meeting in January 2020 to give a brief outline of the City of London budget process and the new business cases that are being brought forward; and,
- iii) the presentation appended to the 11th Report of the Advisory Committee on the Environment, from A. Dunbar, Manager, Financial Planning and Policy, with respect to Gas Tax Distribution, BE RECEIVED for information;

b) the following actions be taken with respect to the Advisory Committee on the Environment (ACE) Terms of Reference:

- i) the City Clerk BE REQUESTED to fill the existing vacancies in the ACE membership in order to allow the ACE to fulfill its full potential given the short term of two years to make solid recommendations to the Municipal Council; and,

clause b) ii) BE REFERRED back to the Advisory Committee on the Environment for further consideration; it being noted that part b) ii) reads as follows:

“ii) the City Clerk BE REQUESTED to remove the non-voting membership positions for the Institute of Catastrophic Research (Western University) and the Biodrome (Western University) and to replace them with a Representative from Western University, with no department specified.”; and,

c) clauses 1.1, 3.1 to 3.7, inclusive, 4.1, 5.1, 5.2 and 5.4 BE RECEIVED for information. (4.1/19/PEC)



B. Westlake-Power  
Deputy City Clerk  
/lm

cc: A. Dunbar, Manager III, Financial Planning and Policy  
Chair and Members, Advisory Committee on the Environment  
Chair and Members, Cycling Advisory Committee



P.O. Box 5035  
300 Dufferin Avenue  
London, ON  
N6A 4L9

December 11, 2019

B. Page  
Senior Planner

L. Maitland  
Site Development Planner

I hereby certify that the Municipal Council, at its meeting held on December 10, 2019 resolved:

That, the following 12th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on November 21, 2019:

- a) a Working Group BE ESTABLISHED consisting of S. Levin and S. Hall with respect to environmental considerations relating to studies and reports; it being noted that the Environmental and Ecological Planning Advisory Committee reviewed and received a Municipal Council resolution adopted at its meeting held on November 12, 2019, with respect to these matters;
- b) the following actions be taken with respect to the Byron Gravel Pit Subject Land Status Report:
  - i) the Working Group comments relating to the Byron Gravel Pit Subject Land Status Report BE FORWARDED to the Civic Administration for consideration; and,
  - ii) the Civic Administration BE REQUESTED to consider opportunities for retention of part or all unique landscapes, in particular, bank swallow habitat during the development of the Secondary Plan;
- c) the Working Group comments with respect to the Environmental Management Guidelines BE FORWARDED to the Civic Administration for consideration;
- d) B. Samuels and L. Grieves BE APPOINTED to the Bird Friendly Guidelines Working Group as the representative and alternate, respectively;
- e) a Working Group BE ESTABLISHED consisting of I. Whiteside (lead), C. Dyck, P. Ferguson and B. Krichker, with respect to the Subject Lands Status Report for the Kilally South, East Basin Stormwater Servicing and to report back at the January 16, 2020 Environmental and Ecological Planning Advisory Committee meeting; and,

f) clauses 1.1, 2.1, 3.1 to 3.4, inclusive, 3.6 and 5.3 BE RECEIVED for information. (2.2/1/PEC)



C. Saunders  
City Clerk  
/lm

cc Chair and Members, Environmental and Ecological Planning Advisory Committee



We approached Dr. Gary Epp of AECOM who has done extensive work in Ontario. He indicated:

I am not aware of a particular incentive that municipalities have for gaining access to private lands for the purposes of conducting studies.

We do have considerable experience with trying to gain access to private lands by various proponents of studies, either municipal or provincial agency (i.e. MTO). In those cases, it is a challenge to get permission to enter. It usually takes a great deal of effort and forward planning. Typically, it is considered to be successful if access to 30% of the properties is granted. Sometimes the incentives offered include a nominal fee of several hundred dollars, and or, the provision of the raw data collected for the property.

We also asked other environmental consultants who indicated that the participation rate goes up when notices are personally delivered to landowners. This gives the proponent / consultant an opportunity to explain the benefits of participation.

Sandy Levin/Susan Hall

## Review of Subject Land Status Report for Kilally South, East Basin Stormwater Servicing, dated November 14, 2019.

Received by EEPAC at the November 2019 meeting

Reviewed by C. Dyck, B. Krichker, P. Ferguson, and I. Whiteside

### Overall Comments

The SLSR was found by to be limited in scope and consequently, EEPAC's recommendations are largely framed around conducting impact assessments for key features in the ensuing EIS. The SLSR also makes recommendations with respect to impact assessments – EEPAC agrees with all of these recommendations. In addition to the recommendations including in Section 5.1 of the report, EEPAC recommends that:

1. When evaluating these impacts, consideration should be given to the cumulative impact from this development, existing developments (e.g. the subdivision to the south), and future developments (e.g. the planned expansion of the bridge over the Thames river at Clark Rd, the expansion of Veterans Memorial Parkway, and future onsite developments). The impact assessment should use a system approach and holistically evaluate cumulative impacts.
2. A water balance assessment be conducted on a pre-and post- development basis to identify potential development impacts to ecological receptors both onsite and offsite.
3. Existing baseline conditions should be established for water quality and quantity flows. This evaluation should incorporate finding from relevant UTRCA and/or City of London sub watershed studies (note the relevant Upper Thames River Watershed is called "The Forks") where appropriate. From an impact perspective, the report should address port development stormwater quality and quantity controls necessary to maintain or improve the existing ecological function of the site.

### Additional Recommendation

4. This report and others indicate that Queensnake was found in the area. Given its status as "Endangered" under SARA and ESA, and that surveys/ site assessments in their habitat can potentially injure or kill a Queensnake (as documented in the correspondence section of the report), EEPAC recommends that a precautionary approach be used: any survey in an area of Queensnake habitat should assume that the snakes are present, whether the snakes are found or not.

The habitat regulation for Queensnake protects:

- the area within 50 metres of all natural or man-made Queensnake hibernacula;
- any part of a watercourse, waterbody or marsh up to the high water mark that is continuous and within 250 metres of the area being used by a Queensnake;
- the area up to 30 metres inland from the high water mark adjacent to the occupied watercourse, waterbody or marsh;
- where two known populations occur within one kilometre of each other, the intervening aquatic area and five metres inland from the high water mark is protected to allow for movement and to maintain connectivity between populations;
- these aquatic features and riparian areas are protected until five consecutive years of documented non-use.

The regulation applies in the Regional Municipality of Waterloo, the Municipality of Chatham-Kent, the cities of Brantford, London and Windsor, the counties of Brant, Bruce, Essex, Huron, Lambton, Middlesex and Oxford, Haldimand County and Norfolk County.

**Supporting rationale:**

- Regulating 250 metres around observations is a cautionary approach that ensures all Queensnake seasonal movement areas are protected.
- The area within 30 metres of the high water mark incorporates all features that the species depends on for hibernation, gestation, birthing, shedding and thermoregulation as well as areas for movement between sites.
- Protecting a movement corridor between clusters of observations allows for gene flow and connectivity between sites.
- A five-year term allows sufficient time to determine that the site is no longer being used.

**Activities in Queensnake habitat:**

Activities in regulated habitat can continue as long as the function of these areas is maintained and individuals of the species are not killed, harmed, or harassed.

Generally compatible:

- Yard work such as maintenance of existing lawns and gardens.
- Renovations of small structures such as a shed or a deck.
- Pruning of shrubs or trees away from the water's edge.
- Use of existing, sanctioned recreational trails.

Generally not compatible [footnote \\* \[1\]](#) :

- Significant reduction or clearing of natural features, such as forests and wetlands.
- Replacement of natural shoreline with erosion control structures such as gabion baskets, concrete walls or rip-rap.
- Alteration of aquatic habitat or adjacent lands which result in substantial impacts to water quality, flow or levels.
- Removal of shoreline vegetation at the water's edge.



# EEPAC Consultation Meeting Summary

**Meeting name**  
EMG Phase 1  
Consultation –  
EEPAC Meeting #1

**Meeting date**  
January 6, 2020  
  
**Time**  
12:00PM – 2:00PM

**Attendees**  
Brendon Samuels (EEPAC);  
Rebecca Doyle (EEPAC);  
Sandy Levin (EEPAC);  
Carol Dyck (EEPAC);  
Suba Sivakumar (EEPAC);  
Shelby Paxton (TREA);  
Diane Szoller (ACE/TREA);  
Sean Hudson (City of London);  
Alicia Evans (AECOM);  
Shari Muscat (AECOM);  
Nathan DeCarlo (AECOM).

**Project name**  
Consultation and  
Preparation of the  
Environmental  
Management  
Guidelines (2007)  
Update

**Location**  
2<sup>nd</sup> Floor Meeting Room, 32  
Wellington Drive (Advanced  
Facility for Avian Research),  
London, Ontario,  
N6G 4W4

## Theme 1: Ecological Monitoring

### *What is most important?*

- Establishing baseline data
- Loss of biodiversity
- Clear identification of roles and responsibilities in ecological monitoring
- Incorporation of a landscape approach
  - Resources from adjacent projects, studies, etc.
- Understanding ecological function versus species composition or habitat
- Utilize up-to-date science
- Standardized and current methodology
- Data control and feedback from monitoring
- Inclusion of social and First Nation consultation in pre-construction phases

### *How can we make this tangible?*

- Increased monitoring frequency
  - 5-season versus 3-season
  - Winter monitoring (i.e., raptors)
- Identifying key resources
  - i.e., experts, funding, technology, studies/reports, etc.
- Integrate citizen science or institutional (i.e., universities) data
  - Appeal to landowners (i.e., door-to-door) for Permission-to-Enter
  - Determine whether citizen data can be incorporated into EISs (i.e., sliding scale of confidence, 3-step verification – iNaturalist, experts versus novice)
- Utilize other municipal resources (i.e., Region of Waterloo, City of Guelph)
- Incorporate language that is clear and is easily updated with changing science

### *What other information or resources are required?*

- Online repository of standardized and approved methodologies
- More frequent review or updates to the Environmental Management Guidelines to ensure science and methodology is up-to-date

- Contact list of experts for consultation, etc.
- Sharing of data among organizations to provide a better picture
  - Inconsistency between adjacent/overlapping projects

*Other comments?*

- Encouraging landowners for PTE
  - Use personal contact rather than mailing for a greater likelihood of participation
  - Potentially include financial incentives for allowing ecological monitoring on properties

**Theme 2: Buffers**

*What is most important?*

- Up-to-date science and the use of more recent available literature (i.e., Beacon 2012 – 3 stage approach)
- Defining and understanding buffers versus setbacks versus critical function zones
- What is the purpose of the buffer and what is being buffered against?
- Encroachment into buffers
- Cumulative impacts
- Determining appropriate and scientifically defensible buffer width
- No one-size-fits-all for buffer width – the standard buffer width is not always appropriate

*How can we make this tangible?*

- Utilize a reductive buffer approach
- Implement increased protection of buffer function
- Outline understanding that as buffers decreases, the probability of protecting the feature decreases
- Keep it concise and simple to understand, with clear guidelines on buffer width
- Clearly define buffers
- Define and protect the ecological function of a feature using current policies and science

*What other information or resources are required?*

- Who will deal with encroachment monitoring and enforcement?
- Explore if other municipalities have had to defend buffer guidelines/policies
- Understanding how much habitat is enough?
- Explore the different buffer definition methodologies (i.e., current, reductive, beacon)
- Ensure scientific defensibility to buffer widths/guidelines

*Other comments?*

- Pathways versus trails and the potential implications for buffers

**Theme #3: Climate Change**

*What is most important?*

- Invasive species range and colonization
- Temporal/longitudinal changes in weather/temperature
- Frequency and severity of weather events
- Capturing shifting baselines
- Spread/expanding range of species disease
- Restoration, mitigation, and compensation in the context of climate adaptation

- Increased frequency or updates to the Environmental Management Guidelines as the science/climate changes
- Impacts of climate change on microclimate
- Loss of tree species/individuals

*How can we make this tangible?*

- Shift the Environmental Management Guidelines document to a living document or decrease the time period between reviews
- Integrate and collaborate in stormwater and watershed management
- Refer to other studies/reports in a comparable geographic area (i.e., southern Ontario) on the impacts of climate change on the Natural Heritage System
- Integrate climate change considerations into EISs and ensure that the considerations are clear and easily interpreted
- Refer to other resources for information on climate adaptation in natural heritage (i.e., planting lists, BMPs, City of Chicago document).
- Implementing climate mitigation and adaptation through a stand-alone ecological restoration/compensation chapter and create feasible timelines/monitoring

*What other information or resources are required?*

- Scientific resources (i.e., journal articles, long-term studies), websites, and other studies/reports to ensure climate considerations and implementation of ecological restoration in scientifically sound and up-to-date
  - Climate change adaptation and mitigation and the natural environment/ecological function (specifically within the municipal context)
  - Integrating climate change into ecological restoration and compensation for habitat

*Other comments?*

- N/A

**Theme #4: Compliance and Effectiveness Monitoring**

*What is most important?*

- Definition of specific requirements around compliance and effectiveness monitoring
- Outlining the consequences for not meeting targets
- Ensuring the monitoring program is related to protecting natural features and their functions
- Determine the appropriate monitoring length post-construction (standard vs. dynamic timeframes)
- Understanding the implications of multi-phase development on the post-construction monitoring
- Defining the roles and responsibilities for the monitoring program
- Transparency in the process of mitigating conflicts of interest
- Contingency mechanisms should be in place to protect natural features and their functions
- Integrate citizen science/involvement in the monitoring
  - Include residents in monitoring to improve community engagement

*How can we make this tangible?*

- Define and follow the post-construction monitoring plan from the beginning (including multi-phase development)
- Define and ensure justification for post-construction monitoring and the associated timeframes

- Shift monitoring to an iterative process
- Include information/recommendations for the monitoring program within the EIS
- Outline clear consequences for non-compliances
  - Development fees versus City of London budget
- Outline that restoration is not synonymous with monitoring
  - Restoration versus ecological function

*What other information or resources are required?*

- Other municipality policies and guidelines that have been effective or defensible

*Other comments?*

- N/A



## **Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)**

**Policy Name:** Respectful Workplace Policy (Anti-Harassment/Anti-Discrimination)

**Legislative History:** Workplace Harassment and Discrimination Prevention Policy Enacted September 19, 2017 (By-law No. CPOL.-155-407); Amended July 24, 2019 (By-law No. CPOL.-155(a)-384)

**Last Review Date:** December 3, 2019

**Service Area Lead:** Director of People Services

### **1. Policy Statement**

The Corporation of the City of London ("Corporation") is committed to providing a safe and supportive workplace in which the diversity, dignity, and perspectives of all individuals are valued and respected.

Harassment and discrimination in the workplace are prohibited by law. Under Ontario's [Human Rights Code](#), every person has a right to equal treatment in employment without discrimination and the right to be free from harassment in the workplace. Workplace measures to prevent and address workplace harassment are also required by the [Occupational Health and Safety Act](#).

The Corporation will not tolerate, ignore, or condone harassment, discrimination, or reprisal of any of its employees in the workplace by anyone, including other employees, elected officials, members of the public, customers/clients, volunteers, contractors, and consultants. Workplace harassment, discrimination, and reprisal are serious forms of misconduct that may result in corrective and and/or disciplinary actions, up to and including termination of employment.

### **2. Definitions**

The following definitions are intended to assist employees in understanding terms referenced in this policy. To the extent definitions may not be identical to legal definitions, they shall be interpreted and applied in accordance with applicable legislation, including the [Human Rights Code](#) and [Occupational Health and Safety Act](#).

- 2.1 **Discrimination** – Actions or behaviours that result in unfavourable treatment or which have a negative impact on an individual or group because of one or more of the prohibited grounds listed in the [Human Rights Code](#). Discrimination may be intentional or unintentional. It may involve direct actions that are outright discriminatory, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people.
- 2.2 **Disrespectful Behaviour** – Failing or refusing, through words or actions, to treat others in a professional, courteous, civil, dignified, fair, and equitable manner.
- 2.3 **Harassment** – Engaging in offensive, hurtful, upsetting or embarrassing comment or conduct that a person knows or ought reasonably to know is unwelcome. The fact that a person does not explicitly object to harassing behaviour, or appears to be going along with it, does not mean the behaviour is welcomed, consented to, or is not harassing. Harassment usually involves more than one incident or a pattern of behaviour, but a single incident may be sufficiently serious, offensive, or harmful to constitute harassment.



Harassment may be:

- a) **Personal** – directed at an individual(s) but not based on any prohibited ground listed in the [Human Rights Code](#); or
- b) **Code-based** – based on one or more of the prohibited grounds listed in the [Human Rights Code](#). Code-based harassment is also a form of discrimination.

Harassment of a worker in the workplace, including sexual harassment of a worker in a workplace, is collectively referred to as “workplace harassment” for the purposes of the [Occupational Health and Safety Act](#).

2.4 **Poisoned Work Environment** – A hostile, humiliating, or uncomfortable workplace that is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that intimidate, demean or ridicule a person or group. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned work environment. Pornography, pin-ups, offensive cartoons, insulting slurs or jokes, and malicious gossip are examples of comments and conduct that can “poison the workplace” for employees.

2.5 **Prohibited Grounds** – The [Human Rights Code](#) prohibits harassment and discrimination in employment based on one or more of the following grounds:

- race
- ancestry
- place of origin
- colour
- ethnic origin
- citizenship
- creed (religion, including atheism)
- sex (includes pregnancy and breast feeding)
- sexual orientation
- gender identity
- gender expression
- age
- record of offences (criminal conviction for a provincial offence or for an offence for which a pardon has been received)
- marital status (includes married, single, widowed, divorced, separated, living together in a conjugal relationship outside of marriage, whether in a same-sex or opposite sex relationship)
- family status (such as being in a parent-child relationship)
- disability (includes mental, physical, developmental or learning disabilities)
- association or relationship with a person identified by one of the listed grounds
- perception that one of the listed grounds applies, whether or not it actually does

2.6 **Reprisal** – Any act of retaliation or revenge against a person for:

- a) Raising a concern or making a complaint under this policy (whether on their own behalf or on behalf of another);
- b) Participating or cooperating in an investigation or other complaint resolution process under this policy; or
- c) Associating with or assisting a person identified in paragraphs a) and/or b) above.

2.7 **Sexual Harassment** – Harassment based on sex, sexual orientation, gender identity, or gender expression and includes:

- a) Engaging in offensive, hurtful, upsetting or embarrassing comment or conduct because of sex, sexual orientation, gender identity or gender expression that a person knows or ought reasonably to know is unwelcome;
- b) Making a sexual solicitation (i.e. request) or advance where the person making the solicitation or advance is in a position to confer, grant or deny

- a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; and
- c) Retaliating against or threatening to retaliate against an individual for the rejection of a sexual solicitation or advance where the retaliation or threat of retaliation is by a person in a position to confer, grant or deny a benefit or advancement to the individual.

Sexual harassment of a worker in the workplace is referred to as “workplace sexual harassment” for the purposes of the [Occupational Health and Safety Act](#).

2.8 **Supervisor** – When referenced in this policy means a management supervisor.

2.9 **Workplace** – Includes all sites, facilities, and other locations where the business, work, or social activities of the Corporation take place (see also the Applicability section below).

### 3. **Applicability**

3.1 This policy applies to:

- All Corporation employees, including full-time, part-time, temporary, probationary and casual employees;
- Elected officials;
- Volunteers (including members of Advisory Committees, Special Committees and Task Forces);
- Interns and students on placements; and
- Contractors and consultants acting on behalf of the Corporation.

Members of the public, including visitors to Corporation facilities and individuals accessing services or conducting business with the Corporation, are expected to adhere to the standards of conduct set out in this policy, including refraining from workplace harassment and discrimination of employees, elected officials, and persons acting on behalf of the Corporation.

3.2 This policy applies at all Corporation workplaces, whether during or outside of normal working hours and whether at or away from the worksite. This includes:

- a) All Corporation facilities and worksites;
- b) All Corporation vehicles;
- c) Any other location where Corporation employees are performing work-related duties or carrying out responsibilities on behalf of the Corporation, including work-related travel and off-site meetings, conferences, seminars, and training;
- d) Locations at which work-related social functions take place, including formal events officially sanctioned by the Corporation and informal after-work social gatherings where behaviours could have an impact on the workplace; and
- e) Social media sites (e.g. Facebook, Twitter, Instagram etc.) and internet sites, where posts may be connected to the workplace or could have an impact on the workplace or working relationships.

3.3 This policy also applies to communications by telephone, cell phone, email, text message, or other electronic instant messaging platforms where the communication may be connected to the workplace or have an impact on the workplace or working relationships, whether the computer, phone, or other electronic device used to make the communication is a personal or Corporation-issued device.

### 4. **The Policy**

4.1 The purpose of this policy is to:

- a) Set expectations and standards of behaviour for a respectful, safe and supportive workplace;
- b) Define behaviours that may be offensive and prohibited by law and/or this policy;
- c) Clarify roles and responsibilities with respect to interpersonal behaviour in the workplace;
- d) Outline measures to prevent and address prohibited behaviour, including harassment, discrimination, and reprisal; and
- e) Address the Corporation's obligations under applicable employment laws, including the [Human Rights Code](#) and [Occupational Health and Safety Act](#).

#### 4.2 Expected Behaviour

Employees will interact with one another, members of the public, and all others in the workplace in a professional, courteous, civil, dignified, fair, and equitable manner.

#### 4.3 Prohibited Behaviour

The following behaviours are prohibited in the workplace:

- Disrespectful Behaviour
- Discrimination
- Harassment (Personal and Code-based), including Sexual Harassment
- Reprisal

See [Appendix A](#) for examples of the prohibited behaviours listed above.

#### 4.4 Roles and Responsibilities

Creating and maintaining a respectful workplace is a shared responsibility. Every individual to whom this policy applies, as well as individuals who attend at Corporation workplaces, or who access services or conduct business with the Corporation, are expected and required to abide by the standards of behaviour set out in this policy.

Employees who are subjected to or witness prohibited behaviour in the workplace should consult the Respectful Workplace Dispute Resolution and Complaint Procedures (["Resolution/Complaint Procedures" – Appendix B](#)) which outline various options available to address and resolve such behaviour.

##### 4.4.1 All Employees

Every employee has a responsibility to create and maintain a respectful workplace. This includes to:

- a) Ensure words and actions are consistent with this policy;
- b) Raise concerns as soon as possible of prohibited behaviour;
- c) Accept responsibility for their workplace behaviours and their impact on others;
- d) Cooperate in investigations and handling of alleged prohibited behaviour upon request;
- e) Maintain confidentiality related to investigations of alleged prohibited behaviour; and
- f) Participate in training associated with this policy.

##### 4.4.2 Managers/Supervisors

Managers and supervisors have additional responsibilities to create and maintain respectful workplaces and must act immediately on observations or allegations of prohibited behaviour.

A manager or supervisor may be held responsible if they are aware of an incident of prohibited behaviour but do not take steps to resolve or address it.

Managers and Supervisors must:

- a) Ensure work-related practices/procedures in their areas are free from barriers and do not discriminate against groups or individuals;
- b) Set a good example by ensuring their own words and conduct adhere to this policy;
- c) Be aware of what constitutes prohibited behaviour and the procedures in place for addressing and resolving such behaviour;
- d) Act promptly to address observations or allegations of prohibited behaviour;
- e) Consult and work cooperatively with the Human Rights and Human Resources Divisions as needed;
- f) Keep a detailed record of any violations of this policy and corrective actions taken and report this information to the Human Rights Division as required;
- g) Support training and awareness activities related to this policy;
- h) Ensure this policy is distributed and posted in a location that is easily accessible by all employees and any other individuals who enter the workplace and ensure contractors and consultants who enter the workplace are aware of this policy;
- i) Implement disciplinary/corrective actions and workplace restoration measures as required;
- j) Monitor the workplace where prohibited behaviour has occurred to ensure it has stopped; and
- k) Provide appropriate support to all those in their work area affected by prohibited behaviour, including witnesses.

#### 4.4.3 Non-management Supervisors

Non-management supervisors must likewise set a good example by ensuring their behaviour complies with this policy and must report all observations, concerns, and/or complaints of prohibited behaviour to their supervisor/manager or the Human Rights Division immediately to be addressed in accordance with the [Resolution/Complaint Procedures \(Appendix B\)](#).

#### 4.4.4 Human Rights Division

The focus of the Human Rights Division is to assist in preventing, correcting, and remedying prohibited behaviours. The Human Rights Division does not advocate for, act on behalf of, or represent any party in a dispute (complainant, respondent, or management). All complaints to the Human Rights Division will be dealt with in an unbiased manner.

The Human Rights Division is responsible for:

- a) Reviewing and recommending updates to this policy;
- b) Providing information to employees, including to managers and supervisors, regarding this policy and the various options available for raising, addressing, and resolving concerns and complaints of prohibited behaviour;
- c) Making referrals to agencies for counselling and assistance when required;
- d) Receiving complaints, including conducting intakes;
- e) Recommending appropriate interim measures, and complaint resolution and investigation options;
- f) Conducting independent investigations;
- g) Assisting in implementing resolutions of complaints; and
- h) All tracking of concerns and complaints under this policy.

#### 4.4.5 Human Resources Division

The Human Resources Division is responsible for:

- a) Removing barriers in hiring and employment policies, practices, and procedures that may have the effect of discriminating against groups or individuals;
- b) Providing training on this policy and related practices and procedures;
- c) Providing support to managers and supervisors in responding to and addressing matters under this policy;
- d) Making referrals to agencies for counselling and assistance where required;
- e) Consulting with the Human Rights Division as required with respect to alleged prohibited behaviour; and
- f) Reporting all complaints of prohibited behaviour to the Human Rights Division, including grievances alleging harassment, discrimination and/or reprisal filed under a collective agreement.

#### 4.4.6 Corporate Security and Emergency Management Division

The focus of Corporate Security Services is to protect and promote the safety and security of Corporation workplaces, employees, and the public by assisting in preventing and addressing prohibited behaviours where safety may be at risk. Corporate Security Services is responsible for:

- a) Providing advice and assistance to address concerns and complaints of prohibited behaviour against a member of the public or where the physical safety of employees or others may be at risk;
- b) Making referrals to agencies for counselling and assistance when required;
- c) Receiving complaints alleging a member of the public has engaged in prohibited behaviour, including conducting intakes and determining appropriate interim measures;
- d) Determining informal actions, and conducting independent investigations of complaints of prohibited behaviour against a member of the public;
- e) Consulting and working cooperatively with Human Rights and Human Resources Divisions as required;
- f) Recommending and implementing appropriate corrective action involving members of the public when required; and
- g) Reporting prohibited behaviour by members of the public and corrective actions taken to the Human Rights Division as required.

#### 4.4.7 Respectful Workplace Ombudsperson (“RWO”)

The RWO is available as a neutral and confidential resource for employees to obtain information regarding their rights and obligations under this policy. The RWO advocates for fair and transparent processes under this policy and related practices and procedures, but does not act as an advocate for or provide legal advice to individuals.

The RWO will:

- a) Receive and respond on a confidential basis to questions from employees regarding this policy;
- b) Provide assistance to employees as they proceed through the [Resolution/Complaint Procedures](#);
- c) Review complaints from employees related to processes and procedures undertaken by the Corporation under this policy and make recommendations to the City Manager for improvements; and
- d) Report annually to the City Manager about their interactions with employees related to this policy and identify themes and potential

options for action and improvement.

#### 4.4.8 Joint Health and Safety Committees

The Corporation's Joint Health and Safety Committees will be consulted and may provide input and feedback with respect to the implementation and maintenance of this policy and related processes and procedures in accordance with the [Occupational Health and Safety Act](#).

#### 4.4.9 Unions/Associations

Union/Association officials are available for confidential consultation and to provide representation to both complainants and respondents, if they are Union/Association members. Union/Association officials can also make a referral to agencies for counselling and assistance where required.

#### 4.4.10 Community Agencies

Community agencies are available to provide confidential advice to individuals affected by complaints.

### 4.5 Communication

This policy shall be posted on the Corporation's intranet, on the Corporation's website, and in the Corporation's workplaces.

### 4.6 Respectful Workplace Training

Employees, elected officials, interns and students on placement, will receive mandatory training on this policy upon assuming their respective roles in the workplace. Thereafter, as appropriate, they will receive refresher or in-service training with respect to specific rights and/or obligations arising from the [Human Rights Code](#) and/or the [Occupational Health and Safety Act](#) and will be reminded of the complaint mechanisms to enforce those rights and any substantial changes.

### 4.7 Policy Review Process

The Corporation is committed to continuing to enhance its respectful workplace policies, practices, and procedures. This policy will be reviewed as often as necessary, but at least annually, to ensure it remains current and is appropriately implemented. Employees and their representatives are encouraged to provide input and feedback to the Human Rights Division, the Human Resources Division, or the RWO.

### 4.8 Policy Implementation

Implementation of this policy will be in accordance with applicable Council and/or Corporation by-laws, policies and procedures, legislation, and collective agreement provisions.

### 4.9 Related Policies and Procedures

- [Accommodation of Employees with Disabilities Procedure](#)
- [Code of Conduct for Members of Council](#)
- [Formal Investigation Process](#)
- [General Policy for Advisory Committees](#)
- Public Conduct Administrative Practice
- [Rzone Policy](#)
- [Time Off for Religious Observances Guideline](#)
- [Use of Technology Administrative Procedure](#)
- [Workplace Violence Prevention Policy](#)

## Appendix A: Examples of Prohibited Behaviours

The following are some examples of the prohibited behaviours listed in Section 4.3 above.

### Disrespectful Behaviour

Examples could include:

- Teasing or joking that intimidates, embarrasses, or humiliates;
- Belittling and use of profanity;
- Using sarcasm or a harsh tone;
- Deliberately expressing or exhibiting disinterest when an employee is speaking;
- Spreading gossip or rumours that damage one's reputation;
- Condescending or patronizing behaviour;
- Actions that invade privacy or one's personal work space; and
- Deliberately excluding an employee from basic civilities (e.g. saying "good morning"), relevant work activities, or decision making.

Any of the behaviours listed above could also constitute discrimination (if based on one or more of the prohibited grounds) or harassment (if the behaviour is repeated, occurs in combination with other prohibited behaviours, or is severe).

### Discrimination

If based on one or more of the prohibited grounds, examples could include:

- Excluding an employee from workplace activities;
- Refusing to work with another employee;
- Denial of hiring, promotion, work assignment, career development or training;
- Failing or refusing to accommodate short of undue hardship; and
- Denial of services to any individual or group of individuals.

### Harassment

Examples of **Personal Harassment** could include:

- Angry shouting/yelling;
- Abusive or violent language;
- Physical, verbal, or e-mail threats or intimidation;
- Aggressive behaviours (e.g. slamming doors, throwing objects);
- Targeting individual(s) in humiliating practical jokes;
- Excluding, shunning, or impeding work performance;
- Negative blogging or cyberbullying;
- Retaliation, bullying, or sabotaging;
- Unreasonable criticism or demands;
- Insults or name calling;
- Public humiliation; and
- Communication via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio) that is demeaning, insulting, humiliating, or mocking.

Examples of **Code-based Harassment** could include (if based on one or more of the prohibited grounds):

- Insulting, offensive, humiliating or mocking remarks, gestures, jokes, slurs, or innuendos;
- Name calling, including using derogatory or offensive terms or language;
- Refusing to work or interact with an employee;

- Attaining, viewing, retaining or distributing insulting, derogatory or offensive information from the internet or other sources;
- Vandalism of an individual's property;
- Interference with a person's ability to perform their work responsibilities;
- Offensive, derogatory, insulting or demeaning communication via any means (e.g. verbal, electronic mail, voice mail, print, social media posts, or radio); and
- Displaying pictures, graffiti or other materials that are derogatory or offensive.

### **Harassment Does Not Include:**

- Reasonable performance of management or supervisory functions, including:
  - performance/probation reviews/appraisals,
  - performance management (including coaching, counselling, discipline),
  - organizational changes/restructuring,
  - shift/vacation scheduling,
  - work direction, and
  - work assignments/work location;
- Occasional disagreements or personality conflicts between co-workers;
- Stressful events encountered in the performance of legitimate duties; or
- A single comment or action unless it is serious and has a lasting harmful effect.

### **Sexual Harassment**

Examples could include:

- Comments, jokes, slurs, innuendos or taunting about a person's body, attire, sex, sexual orientation, gender identity, or gender expression;
- Comments or conduct of a sexual nature (verbal, written, physical);
- Jokes of a sexual nature which cause awkwardness or embarrassment;
- Negative stereotypical comments based on gender, sex or sexual orientation;
- Gender related comments about an individual's physical characteristics or mannerisms;
- Displaying or distributing pornographic pictures or other offensive material;
- Inappropriate touching, gestures, leering, staring or sexual flirtations;
- Sexual assault (also an offence under the [Criminal Code](#));
- Persistent unaccepted solicitations for dates (including unwelcome contact subsequent to the end of an intimate relationship);
- Unwelcome solicitation(s) made by a person in a position to confer or deny a workplace benefit or advancement on the recipient; and
- Unwelcome comments or questions about a person's sex life.

### **Reprisal**

Examples could include:

- Issuing discipline, changing work location or hours, demoting, denying of advancement or promotional opportunities, or threatening to carry out such actions if done as an act of retaliation or revenge;
- Bullying, threats, or other intimidating behaviour;
- Making false allegations of workplace misconduct; and
- Pressuring an individual to withdraw or change a complaint or witness statement.



## Appendix B: Respectful Workplace Dispute Resolution and Complaint Procedures

### 1. Purpose

These procedures are intended to:

- a) Outline internal options available for employees to raise concerns of prohibited behaviour for resolution and/or investigation;
- b) Inform managers and supervisors of actions required to address concerns and complaints of prohibited behaviour;
- c) Inform employees of what they can expect to occur in the event they raise a concern of prohibited behaviour, or are a witness to, or accused of such behaviour;
- d) Inform employees of available supports to assist them in raising concerns of prohibited behaviour or in the event they are accused of, or witness such behaviour; and
- e) Outline actions that will be taken to prevent, correct, and remedy incidents of prohibited behaviour.

### 2. Definitions

For the purposes of these procedures,

- 2.1 **Complainant** – A person(s) alleging they have been subjected to prohibited behaviour under this policy.

*Note:* Complaints of prohibited behaviour will be accepted from any source that provides reasonable grounds for concern (e.g. witnesses, unions/associations, or other third parties). These individuals will not be considered “complainants” for the purpose of these Resolution/Complaint Procedures or the Corporation’s [Formal Investigation Process](#).

- 2.2 **Prohibited Behaviour** – Behaviour in the workplace that is prohibited by this policy (see Policy, Section 4.3 above).

- 2.3 **Respondent** – The person(s) who is alleged to have engaged in prohibited behaviour.

- 2.4 **Respectful Workplace Response Team** – Shall be comprised of the City Manager, relevant Managing Director, Director of People Services, or their designate(s), and a member of the City Solicitor’s Office.

### 3. Complaints Involving the City Manager/Deputy City Manager/Managing Directors/Director of People Services/Human Rights Intake Administrator

- a) Complaints received through these Resolution/Complaint Procedures alleging the City Manager has engaged in prohibited conduct (alone or in conjunction with another respondent(s)) shall be forwarded to the Director of People Services or the City Solicitor as soon as possible. Upon receipt of a complaint, the Director of People Services or the City Solicitor will immediately refer the complaint to an external third party.
- b) Complaints received through these Resolution/Complaint Procedures alleging the Deputy City Manager, a Managing Director, the Director of People Services, or the Human Rights Intake Administrator (alone or in conjunction with another respondent(s) other than the City Manager) has engaged in prohibited behaviour shall be forwarded to the City Manager as soon as possible. Upon receipt of a complaint, the City Manager will immediately refer the complaint to an external third party.
- c) The external third party will perform all the functions assigned to the Human Resources Division and/or the Human Rights Division as described in this procedure and the Formal Investigation Process.
- d) In the case of the City Manager, if the external third party determines that a formal investigation is required, they will provide the investigation report

and their recommendations, if any, to the Committee designated by the Municipal Council to deal with such matters. The Committee, after consultation with the external third party and such other external and/or internal resources as appropriate and required (e.g. external legal counsel, member of the City Solicitor's Office, Director of People Services), shall make recommendations to the Municipal Council relating to corrective and/or disciplinary actions, and the Municipal Council shall consider, adopt or otherwise deal with the recommendations from the Committee.

- e) In the case of the Deputy City Manager, Managing Directors, Director of People Services, and the Human Rights Intake Administrator, if the external third party determines that a formal investigation is required, they will provide the investigation report and their recommendations, if any, to the City Manager. The City Manager, after consultation with such other external and/or internal resources as appropriate and required (e.g. external legal counsel, member of the City Solicitor's Office, Director of People Services) will determine or, where required, will recommend to the Committee designated by the Municipal Council to deal with such matters, appropriate corrective and/or disciplinary action.

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

#### **4. Complaints Involving a Member of Council (Including the Mayor)**

- a) Complaints received through these Resolution/Complaint Procedures alleging a Member of Council has engaged in prohibited conduct shall be forwarded to the Director of People Services as soon as possible. In the event the Director of People Services, determines that a formal investigation of the complaint is required, they will immediately refer the complaint to the Integrity Commissioner to conduct an investigation in accordance with the Integrity Commissioner's procedures. Where such a request is made to the Integrity Commissioner, the Director of People Services shall be the complainant for the purposes of the Integrity Commissioner's procedures.
- c) Where the Integrity Commissioner conducts an investigation, the Integrity Commissioner will provide results to the Director of People Services in accordance with the Integrity Commissioner's procedures. Based on the Integrity Commissioner's reporting, the Director of People Services will provide the complainant with a written summary of the findings.
- d) Where there are findings of a violation of this policy, the Director of People Services will refer the findings to the Respectful Workplace Response Team to implement appropriate corrective action to ensure the behaviour stops in accordance with section 7.4 below.
- e) As noted in Section 7.10 below, other complaint avenues for raising concerns of prohibited behaviour by a Member of Council may be available, including directly to the Integrity Commissioner as provided for in the [Code of Conduct for Members of Council](#).

In all other respects, the Resolution/Complaint Procedures below will apply to the processing of the complaint.

#### **5. Complaints Involving Members of the Public Attending at Corporation Workplaces and/or Accessing Corporation Services**

- a) The Division Manager of Corporate Security and Emergency Management, or designate, in addition to the individuals listed in sections 6.1 and 6.2 below, is available to provide advice, guidance and assistance to employees and supervisors/managers regarding available options to raise and resolve concerns of prohibited behaviour by a member of the public.
- b) The Division Manager, Corporate Security and Emergency Management, or designate, in consultation with the Human Rights Division as needed,

may also determine an appropriate informal course of action that may effectively resolve a complaint against a member of the public in a timely and fair manner as outlined in section 6.3 below. All findings of harassment, discrimination, and/or reprisal determined through informal action, as well as any corrective actions taken, shall be reported to the Human Rights Division.

- c) In addition to the Director of People Services and in accordance with section 6.5 below, the Division Manager, Corporate Security and Emergency Management or designate, in consultation with the Human Rights Division as needed, may determine that further inquiry into a complaint of prohibited conduct against a member of the public is necessary and, if so, a formal investigation of the matter will be conducted in accordance with the Corporation's [Formal Investigation Process](#).
- d) Where there are findings of a violation of this policy, corrective action shall be determined in accordance with section 7.4 below.
- e) The Division Manager, Corporate Security and Emergency Management or designate, shall report all findings of harassment, discrimination, and/or reprisal determined through formal investigation, as well as any corrective actions taken, to the Human Rights Division.

In all other respects, the Resolution/Complaint Procedures set out below will apply to the processing of a complaint against a member of the public.

## 6. Resolution/Complaint Procedures

There are a number of internal options available to raise and resolve concerns of prohibited behaviour under this policy, including:

- 1) Consultation – Obtaining Advice and Assistance
- 2) Individual Action – Talking to the Respondent
- 3) Informal Action – Dispute Resolution without Formal Investigation
- 4) Mediation
- 5) Formal Investigation

Whether all options are available or appropriate in a particular case will depend on the nature of the concerning behaviour and/or the parties involved. In all cases, concerns should be raised and addressed as soon as possible. Where appropriate, and especially when raised right away, individual or informal actions can bring about a quick resolution and prevent escalation of workplace disputes.

### 6.1 Consultation – Obtaining Advice and Assistance

Employees who believe they have witnessed or been subjected to prohibited behaviour may benefit from having access to information and advice before deciding how to proceed with a concern. Employees may consult any member of management or Human Resources or Human Rights Division staff. These individuals have responsibility to take action to resolve and stop prohibited behaviour (see Roles and Responsibilities – Policy, Section 4.4). They can provide advice, assistance, coaching, and referrals to assist employees in addressing the dispute themselves where appropriate to do so. Depending on the nature and circumstances of the concern raised, these individuals may be obligated to initiate an investigation even if the complainant does not wish to pursue that option.

The RWO is also available to provide neutral, confidential advice and information regarding available resolution and complaint options (see Policy, Section 4.4.7).

Employees who are members of a bargaining unit may also consult their Union/Association representative.

## 6.2 Individual Action – Talking to the Respondent

If an employee believes they are being subjected to prohibited behaviour and there are no immediate health or safety concerns, it is recommended the respondent be told as soon as possible that their behaviour is unwelcome and must stop.

It is not necessary for the employee to advise the respondent directly. The communication may be done verbally, via e-mail, transcribed, or other suitable means. It is recommended that if the communication is done verbally, what was said, as well as the date, time and place, be documented. Human Rights and Human Resources Division staff, a Union/Association representative, any member of management, or a trusted friend may assist.

It is recommended that the complainant maintain a detailed record of incidents of prohibited behaviour, including the number of occurrences, date(s), time(s), place(s), nature of the offensive behaviour(s), names of individuals who may have observed the incidents and all actions taken.

If addressing the respondent directly could raise health or safety risks, escalate the dispute, or is not appropriate, complainants may take other resolution options outlined in these procedures.

## 6.3 Informal Action – Dispute Resolution without Formal Investigation

If individual action is not appropriate or if the prohibited behaviour continues after asking the person to stop, the employee shall advise their supervisor/manager or the Human Rights Division of their complaint, preferably in writing. Where the employee's supervisor/manager is involved in the complaint, the employee may advise a more senior member of management. Supervisors and managers will report all complaints of behaviour that may constitute harassment, discrimination, or reprisal to the Human Rights Division as soon as possible. When uncertain, supervisors/managers should consult the Human Rights Division for guidance.

Where the prohibited behaviour alleged is not harassment, discrimination, or reprisal, the supervisor or manager in consultation with the Human Rights Division, as needed, and with the parties to the dispute, if appropriate, may determine an appropriate informal course of action that will effectively resolve the complaint in a timely and fair manner without the need for formal investigation. If the prohibited behaviour warrants disciplinary action, the supervisor or manager must consult with Human Resources or Human Rights Division staff before issuing discipline. The supervisor or manager shall document and report to the Human Rights Division any informal action taken, including any corrective/disciplinary action(s) implemented, to resolve the complaint.

Where the alleged prohibited behaviour may constitute harassment, discrimination, or reprisal, the Director of People Services, or designate, in consultation with the Human Rights Division, and with the complainant if appropriate, will determine whether an informal course of action may be appropriate.

Circumstances in which an informal course of action may be appropriate include the following:

- i) Where the alleged misconduct is minor in nature;
- ii) Where all the facts necessary for resolution are known without the need for further inquiry;
- iii) Where no other resources or special expertise are required for an impartial and timely resolution;
- iv) Where the alleged misconduct is acknowledged by the respondent, the parties to the complaint are in agreement as to how to effectively resolve the issues, and the agreed upon resolution is acceptable to the

appropriate manager(s) and the Director of People Services or designate.

Informal action may include, among other actions:

- i) Consulting, advising, meeting with and/or interviewing those involved in the complaint (i.e. an informal review/investigation);
- ii) Reviewing documentary evidence (e.g. emails);
- iii) Communication of findings to the parties to the complaint and making recommendations to remedy concerns; or
- iv) A facilitated discussion to resolve the issues.

The [Occupational Health and Safety Act](#) requires employers to conduct an investigation that is appropriate in the circumstances of all incidents and complaints of workplace harassment. Therefore options for informal action that do not include investigation will not be available for complaints of workplace harassment until after an appropriate investigation has been completed.

Where there are findings of prohibited behaviour determined through informal action, communication of those findings will be in accordance with the Communication of Findings section of the Corporation's [Formal Investigation Process](#).

#### 6.4 Mediation

Mediation is a form of informal action. It is a voluntary process whereby the complainant and respondent meet with a trained mediator to determine whether the complaint can be resolved in a mutually satisfactory manner.

Mediation is not appropriate in all circumstances. For example, when there are allegations of severe discrimination or harassment which, if substantiated, would result in disciplinary action, or where there are potential health or safety concerns. If the Director of People Services or designate, in consultation with the Human Rights Division, deems mediation appropriate, it will be offered to the parties but will only be conducted with the consent of both the complainant and the respondent.

It is preferable that mediation be attempted prior to a formal investigation but will remain available to the parties throughout the investigation process. Where workplace harassment is alleged, mediation will only be available, if deemed appropriate, after an investigation is completed as required by the [Occupational Health and Safety Act](#).

During the mediation process, the complainant and the respondent may, if desired, be accompanied by a Union/Association representative or a trusted friend.

If a mediated settlement is reached, the terms of the settlement shall be reduced to writing and signed by the complainant, respondent and the mediator. If the settlement requires any action on the part of the Corporation, the agreement of the Director of People Services or designate will be required.

Discussions at the mediation will be treated as carried out with a view to coming to a settlement. Discussions will be treated as privileged and confidential to the full extent permitted by law.

#### 6.5 Formal Investigation

If mediation or other informal options to resolve the complaint are not appropriate or are unsuccessful or where the Director of People Services or designate, in consultation with the Human Rights Division, determines that further inquiry is necessary, a formal investigation into the matter will be conducted.

**Corporate-initiated Investigations:** In circumstances where a complaint is made by someone other than the alleged victim, the Corporation may conduct a formal investigation where the Director of People Services or designate, in consultation with the Human Rights Division, deems it appropriate, including where allegations of harassment or discrimination warrant further action/investigation or where the alleged victim does not wish to submit a complaint. The Corporation may also conduct a formal investigation where there is information to suggest the existence of an outstanding specific or systemic problem in the workplace.

Formal investigations and communication of the findings from such investigations will be conducted in accordance with the Corporation's [Formal Investigation Process](#).

## **7. General Provisions**

### **7.1 Refusal to Act or Investigate**

The Corporation may refuse to act or investigate or may discontinue an informal action or investigation where:

- i) The behaviour alleged, if true, would not be a breach of this policy;
- ii) The complaint is anonymous and there is insufficient information to warrant any or further steps;
- iii) The complaint is vexatious or made in bad faith (see Section 7.5 below);
- iv) Another complaint avenue has been pursued or engaged regarding the same or a related concern/complaint; or
- v) Having regard to all of the circumstances, further investigation of the matter is unnecessary.

### **7.2 Interim Measures**

In certain circumstances such as where health or safety is at issue, it may be necessary to take immediate measures. In such a case, interim measures shall be determined by the Director of People Services, or designate, in consultation, where appropriate, with the Human Rights Division, other members of the Respectful Workplace Response Team, Corporate Security, and/or the London Police Service. Interim measures may include relocating a party, or placing a party on a non-disciplinary suspension with pay pending the resolution of the complaint or outcome of the investigation. The Division Manager, Corporate Security and Emergency Management Division, or designate, in consultation, where appropriate, with the Human Rights Division, other members of the Respectful Workplace Response Team, and/or the London Police Service, shall determine interim measures with respect to members of the public. The implementation of interim measures does not mean that conclusions have been reached relating to the allegations.

### **7.3 Support for Parties**

The Corporation recognizes that involvement in a workplace investigation may be stressful and emotionally upsetting. Complainants, respondents, witnesses, and other affected employees may access the counselling services and support provided by the Corporation's employee assistance provider. Additionally, complainants may wish to access counselling and support through outside agencies.

Parties to a complaint also have the right to be accompanied by a support person of their choice during meetings relating to a complaint made pursuant to these procedures, including their Union/Association representative, if applicable, or a trusted friend (e.g. another manager if they are a management employee). Where the Human Rights Intake Administrator/investigator is of the opinion that the presence of the support person is inappropriate (e.g. they have a conflict) or

is hindering the process, the relevant party may select another support person provided that doing so does not hinder or unduly delay the meeting/process. As these procedures are intended as an internal means of addressing prohibited behaviour outside of more formal legal proceedings, parties are not entitled to select legal counsel as their support person.

#### 7.4 Corrective Action and/or Disciplinary Action

Where a finding of a violation of this policy that does not constitute harassment, discrimination, or reprisal has been made, the applicable division manager, in consultation with the Director of People Services, or delegate, will determine appropriate corrective and/or disciplinary actions.

Where a finding of harassment, discrimination, or reprisal in violation of this policy has been made, the Respectful Workplace Response Team will determine appropriate corrective and/or disciplinary actions.

Where it is determined that corrective or disciplinary action is to be taken against an employee of the Corporation, such action may include the following:

- An apology
- Coaching or counselling
- Education or training
- Warning
- Suspension or leave without pay
- Demotion
- Transfer
- Termination of employment

The appropriate supervisor or manager will implement corrective or disciplinary actions to be taken against an employee.

Where it is determined that corrective action is to be taken against members of Council, volunteers (including members of Advisory Committees, Special Committees, and Task Forces), students on placements, contractors, consultants, members of the public, including clients or customers, the Corporation will take such corrective action as is reasonable in the circumstances and permitted by law to ensure the prohibited behaviour stops. This may include barring the person from Corporation facilities or discontinuing business with contractors or consultants. The Division Manager, Corporate Security and Emergency Management Division or designate will be consulted with respect to determining any corrective action to be taken against members of the public.

The Corporation may also implement any systemic remedies it deems appropriate.

#### 7.5 Vexatious/Bad Faith Complaints

Where it is determined that the complainant has made a vexatious or bad faith complaint or an individual makes allegations knowing them to be false, the Respectful Workplace Response Team will take appropriate corrective and/or disciplinary action which may include the same corrective and/or disciplinary actions noted above.

A complaint is vexatious or made in bad faith if it is made for the purpose of annoying, embarrassing or harassing the respondent, out of spite or vindictiveness, or the complainant is engaging in improper behaviour such as fraud, deception, or intentional misrepresentation.

A complaint that is made in good faith but is not substantiated does not constitute a vexatious or bad faith complaint.

## 7.6 Timing of Complaint

A complaint under these procedures should be made as soon as possible after the prohibited behaviour occurred and no later than one year after the last incident occurred unless there are reasons why it was not possible to bring it forward sooner. Where failure to make a complaint in a timely fashion affects the ability of the Corporation to conduct a full and complete investigation, the Corporation may decline to deal with the complaint.

## 7.7 Timing of Completion of Actions/Investigation

The Corporation will complete any informal actions or formal investigations pursuant to these procedures in a timely manner and within three (3) months from the date of receiving a complaint/initiating an investigation, unless there are extenuating circumstances (e.g. illness, complex investigation) warranting a longer period. The Human Rights Intake Administrator/investigator, supervisor, or manager responsible for handling a complaint under these procedures will update the parties to the complaint on a regular basis (approximately every two to three weeks) as to the status of their complaint and anticipated next steps.

## 7.8 Confidentiality

The administration of these procedures will be in accordance with the [Municipal Freedom of Information and Protection of Privacy Act](#) (“MFIPPA”). All complaints received under these procedures will be considered strictly confidential subject to the Corporation’s obligation to safeguard employees, to conduct a thorough investigation, take appropriate corrective and/or disciplinary action, or to otherwise disclose information as required by law. The parties to the complaint and any witnesses are also expected to maintain confidentiality. Unwarranted breaches of confidentiality will result in corrective and/or disciplinary action.

## 7.9 Complaint Records

Where an investigation results in corrective and/or disciplinary action against an employee, a record of such action will be placed in the employee’s Human Resources file. Where there is insufficient evidence to prove that prohibited conduct occurred, no record of the complaint shall be placed in the respondent’s Human Resources file.

All records pertaining to enquiries and complaints under this policy will be kept in confidential storage separate from employees’ Human Resources files. All records will be subject to the provisions of [MFIPPA](#) as noted above.

## 7.10 Other Avenues of Complaint

In addition to these internal resolution and complaint procedures, there may be other avenues available to pursue complaints of prohibited behaviour. Depending on the nature of the behaviour at issue and the parties involved, other complaint avenues may include an Application to the Human Rights Tribunal of Ontario, a complaint to the Ministry of Labour, an application to the Ontario Labour Relations Board, a civil action, a criminal complaint, a complaint to the Integrity Commissioner, and a grievance pursuant to the terms of an applicable collective agreement.

These resolution/complaint procedures are not intended to interfere with or restrict employees’ rights to pursue any other available avenue(s) of complaint, including pursuant to the Ontario [Human Rights Code](#) and the [Occupational Health and Safety Act](#). Where appropriate and/or required by law, the Corporation will conduct its own independent investigation into the allegations and make its own determination in accordance with this policy even when another avenue of complaint is pursued. This includes circumstances where there may be a related criminal proceeding.

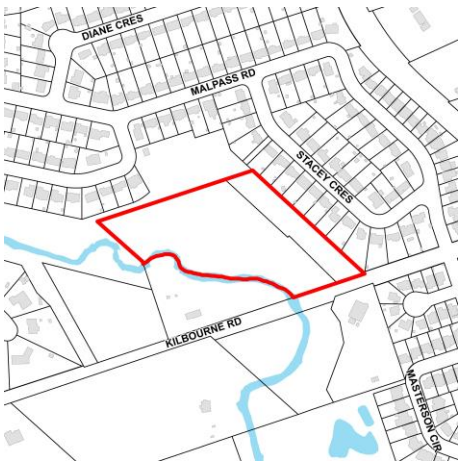




# NOTICE OF PLANNING APPLICATION

## Draft Plan of Vacant Land Condominium, Official Plan and Zoning By-law Amendments

### 7098-7118 Kilbourne Road



**File: 39CD-19518/OZ-9161**

**Applicant: Bluestone Properties Inc.**

#### What is Proposed?

Draft Plan of Vacant Land Condominium, Official Plan and Zoning amendments to allow:

- Development of fourteen (14) single detached dwelling units
- Portion of the property to remain Open Space/floodplain



## LEARN MORE & PROVIDE INPUT

Please provide any comments by **February 6, 2020**

Nancy Pasato

[npasato@london.ca](mailto:npasato@london.ca)

519-661-CITY (2489) ext. 4586

Development Services, City of London, 300 Dufferin Avenue, 6<sup>th</sup> Floor,

London ON PO BOX 5035 N6A 4L9

File: 39CD-19518/OZ-9161

[london.ca/planapps](https://london.ca/planapps)

You may also discuss any concerns you have with your Ward Councillor:

Anna Hopkins

[ahopkins@london.ca](mailto:ahopkins@london.ca)

519-661-CITY (2489) ext. 4009

**If you are a landlord, please post a copy of this notice where your tenants can see it.  
We want to make sure they have a chance to take part.**

Date of Notice: January 9, 2020

# Application Details

Commonly Used Planning Terms are available at [london.ca/planapps](https://london.ca/planapps).

## Requested Draft Plan of Vacant Land Condominium

Consideration of a Draft Plan of Vacant Land Condominium consisting of fourteen (14) residential single detached units and a common element for a private access driveway and services to be registered as one condominium corporation.

## Requested Amendment to the Current Official Plan

To add a Specific Area Policy to Chapter 10 to permit a minimum density of eight (8) units per hectare on the site; and to amend Section 20.5.7 (Lambeth Neighbourhood) of the Official Plan (Southwest Area Secondary Plan), to add a special policy to permit a minimum density of eight (8) units per hectare on the site (whereas a minimum density of 15 units per hectare is required).

## Requested Amendment to The London Plan (New Official Plan)

To amend the Southwest Area Secondary Plan, Section 20.5.7 (Lambeth Neighbourhood) to add a special policy to permit a minimum density of eight (8) units per hectare on the site (whereas a minimum density of 15 units per hectare is required).

## Requested Zoning By-law Amendment

To change the zoning from a Residential R1 (R1-8) Zone, an Environmental Review (ER) Zone, a Holding Open Space (h-2\*OS4) Zone and an Open Space (OS5) Zone to a Residential R6 (R6-1) Zone and an Open Space (OS5) Zone. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at [london.ca/planapps](https://london.ca/planapps).

### Requested Zoning

**Zone(s):** Residential R6 (R6-1) Zone to permit cluster housing in the form of single detached dwellings, with a maximum lot coverage of 25%, a maximum height of 10.5 metres, and a maximum density of 15 units per hectare; and an Open Space (OS5) Zone to permit conservation lands, conservation works, passive recreation uses which include hiking trails, multi-use pathways, and managed woodlots;

The City may also consider the use of holding provisions for design and servicing, and/or additional special provisions in zoning related to urban design, setbacks and coverage.

An Environmental Impact Study has been prepared to assist in the evaluation of this application. An Environmental Impact Study (EIS) report, prepared by MTE, dated November 6, 2019, was submitted with the application. The EIS report is available for public review during regular business hours at the City of London, Development Services, 6th Floor, City Hall.

This property is also the subject of an application for Site Plan (SPA19-107).

## Planning Policies

Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document. Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document. These lands are currently designated as "Low Density Residential" which allows single detached, semi-detached, duplex dwellings and cluster housing at a maximum density of 30 units per hectare as the main permitted uses, and "Open Space" which permits public open space uses including district, city-wide, and regional parks, and private open space uses such as cemeteries and private golf courses. The lands are within the Southwest Area Secondary Plan, within the Lambeth Residential Neighbourhood, which includes special policies and direction for development, including urban design considerations, pedestrian connections, minimum densities, and incorporating varied housing types.

The subject lands are in the "Neighbourhoods" Place Type in The London Plan, permitting a range of housing including single detached, townhouses and low rise apartments, and "Green Space", permitting a range of open space, parks and conservation uses.

## How Can You Participate in the Planning Process?

You have received this Notice because someone has applied for a Draft Plan of Vacant Land Condominium and to change the Official Plan designation and zoning of land located within 120 metres of a property you own, or your landlord has posted the notice of application in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. The ways you can participate in the City's planning

review and decision making process are summarized below. For more detailed information about the public process, go to the [Participating in the Planning Process](#) page at [london.ca](#).

## See More Information

You can review additional information and material about this application by:

- visiting Development Services at 300 Dufferin Ave, 6<sup>th</sup> floor, Monday to Friday between 8:30am and 4:30pm;
- contacting the City's Planner listed on the first page of this Notice; or
- viewing the application-specific page at [london.ca/planapps](#).

## Reply to this Notice of Application

We are inviting your comments on the requested changes at this time so that we can consider them as we review the application and prepare a report that will include Development Services staff's recommendation to the City's Planning and Environment Committee. Planning considerations usually include such matters as land use, development intensity, and form of development.

This request represents residential intensification as defined in the policies of the Official Plan. Under these policies, Development Services staff and the Planning and Environment Committee will also consider detailed site plan matters such as fencing, landscaping, lighting, driveway locations, building scale and design, and the location of the proposed building on the site. We would like to hear your comments on these matters.

## Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested Draft Plan of Vacant Land Condominium, Official Plan and zoning changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act*. You will also be invited to provide your comments at this public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting. The Council Decision will inform the decision of the Director, Development Services, who is the Approval Authority for Draft Plans of Vacant Land Condominium.

## What Are Your Legal Rights?

### Notification of Council and Approval Authority's Decision

If you wish to be notified of the Approval Authority's decision in respect of the proposed draft plan of vacant land condominium, you must make a written request to the Director, Development Services, City of London, 300 Dufferin Ave., P.O. Box 5035, London ON N6A 4L9, or at [developmentservices@london.ca](mailto:developmentservices@london.ca). You will also be notified if you provide written comments, or make a written request to the City of London for conditions of draft approval to be included in the Decision.

If you wish to be notified of the decision of the City of London on the proposed official plan amendment and zoning by-law amendment, you must make a written request to the City Clerk, 300 Dufferin Ave., P.O. Box 5035, London, ON, N6A 4L9, or at [docservices@london.ca](mailto:docservices@london.ca). You will also be notified if you speak to the Planning and Environment Committee at the public meeting about this application and leave your name and address with the Secretary of the Committee.

### Right to Appeal to the Local Planning Appeal Tribunal

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of London in respect of the proposed plan of vacant land condominium before the approval authority gives or refuses to give approval to the draft plan of vacant land condominium, the person or public body is not entitled to appeal the decision of the Director, Development Services to the Local Planning Appeal Tribunal.

If a person or public body does not make oral submissions at a public meeting, if one is held, or make written submissions to the City of London in respect of the proposed plan of vacant land condominium before the approval authority gives or refuses to give approval to the draft plan of vacant land condominium, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written

submissions to the City of London before the proposed official plan amendment is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the proposed official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of London to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

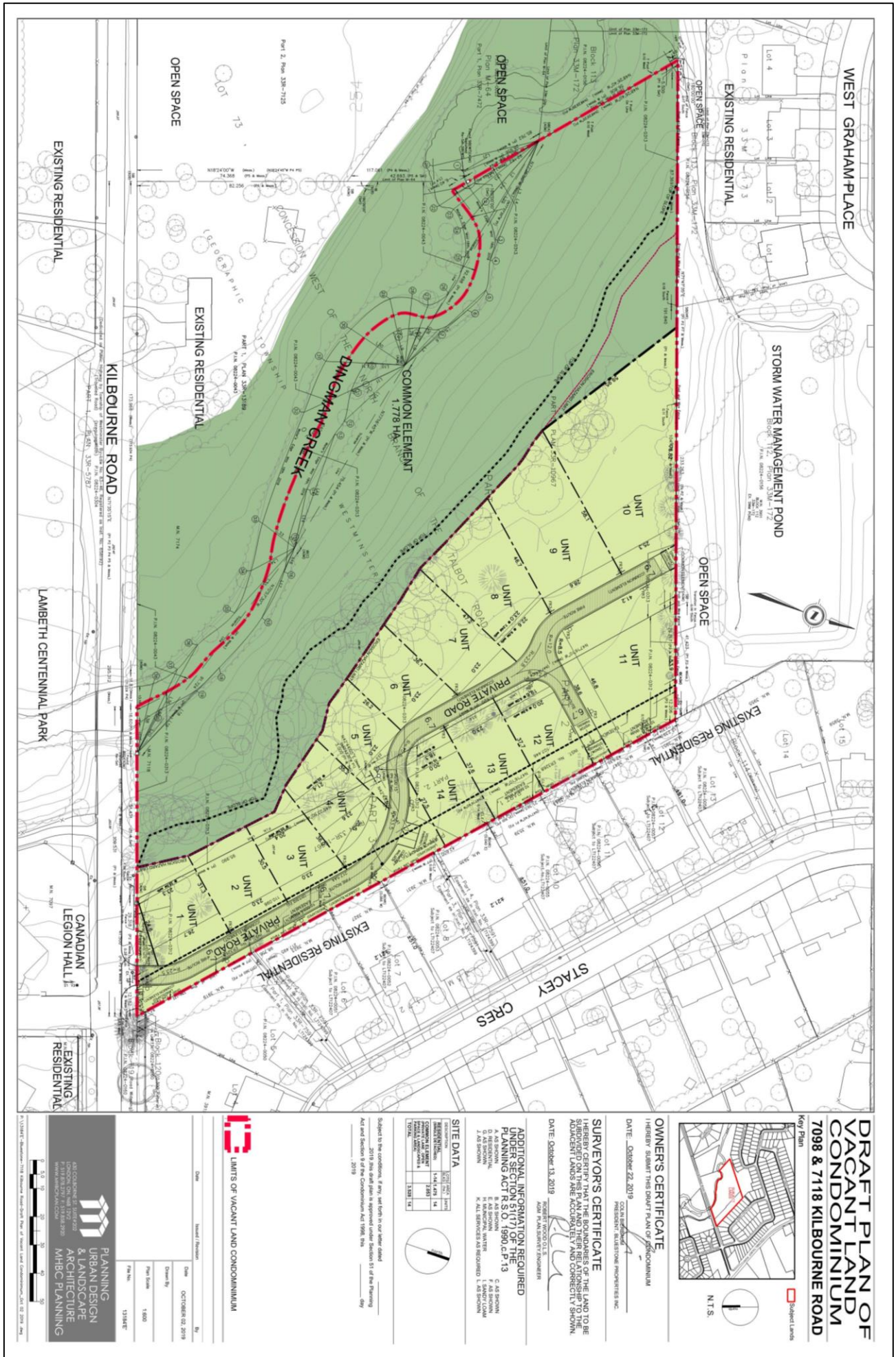
For more information go to <http://elto.gov.on.ca/tribunals/omb/about-the-omb/>.

### **Notice of Collection of Personal Information**

Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City of London staff in their consideration of this matter. The written submissions, including names and contact information and the associated reports arising from the public participation process, will be made available to the public, including publishing on the City's website. Video recordings of the Public Participation Meeting may also be posted to the City of London's website. Questions about this collection should be referred to Cathy Saunders, City Clerk, 519-661-CITY (2489) ext. 4937.

***Accessibility – Alternative accessible formats or communication supports are available upon request. Please contact [accessibility@london.ca](mailto:accessibility@london.ca) or 519-661-CITY (2489) extension 2425 for more information.***

# Requested Draft Plan of Vacant Land Condominium



**DRAFT PLAN OF VACANT LAND CONDOMINIUM**  
**7098 & 7118 KILBOURNE ROAD**



**OWNERS CERTIFICATE**  
 I HEREBY SUBMIT THIS DRAFT PLAN OF CONDOMINIUM  
 DATE: October 22, 2019  
 COLIN WARDMAN  
 PRESIDENT, REDSTONE PROPERTIES INC.

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
 DATE: October 13, 2019  
 ROBERT WOOD G.L.S.  
 A.S.M. P.L.A.N. SURVEY ENGINEER

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(7) OF THE PLANNING ACT R.S.O. 1990, C.P. 13**  
 C.A.S. SHOWN  
 F.A.S. SHOWN  
 G.A.S. SHOWN  
 H.A.S. SHOWN  
 I.A.S. SHOWN  
 K.A.S. SHOWN  
 L.A.S. SHOWN

**SITE DATA**

DESCRIPTION	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5	UNIT 6	UNIT 7	UNIT 8	UNIT 9	UNIT 10	UNIT 11	UNIT 12	UNIT 13	UNIT 14
CONCRETE FLOOR AREA	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141
CONCRETE BALCONY AREA	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141
TOTAL CONCRETE AREA	2,282	2,282	2,282	2,282	2,282	2,282	2,282	2,282	2,282	2,282	2,282	2,282	2,282	2,282
LAND AREA	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141	1,141

Subject to the conditions, if any, set forth in our letter dated 2019, this draft plan is approved under Section 51 of the Planning Act and Section 9 of the Condominium Act 1998, R.S.O. 1990, C.P. 13.  
 DATE: 2019

**LIMITS OF VACANT LAND CONDOMINIUM**

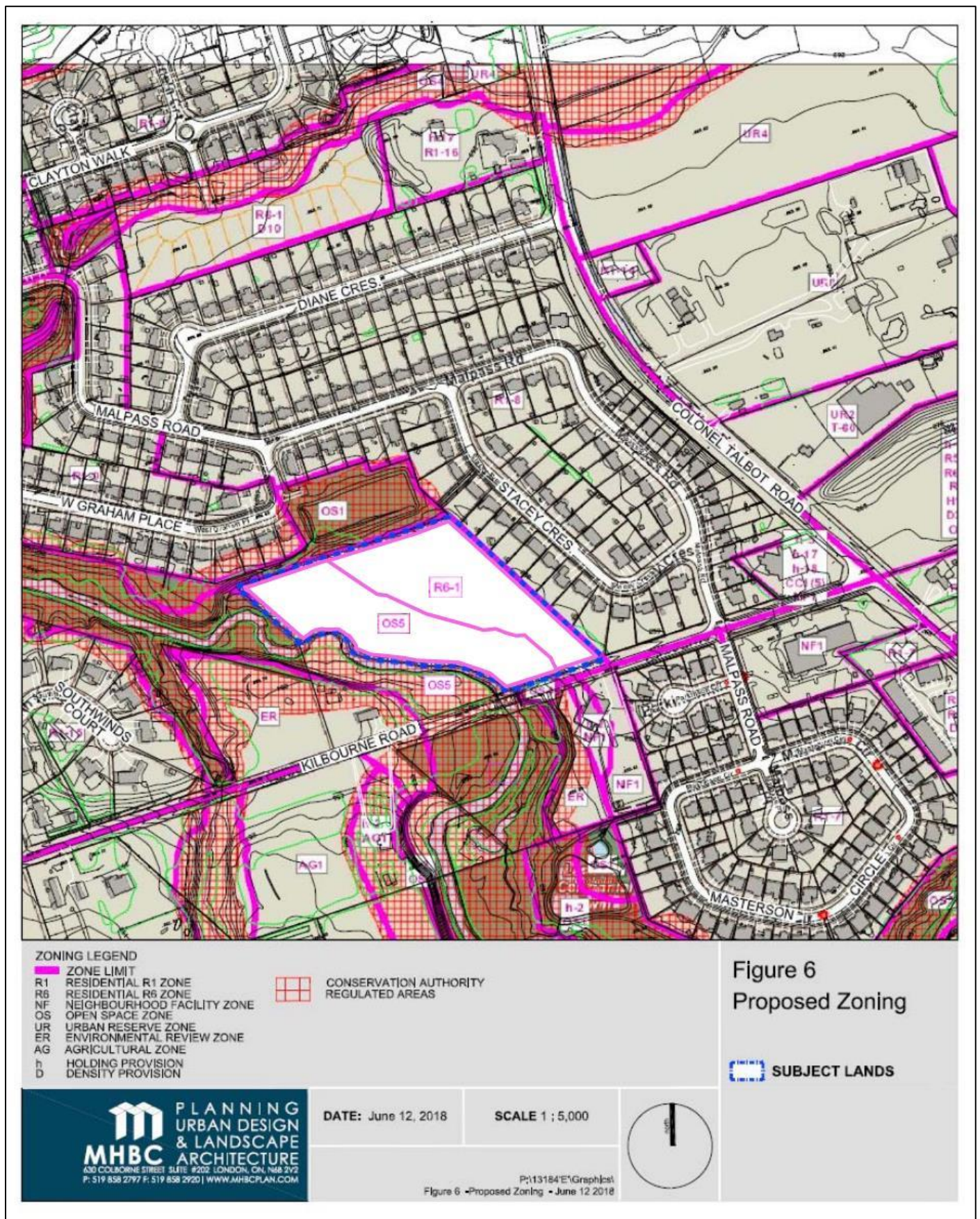
DATE: OCTOBER 22, 2019  
 DRAWN BY: [Name]  
 REVISION: 153187C

**PLANNING DESIGN & LANDSCAPE ARCHITECTURE**  
**MHBC PLANNING**

153187C

The above image represents the applicant's proposal as submitted and may change.

# Requested Zoning



The above image represents the applicant's proposal as submitted and may change.

# DRAFT PLAN OF VACANT LAND CONDOMINIUM

## 7098 & 7118 KILBOURNE ROAD

**Key Plan**

█ Subject Lands

N.T.S.

**OWNER'S CERTIFICATE**  
 I HEREBY SUBMIT THIS DRAFT PLAN OF CONDOMINIUM

DATE: October 22, 2019

COLIN BIERBAUM  
 PRESIDENT, BLUESTONE PROPERTIES INC.

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: October 13, 2019

ROBERT WOOD O.L.S.  
 AGM PLAN SURVEY ENGINEER

**ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT R.S.O. 1990, c.P.13**

A. AS SHOWN	B. AS SHOWN	C. AS SHOWN
D. RESIDENTIAL	E. AS SHOWN	F. AS SHOWN
G. AS SHOWN	H. MUNICIPAL WATER	I. SANDY LOAM
J. AS SHOWN	K. ALL SERVICES AS REQUIRED	L. AS SHOWN

**SITE DATA**

DESCRIPTION	LOTS/BLKS	AREA (ha)	UNITS
RESIDENTIAL (SINGLE DETACHED)	1-14	1.475	14
COMMON ELEMENT PRIVATE LANE, OPEN SPACE & LANDSCAPED & PARKING AREA		2.053	
<b>TOTAL</b>		<b>3.528</b>	<b>14</b>

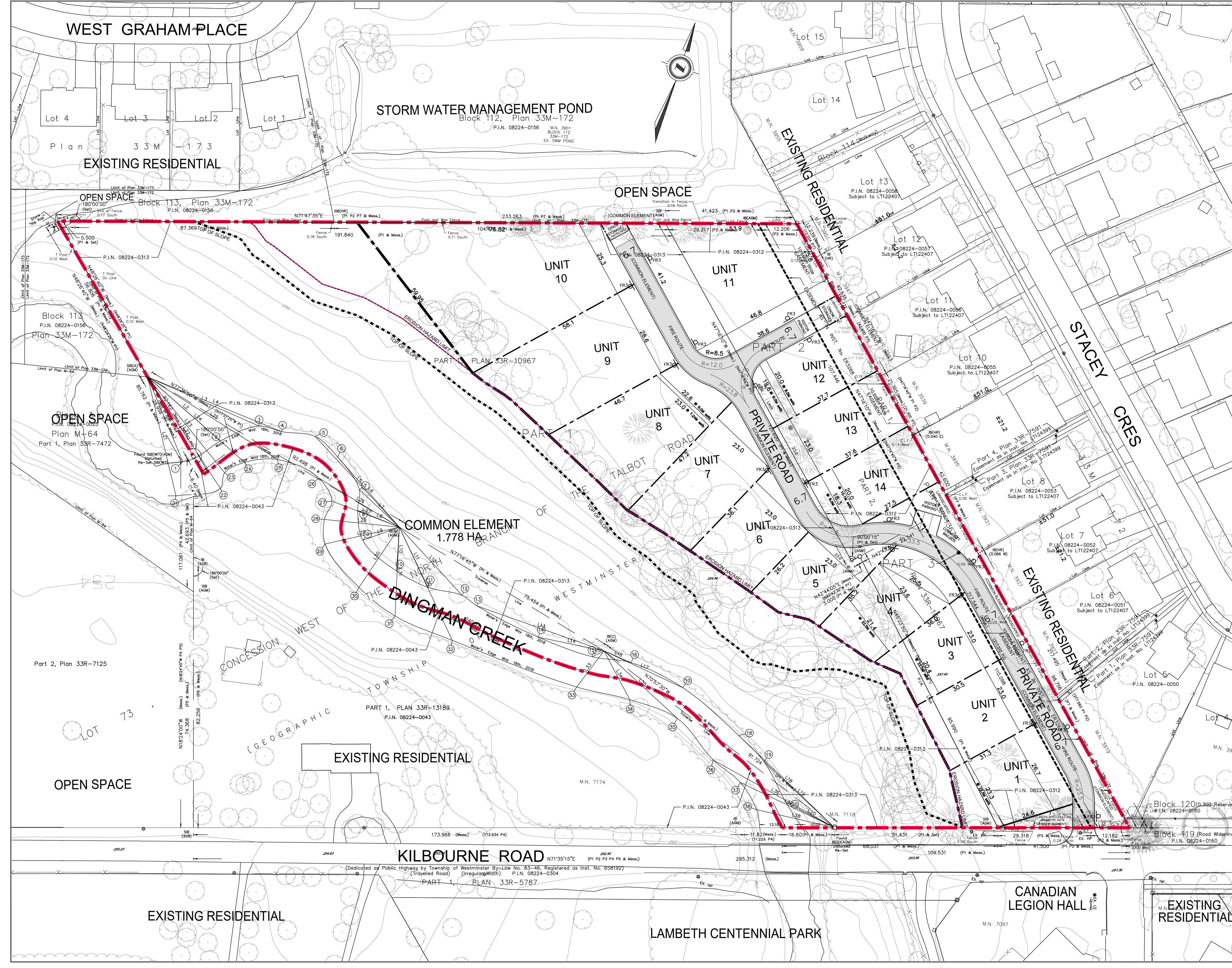
Subject to the conditions, if any, set forth in our letter dated \_\_\_\_\_, 2019, this draft plan is approved under Section 51 of the Planning Act and Section 9 of the Condominium Act 1998, this \_\_\_\_\_ day \_\_\_\_\_, 2019.

### LIMITS OF VACANT LAND CONDOMINIUM

Date	Issued / Revision	By
Date	OCTOBER 02, 2019	
Drawn By		
Plan Scale	1:600	
File No.	13184E'	

**PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE MHBC PLANNING**

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### Advisory Committee Work Plan – 2019

March 2019

Activity	Background	Responsibility	Timeline	Strategic Plan Alignment
Environmental Management Guidelines	This document was last updated in 2007. It has been a standing item in staff and EEPACs work plans since the last term of Council and EEPAC. There is money available from a Foundation to pay for the work and an agreement with the City has already been signed.	EEPAC will review the terms of reference and work with the consultant in cooperation with staff	As directed by staff	Building a Sustainable City
Protecting Environmentally Significant Areas	Communicating why it is important that dogs are controlled in and around Environmentally Significant Areas (cats indoors, dogs on leash) with the assistance of Corporate Communications; EEPAC will work with AWAC on this	P. Ferguson and Committee as a whole	To present to PEC no later than after EEPAC's May meeting	Building a Sustainable City
Collaboration with other Advisory Committees	An EEPAC representative is cross appointed to ACE where appropriate, EEPAC members will provide advice to its representative on this body  Ongoing work with the Accessibility Advisory Committee to improve the process for accessible trails in ESAs	Chair and vice chair and Committee as a whole	As this involves staff, a timeline will be developed	Building a Sustainable City Strengthening our Community Leading in Public Service
Review of Environmental Impact Studies and Environmental Assessments submissions as part of Planning application and the <i>Environmental Assessment Act</i>	EEPAC is circulated and asked to review consultant submissions and provide input to City staff. In cases of significant disagreement, EEPAC advises PEC	Working Groups as required	As required, usually provide turnout in one meeting cycle	Building a Sustainable City



Conservation Master Plans for Environmentally Significant Areas	Review Phase 1 Natural Heritage Inventory, participate in Phase 2	Working Groups and Committee	Depends on timing of information from staff. Currently have received the Phase 1 Inventory for Meadowlily Woods Environmentally Significant Areas	Building a Sustainable City
Trail Advisory Group	EEPAC has a representative on this staff directed group. It reviews trail locations and potential new trails for compatibility with the Significant Wildlife Habitat, if any, in the area. Recent examples including Westminster Ponds/Pond Mills ESA, Medway Valley Heritage Forest ESA, Lower Dingman ESA.	Representative or alternative	As determined by staff	Building a Sustainable City Strengthening our Community
Wetland Relocation, Monitoring and Creation and Relocation of Wildlife	A Working Group has been established to do research on matters pertaining to wetland relocation. This has occurred in one location in the NW and is likely to be considered for the SW. There are no existing guidelines for this and how it should be included in development agreements.	R. Trudeau, C. Dyck, S. Sivakumar, C.	By the last meeting of this term of EEPAC	Building a Sustainable City

DRAFT